

DISCERNIBLE BIAS IN
NEWSPAPER COVERAGE OF AN
AMERICAN POLITICAL TRIAL, 1949

Thesis for the Degree of M. A.
MICHIGAN STATE UNIVERSITY
SAMUEL STEWART WETMORE
1973

LIBRARY
Michigan State
University



BINDING BY
HOAG & SONS
BOOK BINDERY INC.
LIBRARY BINDERS
SPRINGPORT, MICHIGAN

~~MAY 17 1975~~ ~~143~~
~~MAY 17 1975~~ ~~144~~

JAN 10 17 0002

~~DEC 10 77~~ ~~R~~
~~22~~

~~010~~

~~N~~ ~~076~~

~~U-162~~

~~13 M011~~

~~6~~ ~~019~~

~~MAY 21 87~~

177 A135

ABSTRACT

DISCERNIBLE BIAS IN NEWSPAPER COVERAGE OF AN AMERICAN POLITICAL TRIAL, 1949

By

Samuel Stewart Wetmore

President Harry S. Truman was ill-prepared for the role of the chief executive when he assumed it on the death of Franklin Roosevelt in 1945. The world after World War Two was a maelstrom of revolution and the situation called for delicate handling and skillful leadership, which Truman lacked. He had "privately considered Roosevelt a faker,"¹ and didn't understand the Soviet post-war intentions nor the Yalta Conference, against which extremists in the United States were stirring up public opinion. Faced with distrust and misunderstanding Soviet intentions, Truman formulated a hard line against communism: the Truman Doctrine. This drove the remaining New Deal Democrats away from Truman and toward the United Nations and a more peace-oriented policy. Chief among these was Henry Agard Wallace, former vice-president, who became more and more disenchanted with the Truman forces. Wallace announced his intention to run for the presidency on a third party ticket in the election of 1948. Truman faced a tough campaign. He was caught between the Republicans, the States Rights Democrats and Wallace's Progressives. Wallace had made the fatal error of not refusing the support of the Communist Party and this proved his undoing.

With timing too convenient to be accidental--two days before the Progressive Convention--the twelve leaders of the Communist Party of the United States of America were indicted for conspiracy to overthrow the government by force and violence. The indictment crippled Wallace's

campaign; Truman took a more liberal stance and won the presidency. The trial of the Communists was held in 1949 and is the subject of this study. Was it reported correctly or were the papers biased in favor of the government? Three papers, the New York Times, the Milwaukee Journal and the San Francisco Examiner were examined. A content analysis was made; considerations included space allocation, biased language, propaganda attempts and biased handling of the stories.

The study revealed that the New York Times and its reporter Russell Porter were most in line with the Truman Doctrine and the Times copy virtually convicted the Communists before the jury did. The methods of bias included selective quoting of words, out-of-balance space allocation and clear favoritism toward the government's case. The Milwaukee Journal and the San Francisco Examiner used Associated Press copy which was less biased in language. The Examiner, however, ran only selective stories and gave a biased view of the trial. The Journal showed the least amount of bias, but still showed a pro-government attitude as the trial progressed.

¹Alden Whitman, "Truth in Death," Newsweek Magazine, March 12, 1973, p. 13.

**DISCERNIBLE BIAS IN NEWSPAPER COVERAGE
OF AN AMERICAN POLITICAL TRIAL, 1949**

By

Samuel Stewart Wetmore

A THESIS

Submitted to

Michigan State University

in partial fulfillment of the requirements

for the degree of

MASTER OF ARTS

School of Journalism, College of Communication Arts

1973

683321

Dedicated to THOMAS BADGER WETMORE, whose fatherly example of fearlessness against men, governments, and "isms", and his respect for the truth and uncynical willingness to wonder, set the example for my life.

Accepted by the faculty of the School of Journalism, College of
Communication Arts, Michigan State University, in partial fulfillment of
the requirements for the Master of Arts degree.

V. M. Mishra .

Director of Thesis

PREFACE

During the era of the Cold War, the writer was distressed to see the United States tearing itself apart. The trials, hearings, name-calling and hatred divided the country into very vocal minorities which seemed to involve nearly every citizen. The trials of the "traitors"--Hiss, Coplon, the Communist leaders--occupied much of the news media.

The Communist Trial of 1949 was discussed in the writer's classrooms, and in offices where he subsequently worked. The central question was this: Was the trial reported accurately so we, the citizens, could tell whether it was a fair trial or a political trial? No definitive answers were available.

This study, undertaken for the degree of Master of Arts at Michigan State University, will attempt to answer part of that question.

The writer would like to offer his appreciation for all the assistance given him by the faculty and the staff, especially the librarians in the Microform Section and in the Special Collections Room and particularly to his wife, Margery Ruth Coffey Wetmore for encouragement, criticism and typing.

TABLE OF CONTENTS

INTRODUCTION	1
------------------------	---

Chapter

I. THE PRE-TRIAL CHALLENGES	18
II. THE GOVERNMENT'S CASE	34
III. THE DEFENSE	57
IV. A QUANTITATIVE LOOK AT THE COVERAGE	87
V. CONCLUSIONS	100
BIBLIOGRAPHY	108

LIST OF TABLES

Table	Page
1. TOTAL SPACE DEVOTED TO STORY ELEMENTS BY THREE NEWSPAPERS	87
2. SPACE ALLOCATION IN THE NEW YORK TIMES DURING THE TRIAL	89
3. SPACE ALLOCATION IN THE SAN FRANCISCO EXAMINER COVERAGE	90
4. SPACE ALLOCATION IN THE MILWAUKEE JOURNAL COVERAGE	91
5. THE RELATIONSHIP BETWEEN REPORTERS' STATEMENTS AND COVERAGE BIAS OF THE TRIAL	97

LIST OF FIGURES

Figure	Page
1. PAGE DISTRIBUTION OF TRIAL STORIES IN THE NEWSPAPERS	92

INTRODUCTION

When Franklin Delano Roosevelt, thirty-second president of the United States of America, succumbed on April 12, 1945, his death became a watershed for the political processes of the country. The bipartisan policies followed during World War II by the two major political parties had been severely strained when Roosevelt ran for his controversial fourth term, but at his death they all but disappeared, even though the war had not yet been brought to a successful conclusion.

Much of the opposition to Roosevelt centered on the Yalta Conference, from which Roosevelt returned in February. To those opposing elements in the country, Roosevelt's vision of world cooperation was a sellout to the Communists. As this retrospective view of the period by a conservative writer shows, the conservatives stood in little awe of Roosevelt's charismatic leadership:

Fact is that flirtation with the Kremlin was the fad of tragically ignorant progressives who guided the nation in the years of crisis, and that Franklin Delano Roosevelt, under the continuous influence of the First Lady, was obsessed with turning his charms on Uncle Joe Stalin.

Fact is that Roosevelt, warmhearted and vigorous, but also excessively conscious of his own importance, surrounded himself with a gang of myopic yes-men who, like Harry Hopkins, George C. Marshall, Joseph E. Davies and Elliott Roosevelt, frivolously praised the Soviet Union to the skies.

Fact is that the slap-happy indulgence toward the Soviet Union of Roosevelt and his palace guard permitted the cynical conspirators

of world revolution to cover our government and industry with a network of Moscow-trained and Moscow-guided spies, to set up an incredible system of fronts, and to infiltrate and corrupt every branch of our public life, including the schools and the churches.¹

Emaciated, pallid, and trembling, the once ebullient donor and magnificent hunch player had come to the end of the road. The illusion to which he had sacrificed the principles of the Atlantic Charter, the lives of free men, and the honor of his country, had vanished in the clouds. Stricken with despair, the President died a broken man.²

One reason the opponents of world cooperation were able to make their view of the Yalta Conference as a sellout was that Roosevelt's death elevated to the presidency a man from the interior of the country. Harry S. Truman, scion of the Pendergast Machine of Kansas City, Missouri, was not a member of the liberal eastern contingent of Roosevelt's forces. Instead of the seaward looking one-worldism of the coastal clan, Truman brought to the presidency a concept of the world that he developed on the Great Plains, where the cry of "isolation" could be bruited to counterfeit urgency, aided by the broad surrounding country and the insulation from foreign commerce.

Truman's accession to the vice-presidency had been, some say, a matter of compromise. In 1944, Roosevelt had accomplished his parting of the ways with Henry Agard Wallace in a most ambiguous way.

In the 1940 Democratic Convention, President Franklin D. Roosevelt had virtually dictated the selection of Henry A. Wallace,

¹Felix Wittmer, The Yalta Betrayal (Caldwell, Idaho: The Carlton Printers, Ltd., 1953), pp. 1-2.

²Ibid., p. 98.

then Secretary of Agriculture, as his fellow candidate, threatening to refuse the third-term nomination for himself if his wishes were not met. The reluctant delegates had to accept as Roosevelt's running mate a man who was anathema to many, a "renegade Republican" to others, and an unwanted candidate to practically all.

By 1944, however, the situation was nearly reversed. Despite the majority popular support indicated in the poll and the political strength exhibited on the convention floor, Wallace received what amounted to a kiss of death from Roosevelt. Instead of giving Wallace the strong support of 1940, or the clear-cut endorsement that would have sufficed in 1944, the President saw fit to send a letter to Senator Samuel D. Jackson, permanent chairman of the Chicago National Convention, in which he announced that he "would vote for him (Wallace) personally if he were a delegate," but that he had "no desire to appear to dictate to the convention."³

Even that lukewarm support from Roosevelt was quenched a short time later, however, when Roosevelt sent a second letter to National Committee Chairman Robert Hannegan, which allowed the anti-Wallace forces to operate with White House blessing to turn out Wallace. Perhaps an editorial in the Manchester Guardian stated it best:

The party bosses . . . the machines, and the conservatives of the South could not stand Mr. Wallace who in the popular mind embodied the New Deal and racial equality. So they turned to the colorless Truman who has never upset anyone's prejudice.⁴

To assuage feelings Roosevelt made Wallace his Secretary of Commerce. But Roosevelt died in the fourth month of his new term and Truman became president.

Sixteen days after Roosevelt's death the bodies of the Italian

³Karl M. Schmidt, Henry A. Wallace: Quixotic Crusade 1948 (Syracuse: Syracuse University Press, 1960), p. 2.

⁴Editorial, Manchester Guardian, n.d., quoted in Schmidt, Henry A. Wallace: Quixotic Crusade 1948, p. 4.

dictator Benito Mussolini and his mistress Clara Petacci were hung by the heels in Milan.⁵ Two days later Reichsfuehrer Adolf Hitler shot himself in the mouth while his new bride Eva Braun took poison and the Third Reich folded under the pressure of Allied arms.⁶

Truman soon faced and made his most fateful decisions and the world's first atomic bombs were dropped on Hiroshima on August 6, 1945 and on Nagasaki on August 9. The Japanese surrendered on August 14 and the postwar world was begun.⁷

Truman's handling of the presidency was less than masterful at first.

Having come from ten years in the Senate, where he had enjoyed life among legislators he had learned to respect, Truman held the familiar belief that he could rely on his old colleagues for advice and co-operation. He came very close to saying, as some other Presidents--such as Grant--had, that it was the business of the Congress to legislate and of the President to execute. Senators do not believe in Executive leadership; they will combat or stifle it whenever they can; and if the President will allow them they will appropriate one after another of the powers he ought to reserve to himself. It took Truman nearly two years to get rid of illusions. He gradually discovered at least part of what the Presidency required. But it was a longer and even costlier education than most Presidents need.⁸

To be fair, the postwar world that Truman inherited was no pastoral garden of earthly delights; it was a maelstrom of dependent populations,

⁵William L. Shirer, The Rise and Fall of the Third Reich, Crest Books (New York: Simon & Shuster, 1960), p. 1468.

⁶Ibid., p. 1471.

⁷The 1973 World Almanac and Book of Facts (New York: The World Almanac, 1972), p. 823.

⁸Roxford Guy Tugwell, How They Became President (New York: Simon & Shuster, 1964), p. 436.

displaced persons and, most of all, revolution.

The world that emerged from the ashes of war was about to be swept by a revolutionary tornado. President Roosevelt perhaps had this in mind when on August 1941, four months before Pearl Harbor, he induced Winston Churchill, "somewhere in the Atlantic," to sign a charter proclaiming the Allied war aims. Section 3 of that charter promised "sovereign rights of self-government . . . to those who have been forcibly deprived of them." The people of the colonies, long deprived of national independence, now had their pledge in writing from the leaders of the alliance, and Roosevelt reinforced it in private conversations with the Sultan of Morocco and others. Throughout Asia and Africa young men joined the war with the Allies convinced that once victory over Hitler had been achieved, independence would be theirs.⁹

Truman's costly two-year education was more costly than many realized. The masterful leadership of Roosevelt was gone, but the delicate world political situation demanded careful handling and Truman failed in that task.

Truman was a good politician, but he had little knowledge of the complexities of international politics and specifically of Eastern European developments. Because he had not been involved in foreign policy decisions or discussions during the Roosevelt Administration, he found it difficult to lead the public at a time when enlightened leadership was imperative. His vacillation caused public confusion about the rationale for the Administration's foreign policy and Soviet actions in Eastern Europe. His ignorance of prewar Eastern European politics and his lack of sympathy for Soviet objectives in that area adversely influenced his presentation of the Administration's foreign policy to the public and to the Soviet Union. His suspicions unnecessarily caused Soviet doubts about U.S. good faith and the U.S. public's doubts about Soviet good faith. Truman's distrust, coupled with political developments in Eastern Europe, contributed to a shift in the popular concept of the Yalta Conference. Originally, people in the United States had recognized

⁹American Friends Service Committee, Anatomy of Anti-Communism, (New York: Hill and Wang, 1969), p. 6-7.

Yalta as a hopeful beginning for peace, but gradually they came to attribute postwar difficulties to the Soviet Union's violations of its Yalta pledges.¹⁰

By the summer of 1946 Truman was being slowly toasted over two fires. The first, critical of his handling of the United States' foreign policy, was led by Henry Wallace, who had remained quiet for a year in his post as Commerce secretary, but increasingly urged adherence to the policies of the New Deal. "The second, critical of domestic policy, headed by labor leaders, (was) thinking in terms of a new and powerful labor party."¹¹

The storm broke when Henry Wallace spoke at Madison Square Garden in New York City on September 12, 1946. He had checked the text with President Truman, but the speech created an uproar.

Although Wallace endorsed the stated administration objective of seeking peace through United Nations cooperation, he presented three main points of departure: (1) a warning against allowing American foreign policy to be dominated by the British; (2) a warning that "the tougher we get with Russia, the tougher they will get with us"; and (3) a tacit acceptance of a Russian sphere of influence in Eastern Europe, much as the Monroe Doctrine had implied an American sphere of influence in Latin America.¹²

The speech, however, was at variance with the stated foreign policy of Secretary of State James Byrnes and Byrnes and the Republicans demanded and got Wallace's dismissal from the cabinet.

¹⁰Athan Theoharis, Seeds of Repression, Harry S. Truman and the Origins of McCarthyism, (Chicago: Quadrangle Books, 1971), p. 33.

¹¹Karl M. Schmidt, Henry A. Wallace: Quixotic Crusade 1948, p. 18.

¹²Ibid., p. 20.

By approving the speech in advance and then bowing to the demand that he dismiss Wallace, Truman was seen to vacillate. While Truman was vacillating, his aides were busy feathering their own nests "in the tradition of courthouse politics."¹³ Added to that "the devil theory" was operative in American politics.¹⁴ The Communists were the cause of all the trouble and new cries went up to curb Communist activities in this country. The House Committee on Un-American Activities, probing into communism with the help of such men as Louis Francis Budenz, managed to include a fair number of New Deal programs in the proceedings. Budenz swapped a promising career as a rising red for the more promising and lucrative career as a true-blue anti-Communist witness, author and college professor. His testimony before the House committee "touched off (a) crisis in the Eisler family."¹⁵ Ruth Fischer, sister of Gerhart Eisler, was open with the committee, even to the extent of naming her brother as a member of the Soviet secret police, and part of her testimony with Chairman J. Parnell Thomas shows the "devil theory" in practice:

THE CHAIRMAN: Miss Fischer, why do you say that Gerhart Eisler was head of the Russian secret police in the United States?

MISS FISCHER: I don't say he was head of the secret police, because there are various ranges of activities, and I am sure that the Russian secret police has other agents than Mr. Eisler, but I regard all those who work for the Moscow headquarters, under whatever names they are working, as branches of the said Russian secret police. The

¹³ Rexford Guy Tugwell, How They Became President, p. 436.

¹⁴ Erich Severeid, quoted in American Friends Service Committee, Anatomy of Anti-Communism, p. xiii.

¹⁵ Eric Bentley, Thirty Years of Treason, (New York: The Viking Press, 1971), p. xxvi.

Comintern is nothing else but a branch, a division of the Russian secret state police, with international branches in all the countries. So whoever poses as a representative of the Communist Party in other countries is, for me, nothing else than an agent of the Russian state police, a GPU agent, identical with a Gestapo agent as the time when the Nazis were in power.

THE CHAIRMAN: You would say that every American Communist was, in effect, a member of the Russian secret police?

MISS FISCHER: I wouldn't say that, Mr. Chairman, because I am sure that the American Communist Party is divided into various groups. Only those really considered as reliable--

THE CHAIRMAN: As what?

MISS FISCHER: --as reliable and tested for the secret police are taken in. There are many others who are regarded as innocent and incapable of doing this type of work and have to carry other kinds of missions--propaganda, trade-union work, or all kinds of organization work, and who are not informed about the activities of the secret branches, and are kept completely in the dark.¹⁶

With "Mr. New Deal" Henry Wallace out of the cabinet and with growing labor opposition (The Brotherhood of Railway Trainmen, angered by Truman's threat to draft striking railway employees, asked Wallace to address their convention), Truman was pressured to decide which side he favored and on March 12, 1947, he decided. He asked Congress to appropriate \$400,000,000 for aid to Greece and Turkey to combat communism--the Truman Doctrine. Congress, with its Republican majority, was quick to approve the Doctrine. The Cold War took a giant step forward and American billions began to pour overseas to combat Communist-inspired revolution.

The reaction to the Truman Doctrine and to the Federal Loyalty Program, also instituted by Truman in March, was one of glee in the Republican camp.

¹⁶Ibid., pp. 67-68.

Getting saltier with the Russians and "cracking down" on Communists at home seemed to be paying off in popularity for Harry Truman. Sixty percent of the voters polled by Gallup approved of the way the President was handling his job last week, as compared with 52 percent at election time last fall. Democratic Party leaders hoped that their man had found the formula for victory in 1948. Republican Majority Leader Charles Halleck (Ind.) told his party caucus in private: "Ever since the election, the President has followed the lead of the Republicans. He finally moved to clean out the Communists and other subversives we have been after for years. Truman's popularity is rising because he's a smart Pendergast boy who knows which way the wind blows. He's done everything except register Republican."¹⁷

But along with the approval from Republican quarters came disapproval from a wide variety of sources, and it was not gentle.

The opposition to the Truman Doctrine was vehement. It came from isolationists like the New York Daily News, from pacifists like the National Council for Prevention of War, from Russophiles like Senator Claude Pepper, from Liberals like Fiorello LaGuardia, who would feed the starving of Greece, but leave Greece's Communist troubles to U.N. It came from such Red outposts as the Daily Worker and the National Council of American-Soviet Friendship. But for all its vehemence it was scattered. No one man had yet sounded the cry around which all factions could rally.

This week one man tried. Henry Wallace spoke at Madison Square Garden.¹⁸

Wallace's second Madison Square Garden speech was four-square against the Truman Doctrine and for the United Nations. "Sooner or later," he said, "Truman's program of unconditional aid to anti-Soviet governments will unite the world against America and divide America against itself."¹⁹ Wallace didn't stop at that, either, after a trip to Europe he continued around the country

¹⁷"Fanning the Spark, Civil Liberties," New Republic Magazine, April 7, 1947, p. 7.

¹⁸"Rallying Cry," Time Magazine, April 7, 1947, p. 24.

¹⁹Ibid.

stumping for the United Nations and, not incidentally, awakening a third party rebellion around the country.

By fall, however, the third party swell seemed to have subsided and Wallace announced his "intention to work within the Democratic party realm."²⁰ In other quarters, however, the third party movement was still a definite goal:

It is quite clear that the coalition of the Roosevelt era, in which the administration in Washington was a part of the People's coalition, no longer exists. President Truman is not just yielding to the Hoover-Dewey-Taft Republicans but is seeking to outstrip them in reaction. Truman betrayed the Roosevelt program. It is almost Republican tweedle-dee, and Democratic tweedle-dum.

What this country needs is a new political party in which Labor and the people--Negro and white--will be the dominant force in its policies, instead of the National Association of Manufacturers and the U.S. Chamber of Commerce and assorted Wall Street pirates.²¹

That call to form a third party was issued in December 1947 by Benjamin Davis, New York City councilman and chairman of the legislative committee of the Communist Party of the United States of America. He got his wish when, after a flurry of maneuvering, Wallace announced his candidacy on December 29. Wallace's support however, was far from nationwide.

Of the five main groups that had composed Wallace's chief support at the 1944 Convention--the old line New Dealers, the CIO Political Action Committee, labor leaders, the Negro groups, the sprinkling of professional politicians, and the Communist fringe--only one group--the Communists--now remained intact and firmly behind the third-party candidacy. Wallace had declared his opposition to any and all forms of red-baiting and his willingness to accept the support of any and every group working in the interests of peace, with the wistful hope that the Communist

²⁰ Karl M. Schmidt, Henry A. Wallace: Quixotic Crusade 1948, p. 33.

²¹ Benjamin J. Davis, Why I'm a Communist, (New York: Communist Party of the United States of America, December 1947), pp. 20-21.

Party would avoid passing any resolutions of support for him. The Communists proceeded at once to offer him their firm support.²²

Truman was clearly in trouble in early 1948. He had made the decisive move to establish the Truman Doctrine, only to have it credited to "his Republican advisors."²³ He had established the Federal Loyalty Program, only to have the Republicans say they were glad he had finally come around. Worst of all, the polls were showing public opinion about him to have a strange split. Most (53 per cent to 17 per cent) believed he was opposed to "giving in" to the Communists, but more (73 per cent) also believed that he was "too soft" on Communists.²⁴ Clearly, with Wallace on his left and Dewey and later the angry States Rights Democrats on his right Truman stood a good chance of being lost in the shuffle. He had to do something to distinguish the Democratic Party from the Republican Party and from the new Progressive Party. But the resources of an incumbent president are vast and Truman found the key. On July 20, 1948, practically on the eve of the Progressive Party convention, a grand jury returned indictments against the twelve national leaders of the Communist Party of the United States of America. The charge was conspiracy to overthrow the government of the United States by force and violence.

The move neatly crippled Wallace's campaign by solidifying the public opinion that he was the dupe of the Communists, but not a Communist himself. By September articles began to appear in magazines roundly condemning

²²Karl M. Schmidt, Henry A. Wallace: Quixotic Crusade 1948, p. 37.

²³Athan Theoharis, Seeds of Repression, p. 11.

²⁴Ibid.

Wallace and his Communist backers. One, by Professor-Witness-Author Louis Francis Budenz, appeared in Collier's Magazine. Calling Wallace "a man of extraordinary unawareness," Budenz said:

Because of what they'd done for him, the Communists would demand representation in Wallace's cabinet. And before Wallace, immersed in his visionary plans, knew what was going on, the Communists would be firmly entrenched in the government.²⁵

By indirection and without mentioning his name, Budenz included in the article a firm endorsement of Harry Truman as the savior of the nation:

If all this seems somewhat fantastic, consider how narrowly Henry Wallace missed becoming President when Roosevelt died in April 1945, a year after Moscow had gathered Wallace to its bosom and while the Communists in this country were already boasting that they were "taking Wallace into custody." Whether Roosevelt was aware of the Kremlin's absorbing interest in Wallace is unknown. But if he had not refused to accept Wallace as his running mate, the corn-fed hero of the comrades would be sitting in the White House today.²⁶

Gradually the liberal support for Wallace faded away, leaving Truman ideological room on the liberal side. Rexford Guy Tugwell, without mentioning the indictment coup, described what happened.

But the Wallace threat woke Truman at the last moment. In mid-campaign he turned suddenly liberal. His speech-writing team was augmented by more capable assistants; he went out on whistle-stop trips and on the whole exhibited a wholly new and more aggressive personality. It seemed incredible, but he won.²⁷

It wasn't as incredible as it seemed. With Wallace marked out as the dupe of the Communists, Truman was free to become the anti-Communist liberal champion. The Americans for Democratic Action, formed as the anti-red

²⁵ Louis Francis Budenz, "How the Reds Snatched Henry Wallace," Collier's Magazine, September 18, 1948, p. 15.

²⁶ Ibid.

²⁷ Rexford Guy Tugwell, How They Became President, p. 437.

liberal base, could back a liberal Truman, as could many other groups. Many could back Wallace himself, but not a Wallace under orders from Moscow. Without the dramatic indictment of the Communist leaders, Truman probably would not have won--not from a loss of votes to the Progressives, but from a lack of maneuvering room between the two ideological camps.

The year 1949 was one of girding for war and of the opening skirmishes in the Cold War. Truman's hard line was answered by an equally hard line from the Russians and the two opponents began to "clean house." The Communists staged a show trial of the Roman Catholic primate of Hungary, Joseph Cardinal Mindszenty. The same grand jury which had indicted the United States Communist leaders had also indicted a high State Department official in the Roosevelt era, Alger Hiss, for perjury in connection with the delivery of secret government papers to the Soviets. Another grand jury indicted a State Department aide named Judith Coplon and said she passed United States secrets to her boyfriend, V.A. Gubitchev.

Mao Tse-tung's armies were gaining in China, which under the "devil theory" had been sold out to the Communists by Roosevelt at Yalta. The Russians blockaded the City of Berlin and their move was answered by a massive America air lift. And in the United States, left over from World War II, were the trials of Mildred "Axis Sally" Gillars and Mrs. I. Toguri D'Aquino--"Tokyo Rose."

The Communist leaders went on trial, after many delays on January 17, 1949. It was a momentous trial because the Communists represented themselves as a political party. Could the reporters for the United States newspapers cover the trial of the Communist leaders objectively or could a discernible

pro-government bias be detected in their coverage? This study will attempt to answer that question.

The Method

Three newspapers were selected for the study: the New York Times, because of its index and because it is the newspaper of record in the city where the trial was held; the Milwaukee Journal, because it is a major newspaper in the Midwest and because its editorial policies were liberal in 1949; and the San Francisco Examiner, because it is the Hearst newspaper and could be expected to take a less than liberal view of the news and because it represented a major news entity in a city on the opposite side of the country from the trial.

The New York Times was examined under a sampling technique which was not random, but purposive. All stories were read, but close reading and analysis were applied to the stories in the Tuesday and Friday issues of the New York Times each week. Under the overnight format of the paper, this sampling technique would result in the analysis of the Monday and Thursday trial sessions. The trial showed a fairly regular rhythm and movements begun on Mondays usually peaked on Thursdays, giving a good overall view of the trial. The sampling technique resulted in analysis of 43 per cent of the stories on the trial published by the New York Times.

When the same technique was applied to the San Francisco Examiner, it was discovered that the coverage was so irregular that all but eight of the total number of stories published by the Examiner were analyzed in the first operation. That being so, it was a simple matter to analyze the remaining eight stories, with the result that the "sample" for the Examiner

is 100 per cent.

The Milwaukee Journal was irregular enough in its coverage and handling of the trial story to preclude the use of the sampling technique. Accordingly, every story the Milwaukee Journal printed on the Communist leaders' trial was sought out, read and analyzed, resulting in another 100 per cent "sample."

The analysis was divided into four main considerations: how the story was handled, an examination of the language used, consideration of the propaganda elements of the coverage, and logging of significant related stories or sidebars and photographs used in conjunction with the trial stories.

The first two categories of analysis, as expected, proved to be the most revealing. They also required the most careful reading to determine.

In the "handling of the story" section, a problem of measurement occurred.

The Problem Of Measurement

Since all of the measurement was carried out on the Michigan State University Library microfilm readers, some system of relating the measured microfilm images to the actual printed newspaper had to be found. Measurements on the surface of the viewing board on the films provided column widths from 53.5 millimeters to 60.5 millimeters and a fairly standard 3 millimeters on the films. Since the Recordak Film Reader Model MPE has

a magnification ratio of 19 diameters²⁸ an average had to be figured. Many measurements made among all the three of the filmed newspapers produced an average column width of 57 millimeters on the viewing board. That is not surprising since the 3 millimeter column width is magnified 19 times by the reader. The 10.5 pica column (44 millimeters) of the printed newspaper is thus 77 per cent of the film-image columns and multiplying the figures in this study by .77 will give as accurate a relationship as is possible for comparison with the printed versions of the newspapers.

More accurate relationships among the three newspapers are possible, however. The total space devoted to the stories and headlines was included in the total figures, but when leading was detected in one paper where no leading had been employed in the others, line counting was employed to facilitate the comparisons between space devoted to sub-story elements considered in the study.

In addition to the over-all space devoted to the trial story, the total inches devoted to the Recap, the Prosecution (witnesses and prosecutors), Defense (witnesses and attorneys) and Defendants (in witness and non-witness roles) were logged.

Another section of the analysis was devoted to propaganda devices, when detected. Factors such as name-calling, the glittering generality, card stacking and the bandwagon effect were noted.

Related stories were logged for space taken, position, head size and subject. Photographs were likewise logged for size, position and

²⁸Hubbard W. Ballou, ed., Guide to Micro-Reproduction Equipment, (Annapolis, Maryland: National Microfilm Association, 1959), p. 189.

subject matter. The photographs were not included in the space measurements. Nearby stories on different subjects were logged and an interesting pattern emerged in the case of the New York Times.

The heart of the analysis was a study of the language used by the reporters to describe or refer to the participants in the trial. Complimentary or negative use of the language was noted.

One test, the mood of verbs in the stories, failed. The journalistic training for using the active mood whenever possible prevented checking the use of verb mood to denote approval or disapproval. The test was envisioned on the theory that speakers use the active mood for subjects of which they approve and the conditional mood for subjects of which they disapprove. In addition to the reporters' training, the reason for the failure of the test was that many of the stories concerned only one side of the litigation with no language of any mood devoted to the other side.

In total, the analysis yielded material which will allow comparisons of space devoted to the story and the participants in the trial, some observations about the language used by the reporters and attendant observations about related and nearby stories and propaganda elements in the trial.

As a final point, the writer, having lived through the Fifties, and cognizant that such a political situation may again appear in the United States, would like to affirm that he is not now, has never been and can envision no circumstances which would make him become a member of the Communist Party of the United States of America, any of its corollary front groups, or any group that holds allegiance to the ideas or policies promoted and supported by such groups.

CHAPTER I

THE PRE-TRIAL CHALLENGES

When Monday, January 17, 1949, came around, the trial of the Communist leaders was familiar news. The New York Times had carried all the preliminary maneuvering among the lawyers since the indictments had been handed down the previous July. Central issue was the Communist leader William Zebulon Foster, who claimed he was too ill to stand trial. The remaining eleven Communists entertained the idea of refusing to go to trial without Foster, but Judge Harold R. Medina ordered doctors to examine Foster and his case was severed from the rest and the trial of the eleven was ordered to proceed.

The New York Times solved a common journalistic problem neatly. Instead of cluttering the story with the list of eleven names, the Times simply referred to them as "the eleven" and used as a caption for a three-column cut at the top of page one:

Left to right--Front row: Robert Thompson, Henry Winston, Eugene Dennis, Gus Hall and John Williamson. Rear row: Jack Stachel, Irving Potash, Carl Winter, Benjamin J. Davis Jr., John Gates and Gilbert Green.²⁹

That device enabled the Times reporter Russell Porter to concentrate on the action of the trial without bothering with introductions and identifications. The prosecution staff was introduced in a sidebar by Harold Faber:

²⁹ New York Times, January 18, 1949, p. 1.

The crier was William Borman, clerk of the court. He took his place below Judge Medina. In front of him were the prosecutors, John F. X. McGohey and his assistants, Irving S. Shapiro and Lawrence K. Bailey. They sat at a table in front of the defense attorneys, who numbered ten at the morning session and six in the afternoon.³⁰

The defense attorneys were left to Porter and by describing the proceedings he managed to identify as defense attorneys Harry Sacher, Richard Gladstein, Louis F. McCabe, George W. Crockett Jr., and Abraham J. Isserman. Presumably these were five of the "six in the afternoon," and proved to be the trial attorneys. In addition Porter managed, in a very few paragraphs, to characterize the action of the entire trial, though he could not know it at that time:

Judge Harold R. Medina rejected nine out of ten defense motions, and announced there would be no postponement. He held one motion in abeyance--that no one in the court room, not even policemen, be allowed to carry arms.

The judge said that defense arguments boiled down to the contention that this would be a "political" trial and that the defendants' constitutional rights would be flouted to insure convictions.

He said this was not the case, and pledged himself to make sure that the defendants got a fair trial.

At the same time he warned defense counsel that the latitude he allowed them yesterday would not be permitted when the jury is in the court room. After the jury is selected and sworn in, he said, he will not permit such profuse and prolix argument" and "so much repetition" as characterized the day's proceedings.

Medina Warns Defense

Judge Medina added that he intended to run things as "a trial, not a spectacle," and that he, not defense counsel, would conduct proceedings in court.

³⁰Ibid., p. 3.

He displayed much patience, even when defense counsel interrupted him several times while he was talking. As a rule, he spoke gentle words to them, but at times he put a sharp edge on his voice as when he told them some of their arguments were "absurd."³¹

The stage was set, with the adversaries well drawn, the gentle, soft-spoken judge, the stalwart prosecutors and the belligerent, argumentative defense attorneys, but with the defendants all but forgotten in a cutline on page one.

The San Francisco Examiner had the services of one of the Hearst International News Service star writers, James Kilgallen, for its trial opener, which because of the time differential appeared on January 17, 1949, instead of January 18, as the New York Times because of its morning format had printed it.

Kilgallen wrote a fairly straight account of the trial, but included a view that Judge Medina and others of the prosecution were at pains to deny all through the trial:

In effect, the future of Communism itself in the United States will go on trial with its American chieftains. Should the men be convicted, the party's operation in the United States virtually will be outlawed.³²

Kilgallen's substitution of the verb "will" in sequence with "should the men be outlawed" rather than the more usual "would" may be indicative of his thinking. A story which appeared in the Examiner six days later indicates that he may have had inside information which influenced his thinking. More about that will be discussed later.

³¹Ibid., p. 1.

³²San Francisco Examiner, January 17, 1949, p. 1.

Kilgallen noted that the "arena" aspects of the trial were strengthened by the numbering of the press section seats, as in a theatre. He identified Prosecutor John F. X. McGohey and said "He will have four top-grade federal assistants." Besides McCabe, Sacher, Isserman, Crockett and Gladstein (whom he misspelled as "Gladston"), Kilgallen added a sixth attorney Charles H. Houston. He listed the defendants by name and position in the Communist party. His was a thorough, workmanlike piece of work, with only one minor slip in a name.

The Examiner used the Associated Press account on January 18 and it gave an accurate view of the rabble-rousing tenor of the defense gambits-- Harry Sacher complained that the public had fewer seats at this trial than were available at the Nuremberg trial: "These men, some of whom fought the Nazis--they can't get here what the Nazis got at Nuremberg, he said."³³

The January 18 Examiner story also contained an exchange between Harry Sacher and Judge Medina about Medina's commenting on the University of North Carolina's refusing to allow John Gates, one of the defendants, to speak. Sacher said he thought those comments, in which Medina said he wondered "if a university campus ought to be extended as a public forum to a defendant," indicated a state of mind prejudicial to the defendants.

But Medina told the attorney he "certainly had no intention of indicating, nor have I indicated that he believed in the guilt or innocence of the Communist leaders."³⁴

The interesting thing about that exchange is that the information also appears in the January 18 New York Times story, indicating that the

³³ Ibid., January 18, 1949, p. 1.

³⁴ Ibid.

Examiner also used overnight copy.

Kilgallen was back in the writer's position on January 19 and he allowed Sacher to characterize the prosecution as "a parade of liars, spies and stool pigeons," and quoted McGohey a very political form of self-congratulation: "I am proceeding with this trial under my oath as a public official. I have never offered a witness whom I believed to be a liar."³⁵

After another Associated Press account which gave straight coverage to the defense views on January 20, Jack Lotto of the International News Service took over as reporter on Friday.

On Saturday, January 22, Lotto correctly surmised the intention of the Communists' challenge that the jury system by which the grand jury was selected was unconstitutional:

The subpoenaed grand jury is the same which indicted Alger Hiss, former State Department official on perjury charges growing out of the theft of government documents.

If the defense wins its points, the indictments against their clients and against Hiss will be voided.³⁶

It was on Sunday, January 23, however, that the Examiner published its bombshell:

NEW YORK, Jan. 22--Sensational new evidence showing that the Communist Party set up spy rings in this country twenty-two years ago to steal American military secrets, will be introduced

³⁵ Ibid., January 19, 1949, p. 2.

³⁶ Ibid., January 22, 1949, p. 1.

by the Government in the conspiracy trial of the eleven Red Fascist board members, it was learned today.

These witnesses include not only former high-ranking Communists, but also persons who have never before figured in Communist trials.

Worked For FBI--

One of these persons associated with many of the eleven defendants as a trusted Communist for nine years, although he was an FBI undercover agent, and daily reported on secret Communist activity.³⁷

The author of the article, which was too accurate to be guesswork, was Howard Rushmore, who was not identified by the Examiner. The same Howard Rushmore turned up in September 1949 as "a former Communist who is now a reporter for the New York Journal-American"³⁸ who was naming names and making accusations for the House Un-American Activities Committee. Rushmore's accuracy with the details of Herbert Philbrick's service for the FBI almost twelve weeks before Philbrick was put on the stand indicates that he had a reliable informant in the government. Some member of the House Un-American Activities Committee would be a good guess in this case. Since the expose story appeared in the Examiner at the end of the first week of the Communists' trial, the International News Service reporter James Kilgallen may have been privy to that information and it may have colored his thinking right from the first day's story. The Journal-American was, after all, the flagship newspaper of the Hearst chain in 1949 and, as such, would be the headquarters of the International News Service.

³⁷ Ibid., January 23, 1949, p. 1.

³⁸ New York Times, September 15, 1949, p. 1.

Interesting, also, is Rushmore's use of the term "Red Fascist" in referring to Communists. That phraseology was noted in only two instances in all the reading done for this study. Evidently, for the popular mind, a villain had to be called a "Fascist" for him to be a villain. World War II was only four years before and the Fascists were the enemy then. From the anti-Soviet view, however, fascism was how Soviet Russia was actually operated, so the term Red Fascist may have been more accurate than calling the men Communists. After the events of 1949, however, no care in titling the party was necessary--Communists had become "the enemy" under any appellation.

The Milwaukee Journal was liberal enough in 1964 to be denounced in None Dare Call It Treason:

The Post-Dispatch viewpoint differs little from those of other top "thought molding" newspapers, the New York Times, Washington Post, Milwaukee Journal, Louisville Courier Journal, etc.

Whether the slanting, distortion, and control of news is done by Fabian socialists, misguided idealists, or actual communists is not important. The result is the same.³⁹

So it is fairly safe to assume that it was liberal in 1949. It was probably this attitude that caused them to refer to the Communists' "alleged subversive activities" in the opening story instead of repeating the charge in the indictment that the Communists sought to overthrow the United States Government by force and violence. The defendants were referred to as "Communist Chiefs" and the defense attorneys again gave trouble. The Detroit attorney George W. Crockett Jr. was identified as a "Negro defense

³⁹ John A. Stormer, None Dare Call It Treason, (Florissant, Missouri: Liberty Bell Press, 1964), p. 154.

attorney from San Francisco," while Harry Sacher, another defense attorney who was from San Francisco, was not identified as to city of origin.

Along with the straight Associated Press account on Tuesday, January 18, the Journal reproduced the front page of the Monday, January 17, 1949, Daily Worker with a headline reading "Frame Up/Trial of 12/On Today." The Journal was the only paper of the three to reproduce this cover, but the New York Times mentioned it and described the headline. The Journal was the only paper, however, to reproduce the Daily Worker editorial page, which consisted of a cartoon of a club knocking the torch from the hand of the Statue of Liberty. The cartoon was headlined "America Goes on Trial."

By Wednesday, January 19, the Journal was able to publish copy from Robert W. Wells, a member of the Journal New York Bureau. His trial coverage centered on the defendants and contains one of the very few, if not the only, negative comment about John F. X. McGohey, the prosecutor, to be found in any of the papers considered in the coverage.

Take a look at the defendants. These 11 men, together with William Z. Foster, national party chairman, represent the cream of the crop of American Reds. Each is a member of the national board of the Communist party. Each has been indicted on charges of conspiracy to teach and advocate the overthrow of the government by force and violence. How do they look?

The obvious answer is, of course, just about like anyone else. There isn't a man among them whom you would single out on a casual meeting as a dangerous fellow. With one or two exceptions they are dressed neatly. They all have haircuts--there's not a bushy haired cartoon Communist among them, and one or two couldn't grow a bushy head of hair if they tried.

An Air of Authority

With the exception of (Eugene) Dennis, they are no men you would pick out of a crowd. Dennis, who has come a long way in the

party since his Wisconsin era, has an air of authority about him. He is tall. His waistline is not what it was 10 years ago. His unruly hair is a mixture of brown and gray, with the latter gradually getting the upper hand.

He is a man who looks as though he was accustomed to giving orders. The others seem to defer to him just a little. As general secretary of the party, he commands their respect.

Henry Winston, the party's organizational secretary, is a big man. He looks as though he would be at home in a college backfield. He wears a discharge button in his lapel, and on the third finger of his left hand is a gold wedding ring.

Winston is one of two Negroes on trial. The other is Benjamin J. Davis, jr. Like Winston, he is powerfully built. He is a member of New York's city council and Tuesday afternoon he obtained the judge's permission to leave the courtroom and participate in a regular council session.

John Gates, editor of the Daily Worker, is there. He is short. As with Winston, there is a discharge button in his lapel. He appears nervous as the courtroom skirmishing progresses. He chews his nails or rubs his small mustache with the back of his hand when the going is tense.

Green A Dapper Fellow

Gilbert Green, the Illinois state chairman of the party, is a dapper fellow, with shiny, curly black hair. Robert G. Thompson, New York state chairman, looks like a cocky young man who never quite outgrew adolescence. He wears a rumpled shirt and a habitual half smile.

Gus Hall, Ohio chairman, is a big man with a small mustache. John Williamson, labor secretary, is a balding fellow with a stubborn mouth who looks like a not very successful small town druggist. Glance over the rest of them--Jack Stachel, with his rugged, heavy browed face, Carl Winter, who has the air and appearance of a judge; Irving Potash, the labor leader, whose lips turn down and who looks as though something was worrying him.

The judge is a man who demands respect. The United States attorney, John F. X. McGohey, looks like the kind of a fellow who would use two middle initials--three if he had them. But it is the defendants who are the stars of the drama that is being unfolded

here--villains to most and heroes to some, but stars nonetheless. An watching them, you can tell that every one of them knows it.⁴⁰

Reporter Wells' slightly humorous surface view shows he had no fear of "villains" nor any unnecessary respect for Establishment authority. His was a readable account, but it avoided the central issues of the trial. Those issues were dealt with in a Milwaukee Journal editorial the same day.

The Reds on Trial

The American People will do well to keep a close eye on the trial of the 11 Communist leaders that is now getting underway in the federal court room in New York. This could be one of the more important trials of American history.

This trial should result in spreading before the public gaze the workings of whatever Communist conspiracy there is in this country. It should reveal any connection there may be between the American Communists and the fountainhead of communism in Moscow. It should bring into the light the real purposes of the Communist party and the truth of falsity of the party's claim that it is an American political party with true devotion to American principles. The trial may prove whether the present laws of the United States are sufficient to deal with communism or with any conspiracy against the country conducted by citizens with a foreign allegiance.

In view of the world situation today, with its conflicts between America and Soviet Russia, and between democracy and communism, all these things should be clarified in the American minds.

The editorial then speculated on whether the present laws of the United States were strong enough to convict the Communists if a conspiracy be shown. It expressed fears for the safety of America.

If helplessness is shown, alongside evidence of a present danger to the nation, then there must be new laws. America cannot go unprotected.

⁴⁰Milwaukee Journal, January 19, 1949, p. 6.

The very future of the American nation as a democracy may to a considerable extent be at stake in the New York trial.⁴¹

The editors revealed themselves to be firmly in accord with the Truman Doctrine, a fact that became very clear the next day in the three papers' coverage of Truman's Inaugural Address.

So, each of the papers had begun covering the story in its own fashion, with editorial policy influencing the handling of the copy. The editors' evaluation of the story was evidenced by their handling of the pre-trial jury challenge, which lasted until March 4, 1949. In that period, the New York Times published just about twice as many stories as either of the other two papers with thirty-three stories in a regular Tuesday through Saturday pattern, with gaps when the court was out of session for any reason. The San Francisco Examiner published eighteen stories with unexplained three- and four-day gaps in coverage. The Milwaukee Journal published 17 stories during the period, but only fourteen were original copy. The other three were repeated from the Final edition of the paper. If the story were late breaking it would often appear in the Final edition first, then be repeated in the regular edition, but the opposite situation occurred if the story were important enough to run in all editions. The Journal's Final edition was much more sensational in typography than the regular edition, and one story, on January 28, featured an eight-column screamer for a headline: "Threaten Judge in Red Trial." The Associated Press story was a calm account of an exchange in court when both the defense attorneys and Judge Medina revealed they

⁴¹Ibid., p. 18.

received threatening letters. The story allowed Judge Medina, in his defense, to characterize himself: "I represent not the rich, not the poor, but all the people and the majesty of the United States Government, and I will try to do the best I can."⁴²

This statement, like the one permitted to Prosecutor John F. X. McGohey on January 19, (mentioned above) served admirably to separate the federal officials from the defense attorneys, who "popped up" and "angrily demanded,"⁴³ and the defendants, who made "loud, emotional and extravagant charges,"⁴⁴ or the defense's main witness in the challenge to the jury system, Professor Doxey Wilkerson. Wilkerson wasn't too impressive as a witness.

Prof. Doxey Wilkerson, former one-time Communist "education director" was on the stand for the fifth consecutive day. He had with him a welter of charts, maps and statistics, and at one point declared the lower East Side of New York is "predominantly Jewish."

United States Attorney John F. X. McGohey asked that the statement be stricken from the record unless (sic) the witness had factual proof to back up the remark. Judge Medina ruled that no such proof had been shown.⁴⁵

The fuller coverage given to the story by the New York Times showed that Judge Medina didn't stop at ruling no proof had been presented, he managed to slip in a little propaganda:

You know, we're supposed to have religious toleration and

⁴²Milwaukee Journal, Final edition, January 18, 1949, p. 1.

⁴³New York Times, January 28, 1949, p. 18.

⁴⁴Ibid., February 1, 1949, p. 4.

⁴⁵San Francisco Examiner, February 4, 1949, p. 5.

democracy in this country and this idea of trying to find out how many Jews live in this block and how many in that block doesn't appeal to me at all.⁴⁶

While the federal officials were presenting America in its best light, which could be classed as propaganda, Judge Medina was continually accusing defense attorney Harry Sacher of trying to turn the trial into a political trial:

The judge told Mr. Sacher he was not proving his case, but merely prolonging it by "raising your voice and repeating mere assertions over and over again.

"I suppose," the judge added, "that you do it for some purpose not connected with this judicial proceeding."⁴⁷

Or:

"It makes me think," the judge said, "there must be something here affecting his interest I ought to know about, there must be something more in this than meets the eye."⁴⁸

Or:

The judge told Mr. Sacher he was becoming "positively insolent" and was making statements for "propaganda purposes."⁴⁹

Aside from the American Democracy versus Soviet Communist bias being set up, the early days of the trial, the pre-trial jury challenge, not much bias on the part of the newspapers could be discerned.

Ample, though unwitting, bias on the part of the Court was shown, however.

⁴⁶New York Times, February 4, 1949, p. 4.

⁴⁷Ibid., February 8, 1949, p. 4.

⁴⁸Ibid., February 11, 1949, p. 4.

⁴⁹Ibid., February 15, 1949, p. 8.

"Well, let us suppose," Medina said, "a witness may have a family in which Negro blood goes back four or five generations. Is it necessary to bring up such a sore spot?"

Sacher then leaped to his feet and said:

"Negro blood is as good as any kind of blood. The question put by your honor indicates prejudice on your honor's part."

"I fail to see how I have so indicated," said Medina.⁵⁰

Medina's statement might appear more biased in 1973 than it did in 1949, but even then it contrasted sharply with the propagandistic, idealistic view of the United States promoted by the federal officials.

When the Communists' attorneys started calling all the jurors and all the federal judges to back up their claim that the New York system of selecting juries was discriminating against working people, Jews, and Negroes and selected only rich men, Judge Medina cut off further testimony on the subject.

After Judge Medina had acted to speed up the Communists' jury challenge, President Harry S. Truman entered the case--as he was dared to do so.

The Communist leaders William Z. Foster and Eugene Dennis issued a statement condemning Truman's anti-Soviet stand and saying they would fight for the Soviet Union if war broke out between the U.S. and Russia. The result was explosive. Truman denounced the Communists as traitors and advocated more stringent measures against Communists in the United States to the leaders of Congress.

The President's comment left little doubt about the intention of the government and, by their statement, Foster and Dennis had assured that

⁵⁰San Francisco Examiner, January 28, 1949, p. 4.

the world would regard their trial as a political trial no matter how fair it might be.

The shape of the reporters' impressions of the trial is revealed in the column inches each paper devoted to the various personages in the trial. The proceedings emerge clearly as a contest between the judge and the defense attorneys. Of the total 261.75 inches given to the trial by the San Francisco Examiner 34.5 were devoted to the defense attorneys and 40.25 to the judge, but only 13 to the prosecutor.

The Milwaukee Journal gave the defense attorneys and judge about the same space, 20 and 23 inches respectively. The prosecutor received attention in only 2.5 inches, however.

The sample of the New York Times showed that of the 470.50 inches in thirteen stories, the prosecutor and the defense attorneys got almost identical space, 47 and 42.5 inches respectively. Judge Medina, however, received attention in 148.0 inches. The careful coverage of the judge's words and activities in the Times continued throughout the trial.

The New York Times also gave good coverage to the "why" of the story, a recapping of the charges against the defendants. The Times gave a continuing listing of the charges in each story a total of 47.5 column inches. The other two papers virtually ignored the recapping of the charges, with 8.5 inches devoted to them in the San Francisco Examiner and only 5.5 inches in the Milwaukee Journal.

A final note on bias would have to mention a form of bias which anyone not familiar with the habits of American page compositors and editors would class as "guilt by association" bias. Since compositors

and editors tend to clump like stories together to increase the chance of readership the trial story of the American Communist leaders nearly always appeared on the same page or the facing page with the "Axis Sally" trial, the Coplon-Gubitchev trial, actions in the Hiss case, or, while it lasted, the trial of Cardinal Mindszenty.

CHAPTER II

THE GOVERNMENT'S CASE

The jury was picked with maximum wrangling after the Communists' jury challenge had been ruled out. Judge Medina lost little time in reinforcing the government's case. When defense attorney Harry Sacher was reading the indictment during the examination of jurors, Medina stopped him with:

"You leave out the words 'the overthrow and destruction of the Government by force and violence' after 'teach and advocate'," the judge reminded him. "I'm going to tell the jurors, so there'll be no misunderstanding about this, that these defendants are not being tried merely because they're Communists or because of their associations, but each one is specifically charged with the organization of the Communist party with specific intent as charged in the indictment. I'm going to read the indictment to them."⁵¹

Judge Medina continued to draw comparison between the real adversaries in the trial: American Democracy and Soviet Communism.

Without mentioning Soviet Russia or other Communist countries, the judge then pointed out that in "some" countries everyone is not entitled to counsel as in the United States.⁵²

Or:

After directing the alternates to give the defendants full presumption of innocence until proved guilty and to let nothing but the evidence influence their verdict, the judge said: "That's the way we administer justice here in the United States."⁵³

⁵¹New York Times, March 8, 1949, p. 3.

⁵²Ibid., March 18, 1949, p. 1.

⁵³Ibid., p. 14.

When the jury selection was final, the laws of chance had dealt the Communists an embarrassment: the foreman of the jury was Mrs. Thelma Dial, a Negro.

Defendant Eugene Dennis dismissed his attorney and decided to act as his own counsel and earned himself two characterizations, in the San Francisco Examiner and New York Times: ". . . tall, greying Communist leader."⁵⁴

Mr. Dennis replied in a voice that seemed small and hesitant coming from a big man--he is one of the largest of the defendants in size and is said to wield much power in the party.⁵⁵

When the opening statements were reported, the Times reporter Russell Porter revealed which side he was on--his reporting began to take on a decidedly Government slant. For instance, Prosecutor John F. X. McGohey's opening statement was spelled out in full, with extensive quotes while Eugene Dennis' statement was broken up, characterized in part and interrupted by the words of Judge Medina. Dennis was also characterized, perhaps fairly but not kindly:

Mr. Dennis talked while standing at a pulpit-like stand in the corner of the jury box. A tall, heavily built, red-faced man, with graying hair, he spoke in a weak and trembling voice.

Judge Medina stopped him, saying it was irrelevant "to show what good boys you were in other respects."

"When a man is accused of a crime," he said. "It is never a proper defense to show that he did some good things."⁵⁶

⁵⁴San Francisco Examiner, March 18, 1949, p. 7.

⁵⁵New York Times, March 18, 1949, p. 14.

⁵⁶Ibid., March 22, 1949, p. 13.

Bob Considine, who covered the trial for International News Service that day, referred to "high-voiced Eugene Dennis" and "McGohey's hour-long opening statement," but otherwise concentrated on the Government's charge, as revealed in McGohey's statement. McGohey said the Communist Party of the United States of America had been formed from the wartime Communist Political Association on the express orders of Josef Stalin and that the message was contained in an article by Marcel Duclos, the French Communist leader. The party was reorganized, McGohey said, to overthrow America. Dennis tried, with little success, to describe the Communist Party of the United States of America as a political party with peaceful aims fully in accord with American Democracy.

The first government witness was Louis Budenz, the ex-Communist accuser who helped torpedo Henry Wallace's campaign with his articles in Collier's Magazine. Budenz said that Dmitri Z. Manuililsky, the Ukrainian delegate to the United Nations conference at San Francisco delivered orders to the American Communists. His testimony could be taken as a blow at the nascent United Nations as much as it could an attack on the Communist defendants. The news was sufficiently sinister to merit good coverage in all three newspapers. The San Francisco Examiner grandly hailed it as the "latest bombshell dropped by the Government's No. 1 Anti-Communist witness."⁵⁷

Budenz also charged that the Communists wrote and spoke in "Aesopian" language--that what they wrote and said didn't mean what they wrote and said but indicated that they wanted to infiltrate and destroy the United States

⁵⁷San Francisco Examiner, March 25, 1949, p. 1.

government. This is a common anti-propaganda technique, in which the government which objects to some material or other can claim it doesn't mean what it says, but that it really means what the objecting government says it does. Thus, whatever propaganda is involved, the objecting government can put any meaning it wishes on the material. The technique is still in use:

Ernie, Bert, Mr. Hooper, the Cookie Monster and Big Bird, the characters of the "Sesame Street" television program, have been declared agents of neocolonialism and imperialism by a Russian cultural newspaper.

According to the newspaper Sovietskaya Kultura, "Sesame Street" is part of an American imperialist plot to reshape the minds of peoples in other countries and make them subservient to American aims.

Behind its facade of attempting to teach children the alphabet and numbers, the article said "Sesame Street" conceals a more subtle aim: Inculcating in others the values of the American middle class regarding such matters as property, money and the division of labor.⁵⁸

The "Sesame Street" article appeared in a column devoted to lighter news and it may thus be considered that the editors of the Detroit Free Press regarded the theory as amusing. The same technique "Aesopian language" was presented by the United States Government in all seriousness in 1949, however, and was regarded as a key point in the guilt of the defendants.

Judge Medina indicated he was fully in accord with the testimony:

In refusing to strike out the Budenz definition of "Aesopian" or "protective" language in the Communist constitution, the Judge said the whole Communist "literature" seemed to be permeated with "the sort of jargon that would not be intelligible to persons not on the inside." Therefore, he said the jury needed a key to such "double-talk."

⁵⁸ Detroit Free Press, August 19, 1973, p. 15-A.

Shaking his head toward the end of the day, he said, "This has been the dog-gonest trial I ever saw."⁵⁹

In the same story, Medina was quoted as giving the meaning the government put on the material:

"If the defense theory of the law was correct," the judge said, "any conspirators could sign a document like the Communist Party constitution, saying their intentions were innocent, and then commit any crime with impunity."⁶⁰

The San Francisco Examiner and the Milwaukee Journal had by this time (early April) begun to depend on the Associated Press for coverage. Hearst's International News Service stars, Kilgallen and Considine, had been detailed to cover the Coplon and Hiss trials respectively, and the Milwaukee Journal had used the Associated Press for the Communist trial story with few "Journal New York Bureau" bylines since the first feature describing the personages in the trial on January 19.

The New York Times, however, kept Russell Porter on the trial story and Porter filed more than thirty inches of copy a day and developed some odd habits of punctuation.

Moving from the proper quoting of individual words in sentences referring to "Aesopian" language, Porter gradually developed, probably unconsciously, a pejorative form of quoting, in which doubt was cast. An example of the form might be: John Doe, a "graduate" student in Journalism at Michigan State "University." Porter continued using the quotes in this manner throughout April and occasionally in May, quoting words sometimes and not quoting the same words at other times.

⁵⁹ New York Times, April 1, 1949, p. 16.

⁶⁰ Ibid., p. 1.

At this point, Judge Medina cautioned Mr. Gladstein on his "peculiar way" of questioning. The judge said he felt himself getting "nervous" and "twitchy" and a witness might get "excited" and "mixed up" so as to forget what he was being asked about.⁶¹

. . . a new "line."⁶²

Marxist-Leninist literature⁶³

. . . official party "newspaper."⁶⁴

. . . "true" principles of "Marxism-Lenism."⁶⁵

. . . "educational" director.⁶⁶

Porter was also fashioning strong leads out of the evidence presented by the government's witnesses:

A Moscow-dominated American Politburo ran the Communist party of the United States by totalitarian control over the party's nominal ruling bodies, according to yesterday's evidence at the Communist trial.⁶⁷

It might seem that, at this point, this study has fastened on the New York Times and on the writing of Russell Porter unfairly. The effect is heightened because the Milwaukee Journal and San Francisco Examiner were using Associated Press reports which were roughly one-fourth to one-half the length of the Times copy and contained restrained language.

The next witness for the government was its first informer and, finally,

⁶¹Ibid., April 5, 1949, p. 20.

⁶²Ibid., April 8, 1949, p. 14.

⁶³Ibid. Porter used no quotation marks here, but he used quotes on "Communist" literature in other stories.

⁶⁴Ibid., April 12, 1949, p. 34.

⁶⁵Ibid. ⁶⁶Ibid.

⁶⁷Ibid., April 5, 1949, p. 20. Porter uses "evidence" here instead of "testimony" to strengthen the lead.

one of the most famous persons to figure in the anti-Communist era, writing a book and inspiring a motion picture and a television series: Herbert A. Philbrick. The Associated Press reports referred to Philbrick as a "33 year old Boston advertising man,"⁶⁸ in the Examiner, and, in the Journal:

Philbrick, a slight and studious dark man, with curly hair and gold rimmed glasses, declared "During the entire nine years of my activities I have been continuously in touch with the FBI."⁶⁹

Contrasted with those references, Russell Porter's description of Philbrick is little short of the praise reserved for presidents, members of cabinets and judges:

Mr. Philbrick is the intellectual-looking young advertising man who served nine years in the Boston Communist movement as an unpaid volunteer for the Federal Bureau of Investigation until he appeared in the trial last week as a surprise witness.

On his second day of cross-examination, defense counsel not only failed to break him down, but actually built him up as a Government witness. Wearing a red, white and blue tie and sitting under the Great Seal of the United States with its outstretched wings of the American Eagle on the wall of a Federal courtroom, the witness said he joined the Communist Party to inform the FBI of its activities, as a patriotic duty.⁷⁰

The witnesses following Philbrick, Frank S. Mayer and Fred Cook were nowhere as interesting as the Boston informer and got uneven coverage. The Times covered both, the Journal mentioned Cook, an FBI agent, and the Examiner covered neither man. Without cross checking, readers of the Examiner and the Journal would be confused as to the order of the witnesses between Philbrick and the next witness who gained the attention of all three

⁶⁸ San Francisco Examiner, April 8, 1949, p. 8.

⁶⁹ Milwaukee Journal, April 7, 1949, p. 3-M.

⁷⁰ New York Times, April 12, 1949, p. 1.

newspapers: Moscow-trained William O'Dell Nowell. Nowell testified:

"We were taught at the (Lenin) Institute," he testified, "it was necessary for the Communist Party of the United States to begin the organization of Negroes in the black belt in the South toward establishment of a separate Negro nation to facilitate the revolution and dictatorship of the Proletariat."⁷¹

The San Francisco Examiner ran the Associated Press account of Nowell's testimony and bold faced a key paragraph:

"The revolution in the South," the witness went on in a hushed Federal Courtroom, "would aid the Northern industrial workers in bringing about revolution throughout the whole country."⁷²

The Examiner went further than that, however. By chance that day, Cecil F. Poole, a Negro, started as aide to the district attorney in San Francisco. Examiner reporters interviewed him and the editors ran the interview story in the column next to the trial story in which Nowell described the organization of Negroes for revolution. The lead of that interview indicates either that the day's trial news was in common currency in San Francisco the same day it appeared in the Examiner or that Examiner reporters provided the information to Poole to obtain the lead they wanted:

American Negroes are not being taken in by Communism, despite the glittering promises that Communists are offering all minority groups suffering economic hardship and discrimination.⁷³

The Journal gave Nowell's testimony about twice the amount of space it normally gave to testimony from the trial, but referred throughout its coverage to "William O'Dell," leaving the "Nowell" off completely.

Of the next two witnesses, one, Charles W. Nicodemus, gave startling enough testimony to merit coverage in the top spot, while the other,

⁷¹Ibid., April 19, 1949, p. 14.

⁷²San Francisco Examiner, April 19, 1949, p. 4. ⁷³Ibid.

Garfield Herron, merely added details to Nicodemus' story. Nicodemus said, according to the New York Times:

American Communists have planned their revolution for the time when the Soviet Union is ready to invade the United States by the way of Alaska, Canada and Detroit, according to yesterday's evidence at the Communist trial.⁷⁴

An incident in the courtroom while Nicodemus was testifying also merited coverage in the New York Times and the San Francisco Examiner, but was not published by the Milwaukee Journal. The accounts of the Times and the Associated Press (used by the Examiner) also differed in word choice, with the Times using words more derogatory to the defendants. From the New York Times:

Federal Judge Harold R. Medina rebuked the defendants for smiling derisively in the presence of the jury when Mr. Nicodemus testified about Communist plans for a Russian invasion.

"All the defendants are smiling broadly," the judge said. "This may seem very funny to them; they seem to enjoy it. But I'm not going to have any country-club atmosphere in this court."

Richard Gladstein of defense counsel said the defendants had a right to "smile their contempt" at such ludicrous testimony.

John Gates, editor of the Daily Worker and one of the defendants, got up and asked:

"Does your honor forbid us to smile? It's bad enough to forbid us to think."

"You are evidently a very bold man; you get up and have your say," the judge replied. "But I'm not going to have any hilarity in this court. I'm going to insist on order in this court."⁷⁵

From the San Francisco Examiner:

The eleven defendants, all top party officials smiled openly at the testimony.

⁷⁴New York Times, April 23, 1949, p. 1. ⁷⁵Ibid., p. 3.

Federal Judge Harold R. Medina described this as "an attempt to laugh it off." His comment led to a sharp exchange with one of the defendants, editor of the Communist paper, the Daily Worker.

"Are you forbidding us to smile?" asked Gates. "It's bad enough they're trying to forbid us to think without forbidding us to smile."

The judge answered:

"You are a bold man, but you may get up and have your say. But I'm not going to have any hilarity in this court."⁷⁶

The contrast between "smiling derisively" and "smiled openly" is obvious. The New York Times also includes the word "rebuked" which Porter used frequently in situations where the Associated Press staffers and other reporters used "reprimanded" or avoided direct reference to the manner of the judge's words. The situation in which Porter said the judge "rebuked the defendants" is represented in the Examiner as the judge describing it as "an attempt to laugh it off."

The key difference, however, occurred in the quotation attributed to John Gates. In the New York Times version Gates said "It's bad enough to forbid us to think," while the Associated Press version in the Examiner makes the quotation, "It's bad enough they're trying to forbid us to think without forbidding us to smile."

In the Times version Gates seems to lay the blame directly on the judge, strongly indicating a charge that the trial was being rigged personally by Medina. In the Examiner version Gates' paranoia is assigned to the mythic "they", taking in all of society and the forces of law and democracy ranged against the defendants. The Examiner version also makes

⁷⁶ San Francisco Examiner, April 23, 1949, p. 2.

Gates hopeful: "trying to forbid us," while the Times' "bad enough to forbid" makes the situation final. The Times reporter seemingly has decided the case, in his language at least.

The evidence given by the government witnesses was evidently weighing heavily against the Communists in the opinions of the Milwaukee Journal editors about this time also, for they reprinted an editorial from the "Vet News" on April 21, a day in which they had no story from the trial. The reprinted editorial's headline was "Look at the Reds--and Laugh!"

The next trial day after the "smiling" incident, a very serious clash occurred between Medina and defense counsel. The continual bickering between the defense attorneys and Judge Medina had occupied much of the space devoted to the trial story in the New York Times and the San Francisco Examiner, but had been played down or ignored in the Milwaukee Journal. The clash on Monday, April 25, however, was judged to be serious enough to interest the editors of all three papers. The incident was ended by Judge Medina, who walked out of the courtroom in a sudden recess. The Milwaukee Journal, in a rare departure from its usual policy, gave an extended account:

Judge Medina was trying to cut short an argument by a defense attorney when Eugene Dennis arose to make "a brief observation."

"Mr. Dennis, I do not desire any further argument on that point," the court told the defendant, general secretary of the United States Communist party, who is acting as his own attorney.

"I've never heard so much propaganda in a court room in my life," continued Judge Medina.

Dennis began again.

"I do not desire to hear you," the court repeated.

Dennis persisted.

"I suppose you are daring me to do something to you," Judge Medina told the defendant. "You can be just as disorderly just as disobedient as you like, but you will not goad me into doing something which will be a source of difficulty later in the trial."⁷⁷

The Journal's coverage of the disruption in the courtroom was only the second the paper carried since the first of the trial. Using Associated Press accounts which contained occasional references to the judge reprimanding Harry Sacher, the paper had avoided giving full attention to the defense attorneys versus the judge clashes, keeping the focus of the stories on the testimony, with little side detail. On April 6, in its only other "clash" report the Journal had included the complaint from Harry Sacher that he was being "treated like a dog in court."⁷⁸

The San Francisco Examiner story for the April 26 clash which Medina ended by walking out was written by James Kilgallen of the International News Service, indicating that the Hearst organization was keeping close tabs on the trial in spite of the fact that the Examiner was consistently using the Associated Press accounts in preference.

The New York Times' Russell Porter covered the clash, then offered his conclusion:

The judge and defense counsel have clashed almost daily in the fourteen-week trial, but yesterday's episode was the most serious.

For their part defense counsel repeatedly have charged the judge with judicial misconduct, prejudice toward their defendants and unfair rulings and comments.

⁷⁷Milwaukee Journal, April 26, 1949, p. 4-M.

⁷⁸Ibid., April 6, 1949, 26-M.

The judge has allowed defense lawyers and even individual defendants to get up in court and attack his motives in court. He has clamped down on prolonged legal arguments and court-room speeches made in the guise of argument, but has refrained from using force when his directions have been disregarded.⁷⁹

The analysis has a slightly pro-Medina ring, affirming Porter's acceptance of the government's view of the trial.

The next witness was undercover agent Angela Calomaris, a New York photographer who appeared the next day in stories dated April 27. The Milwaukee Journal was sufficiently impressed with the fact that the informer was a girl, or had been waked up by the courtroom clash the day before, but for some reason the Journal editors put the trial story on page one of the main edition for only the third time since the trial began. The trial opener had been on the front page and on March 23 the Journal had given page one treatment to an impressionistic color story on the trial, tucking the Associated Press story of the testimony into the armpit of the color story.

Angela Calomaris, however, was given page one without accompanying a color story and she was described in a complimentary way in the story, which had no attribution of source:

Miss Calomaris, dressed in a chic black suit, smiled frequently as she testified in a low, even voice.⁸⁰

The story also included a quote from defendant Benjamin Davis, which indicated the novelty of the situation: "In the past the FBI stool pigeons have been males. Now they have found a female."⁸¹ The Calomaris testimony was as damaging to the Communists as the other informers' stories; Angela Calomaris said:

⁷⁹ New York Times, April 26, 1949, p. 12.

⁸⁰ Milwaukee Journal, April 27, 1949, p. 1.

⁸¹ Ibid.

. . . socialism could not be achieved by evolution, but that it was necessary to violently overthrow the existing government. All branches of the state would have to be abolished and a dictatorship of the proletariat would follow.⁸²

The "slender brunette"⁸³ "slight, black-haired young woman"⁸⁴ government witness didn't inspire the San Francisco Examiner or New York Times editors to give her page one treatment, even when she testified that the Communists had had a part in the formation of the Progressive Party. "Witness Swears Communists/Set up Wallace Party in '47" said the New York Times headline on page 3 on March 3. The name "Wallace" was a headline writer's choice when "Progressive" wouldn't fit, for the story contained no reference to Henry Wallace and didn't even mention his name. The Milwaukee Journal account from the Associated Press was slightly more restrained. It related that Angela Calomaris had testified that the Communists discussed the Progressive Party long before Wallace's party was founded. She was quoted as saying the Communists met in the winter of 1947, and that the Wallace party had been formed in July 1948. Wallace, however, announced his candidacy on December 29, 1947, which is midwinter 1947, so the discussion didn't occur too much in advance of the Wallace third party movement. It was made obvious that the Communists were discussing a third party movement in December 1947 when Benjamin Davis published his "why I Am a Communist." This is illustrated in the quotation from that pamphlet on page 10 above.

Angela Calomaris left the stand after testimony appearing in the newspapers on May 3. Thomas Younglove, a St. Louis businessman and undercover agent for the FBI, took the stand the next day. On the second

⁸² Ibid. ⁸³ San Francisco Examiner, April 29, 1949, p. 8.

⁸⁴ New York Times, April 29, 1949, p. 11.

day of his testimony a serious clash occurred between Judge Medina and defense attorney Harry Sacher. The Associated Press gave it the most attention and illustrated the level of tension in the courtroom fairly. Both the San Francisco Examiner and Milwaukee Journal used the copy:

Sacher maintained as he often had before that this (introduction of "The History of the Communist Party of the Soviet Union") constituted a violation of the First Amendment to the Constitution in that it "placed a book on trial."

The judge interrupted to say: "There is no way for me to get you to stop without using a pickax . . . why do you do that."

"Because I have clients to defend," replied Sacher.

"All right then talk your head off," said Medina.

Sacher sat down commenting, "I have no desire to talk to a judge who won't listen."

"I'm having a little study made of the thousands of pages devoted to the arguments in this case and it will make interesting reading," Medina went on.

"Yes," said Sacher, rising again, "it would if you devoted yourself to trying the defendants but you seem to have determined to put the lawyers on trial." He started to add that he had appeared before many judges, but Medina broke in:

"You'll never try another one before me, I'll tell you that."

"We won't be intimidated," the attorney responded.

"I won't be intimidated either," the judge asserted.⁸⁵

The Times, to its credit, put the focus of its story on the real issue of the day, whether books and ideas were on trial instead of the defendants:

The question of whether "books and ideas" are on trial was debated between Judge Medina and defendant Eugene Dennis, the

⁸⁵Milwaukee Journal, Final edition, May 5, 1949, p. 1.

party's general secretary, in the absence of the jury. Mr. Dennis is acting as his own attorney.

Mr. Dennis argued that it was a violation of the free speech amendment to the United States Constitution to permit introduction of the "History" in evidence.

"Let us suppose for the purpose of argument," Judge Medina said, "that a group of individuals have decided they will organize a larger group to overthrow or teach and advocate the overthrow of the United States Government by force and violence.

"Let us suppose they get some pamphlets and books written years ago but which show just how a violent revolution was brought about, how to do it, how to have persons get uniforms of soldiers and put them on and make out they are part of the Army and Navy, how to get control of the railroads by violent means--and how to do all the various things that will, if the teaching and advocating go on to its ultimate conclusion, bring about the overthrow of the Government by force and violence.

"Now how can it be that those books and pamphlets are being tried when the charge is that the individuals in such a group used these books and pamphlets and papers, of one kind or another, as mere instruments for the perpetration of a conspiracy?

"How can that be a trial of books? How is it that the book is being tried? I wish you would explain that to me."

The judge was unable to get an answer to that question from Mr. Dennis or anyone else. Mr. Dennis merely repeated his original assertion that books and ideas were being put on trial without offering any substantiation.

"The important thing," Mr. Dennis said, "is what interpretations and conclusions we defendants have placed upon the books. What the Government is attempting to do is to ascribe to us things which we haven't taught or advocated."

"Well, there is the issue in the case," Judge Medina declared. "You and the other defendants here say: 'This was all a perfectly innocent thing. We never advocated or taught or intended to teach and advocate the overthrow of the Government by force and violence at all. All we wanted to do was to bring about certain salutary social reforms and to do it by a perfectly legitimate party.'

"Now this is the issue in the case and that, as I see it, goes right to the heart of the matter that is going to be decided."

Judge Medina said he had heard enough argument and directed

that the jury be brought back, but Mr. Sacher, who already had talked at length, insisted on talking again.

Interrupting him, the judge said he was having a study made of "the thousands of pages taken in this record devoted to the arguments by defense counsel alone."

When Mr. Sacher started to tell about arguments he had made in other courts, Judge Medina said:

"You will never try another case before me."⁸⁶

The difference between the two versions is significant. In the Times version, the judge says he is having a study made of the "thousands of pages . . . devoted to arguments by defense counsel alone," while the Journal story says "a little study of the thousands of pages devoted to the arguments in this case," not mentioning the defense attorneys. The Examiner edited the quote out of its Associated Press version, if it were there in the first place. Which version is the more accurate? Seemingly, the New York Times story hits closer to the truth since, when the judge presented the results of his study on May 11, its purpose seemed to be to embarrass the defense attorneys. So leaving them out of the judge's May 5th quote as the other papers did, would seem to be bias in favor of the defense or simple carelessness.

In coverage of the next witness, William Cummings, however, Times reporter Russell Porter included this paragraph:

At that time Communists and their sympathizers all over the world were starting the cold war and predicted that the American free-enterprise system would collapse in the immediate post war period, with eight to ten million Americans out of work in the winter of 1945-46.⁸⁷

⁸⁶ New York Times, May 6, 1949, p. 8.

⁸⁷ Ibid., May 10, 1949, p. 5.

Porter gave no attribution for that paragraph and its placement indicates that it was his personal analysis. Porter continued that kind of analysis on May 13, while Cummings was still on the stand. Defense attorneys were arguing with Judge Medina throughout the day, according to the press reports, and finally the judge was goaded into saying:

I have determined that this trial is going to be held in an orderly and proper way and I don't intend that a single one of you lawyers for the defense shall get away with anything while I am sitting here.⁸⁸

Porter's analysis of the situation shows complete agreement with the judge:

Throughout the seventeen-week trial Judge Medina had been compelled to admonish counsel almost daily for calculated insolence to the court and for efforts to delay and disrupt the administration of justice.

Checkmated by the judge's refusal to let them turn the trial into a circus or to provoke him into unfair treatment of the defendants which might cause a retrial or reversible error in the higher courts, defense counsel recently have adopted a new tactic.

This consists of one lawyer doing or saying something that causes the judge to make a comment from the bench, usually to clarify or put into perspective something that has been obscured or twisted out of proportion, whereupon another lawyer jumps up and accuses the judge of judicial misconduct.⁸⁹

Cummings' testimony was as damaging to the defense as the rest of the government's witnesses. He told the jury that Russia expected to occupy Europe and Asia in the event of war with the United States.

Undercover agents John V. Blanc and Balmes Hidalgo, Jr. were the final two government witnesses and while Blanc was on the stand one of the trial's very rare light moments occurred:

As Blanc testified, Federal Judge Harold R. Medina bent his

⁸⁸ Ibid., May 13, 1949, p. 14. ⁸⁹ Ibid.

head away from the jury and put his hand to his face as though stifling a chuckle.

Defense Attorney Harry Sacher objected to the judge's smile.

However, John F. X. McGohey, United States Attorney, said he detected smiles on the faces of the defendants.

Up stood defendant John W. Gates, editor of the Daily Worker, who told the court:

"Let the record show I did not smile."⁹⁰

The Milwaukee Journal welcomed the humor in the dreary trial so much that the editors ran the story on the first page of its Final edition and repeated it in identical wording in its Local section the next day.

New York Times reporter Russell Porter was still employing his odd use of quotation marks, quoting "education" director, but not quoting organization director.

The final government witness was its seventh undercover agent Balmes Hidalgo Jr., who had joined the Communist party in New York in 1946 to help the FBI. His testimony was so explicit that the New York Times published it in numbered paragraphs:

The seventh witness "planted" in the Communist movement by the FBI, Mr. Hidalgo corroborated previous testimony that the defendants, as members of the party's American Politburo, had used conspiratorial and anti-democratic methods on orders from Moscow to train professional revolutionists to:

1. Exploit grievances of labor, Negroes, Jews, youth and various minority groups to foment a social revolution "when the time is ripe," in a period of war or serious depression.
2. Seize power from the revolutionaries in a counter-revolution modeled on Lenin's "second" revolution in Russia in 1917.

⁹⁰Milwaukee Journal, Final edition, May 17, 1949, p. 1.

3. Perpetuate themselves in power like the Russian Bolsheviks by force and violence to suppress individual freedom and minority rights.⁹¹

The government rested its case and Judge Medina made an amazing statement:

United States Attorney John F. X. McGohey rested the Government's case yesterday against the eleven Communist leaders charged with conspiracy to teach and advocate violent overthrow of the Government. Federal Judge Harold R. Medina then held the Government had presented such a strong prima facie case he would hear only limited arguments on defense motions to throw it out.⁹²

The statement was carried in different form in the San Francisco Examiner, but not in the Milwaukee Journal. The New York Times was the only paper of the three to carry the judge's May 24 statement, in which he stated the same thought in even stronger terms:

The judge reinforced his decision that the Government had made out a clear prima facie case by comparing the position of the defendants to that of a man charged with first degree murder and shown to have held a grudge against his victim, gone to a store and bought a gun and ammunition, hidden in the man's house and waited till he came home to shoot him.⁹³

With such statements, Judge Medina could be seen in the pro-Communist press as part of the prosecution and by the anti-Communist press as comfortably protecting the government, but a judge who would be willing to be quoted in such opinions after hearing one side of a case was, and is, in a definite minority

During the presentation of the government's case the reporters seemed to fall in line with the government's idea of the case. The New York Times' Russell Porter seemed to stray most from ideal objectivity and to begin a

⁹¹New York Times, May 20, 1949, p. 12. ⁹²Ibid., p. 1.

⁹³New York Times, May 24, 1949, p. 13.

sort of advocacy journalism. His change was subtle and only in reading the stories in sequence at the same time could it be detected. His pro-Medina analyses seemed accurate, because they matched what he had just written about the clashes between the judge and the defense attorneys. His selective quoting for pejorative effects developed slowly, at first seeming to be individual words pulled from quotes which were also given and later in the capricious quoting of any activity of the Communists which might seem to make them competent or intelligent i.e. "edited" the newspaper or "education" director.

The Associated Press reporters seemed to have struck much closer to the ideal, but whether it was the stringencies of space on the wire or expert reporting is impossible to tell. The San Francisco Examiner edited the Associated Press copy more heavily, but was concentrating more on the more sensitive Hiss and Coplon trials and gave only routine coverage to the Communist trial. The Milwaukee Journal did a creditable job in presenting the story, but editorially came around to running anti-Communist items, one of which was mentioned above.

Space given to the trial varied widely among the newspapers. The New York Times sample included 21 of the 48 stories run by the Times in that period, but the space given by the Times in those 21 stories far outweighed the coverage in the other two papers. The Times devoted 745.5 column inches to the story in its 21 stories, while the San Francisco Examiner, with its complete coverage (22) totalling only one more story than the Times sample, devoted only 258.25 to the story. The Milwaukee Journal ran 47 trial stories in the period and used 512.25 column inches

doing so.

The column inches devoted to the testimony are even more divergent. The Times sample included 239.5 inches of testimony. By analogy, the complete glossary of Times stories, if the space given to testimony held to the equation, the Times might have run something over 470 inches of testimony. The San Francisco Examiner in its 22 stories, ran only 113 inches of testimony while the Milwaukee Journal, with complete coverage just one story less than the complete Times coverage, gave the testimony 343.75 column inches.

The Times completeness could explain its inches of testimony and the San Francisco Examiner's concentration on other trials could explain its lack of coverage. The liberal Milwaukee Journal did a creditable job of presenting the case against the Communists. If the Journal devoted as much space to pro-Communist defense testimony, no pro-government bias could be charged. If not, the charge holds.

The New York Times continued to give Judge Medina his due, with 118.5 inches devoted to him in less than half of the stories run in the period. The other two papers gave him little space: the Journal only 19.5 inches and the Examiner 18 inches. The defense attorneys likewise got good coverage in the Times with 35 column inches devoted to their antics. The Journal gave them only 15 inches and the Examiner 18 inches. The prosecution got 98 inches in the Times, 20 inches in the Journal and only 8 inches in the Examiner.

The "guilt by association" placement of stories assumed a more sinister air during the government's case, with the New York Times and the

San Francisco Examiner surrounding the trial story with stories about Gerhard Eisler, Axis Sally, the House Un-American Activities red probe and stories of the Russian war command being shaken up. On March 11, 1949, when the story of Axis Sally or Mildred Gillars' conviction was run, the New York Times wrapped the Communist trial story around a picture of Miss Gillars leaving the court. The trial story was in the position a story accompanying the picture would ordinarily take, and finding the Gillars story was difficult. The anti-American parallel, however, could not be missed.

The Milwaukee Journal, on the other hand, ran stories of Judith Coplon and her Russian lover close to the trial story on two occasions during the period, but mostly paired the story with copy detailing a Russian agency's opinion that Dennis' speech had been curbed, a Yale Wallace backer leaving the college, or the fact that the AFL said the Reds' goal was the same--truly related stories. The laughable bias measure might, after all, have some basis in fact, for, as Shakespeare said: "Company, villanous company, hath been the spoil of me."⁹⁴

⁹⁴Shakespeare King Henry the Fourth, Part 1 III.iii.10.

CHAPTER III

THE DEFENSE

John Gates was the first on the stand for the defense, after Judge Medina had turned down all the defense motions for acquittal or a mistrial and had told them their legal arguments reduced the clear and present danger argument to absurdity. William Z. Foster had also been heard from, issuing a denunciation of the trial. Gates, however, got differing treatment in the three newspapers when he began to testify.

The kindest coverage was afforded by the Associated Press, as it was published by the Milwaukee Journal. In that story, Gates' early life was described sympathetically. It was, the Associated Press reporter said, a story of "a sensitive mind persuaded by Marxist doctrine."⁹⁵ The San Francisco Examiner ran a very small story of the opening of the defense case by James Kilgallen, misspelling his byline "Kilkallen." The New York Times combined the denial of acquittal pleas, the absurdity statement and Judge Medina's likening the defense to a murderer, as detailed above. Gates was just one element in the story which recapitulated the government "victory."

Under defense questioning Gates countered the Louis Budenz testimony with idealism straight out of the Communist literature:

Communists "fought for the things people needed right away, the improvement of their living conditions, the protection of

⁹⁵ Milwaukee Journal, May 24, 1949, p. 13-M.

democratic rights and opposition to war . . ."

. . . The complete fight for economic and political equality for the Negro people.⁹⁶

The Milwaukee Journal's Associated Press account characterized Gates as a "35-year-old veteran" and headlined the story quoted above: "Red Says 'No' to Revolt Tale."

The euphoria of sensitive minds and idealism vanished during Gates' first week on the stand however:

Defense lawyers in the Communist conspiracy trial centered violent protests on Federal Judge Harold R. Medina again Wednesday after he refused to admit in evidence an article written in 1939 by John Gates.⁹⁷

By Friday, May 27, the New York Times was again reporting that Judge Medina had called defense attorney Harry Sacher "deliberately contemptuous" and quoting "heretofore dignified" Benjamin Davis as saying:

"I don't see what pleasure the Government could get," Mr. Davis interrupted, "in bringing this ridiculous and stupid trial in the first place."⁹⁸

At the same time, Gates' idealistic explanation of Communist aims continued on the stand:

He said assumption of power by the "working class" could be peaceful or violent. Historically, he said, it was violent only when "the ruling class attempts to thwart the will of the majority by force and violence," so that the "workers" used force and violence in self-defense.⁹⁹

⁹⁶Ibid., May 25, 1949, p. 11-M.

⁹⁷Ibid., May 26, 1949, p. 31-M.

⁹⁸New York Times, May 27, 1949, p. 8. ⁹⁹Ibid.

In the papers June 1, Judge Medina was still denying Communist documents admission as evidence, and in doing so being contemptuous of the defendants:

Mr. Sacher argued that the document "negated" the Government's charge, but the judge said it was a "self-serving declaration by the defendants" and inadmissible.

"The witness himself says they did this after Mr. (Lewis B.) Schwellenbach proposed outlawing the party," the judge said. "They said they'd show what good boys they were. The party was under attack, he told 1,000 people, 'I'm absolutely innocent; we're just a legitimate political party,' could the entire 1,000 people be called in to say they're good boys?"¹⁰⁰

Still on the stand Gates denied his guilt with continued defense of Communist doctrine:

Mr. Gates repeated earlier denials that he had taken part in the alleged conspiracy and said that in his opinion Marxist-Leninist principles advocated by the party did not call for the violent overthrow of the United States Government.¹⁰¹

However, he refused to name other members of the Communist party when the prosecution went on a fishing expedition for more information and this refusal got him into trouble. He said: "I'm not going to become a stool-pigeon and finger my fellow comrades."¹⁰² Fellow defendants came to his aid; the party's general secretary told why Gates refused:

Dennis, who is serving as his own lawyer, declared that the prosecution question had a "sinister objective." He made a long argument defending Gates' refusal to answer.

If the witness complied with the court's order, it would have the effect of making him "an accomplice to the prosecution in dragging in innocent persons," Dennis contended.

He added that any persons named would be "subject to being lynched in the South."¹⁰³

¹⁰⁰ Ibid., June 1, 1949, p. 17. ¹⁰¹ Ibid., June 3, 1949, p. 1.

¹⁰² Ibid. ¹⁰³ Milwaukee Journal, June 3, 1949, p. 22-M.

The judge ordered Gates to answer the question, but Gates refused and he was declared "in clear contempt" and sentenced to jail. That stirred up the other defendants, as reported by the San Francisco Examiner a day late, on June 4:

Henry Winston, husky Negro who is party organizational secretary, was heard to shout something about "lynching."

The judge said to him, "I direct that you be remanded."

Gus Hall, bulky Ohio State chairman of the party, roared he had seen "fairer justice" in police courts.

Medina eyed him through his spectacles:

"Let's see, that's Mr. Hall," he said. "You are remanded for the balance of the trial."¹⁰⁴

The Examiner, by this time, was showing the beginning of a pattern. Gaps in the publication resulted in the Examiner's readers missing most of the defense testimony, but being fully informed about the clashes in court.

The Milwaukee Journal published the jailing of Hall and Winston in a well-known journalistic fashion. The picture page of the June 4 Journal carried a three-column cut in the lead spot showing a pair of portly, broadly smiling, hand-cuffed Communists, Hall and Winston, being led off to jail. The issue carried no story of happenings at the trial.

The Spanish Civil War entered the trial by a tangential route. Gates was made to admit that he had lied three times under oath in order to go to Spain. It was the only way an American could get to Spain during that war, due to an American embargo.

Mrs. Roosevelt was likewise very active in Spanish relief work, often being subjected to strong criticism for this reason.

¹⁰⁴San Francisco Examiner, June 4, 1949, p. 2.

Her efforts were fully appreciated by the Spanish Government, which on February 13, 1939, presented her with a collection of Goya etchings through Ambassador de los Rios in commemoration of her humanitarian activities.

To decrease further the danger of involvement in the Spanish Civil War, the State Department announced early in 1937 that Americans desiring to travel abroad must make an affidavit that they did not intend to travel in Spain. "No exceptions have been deemed feasible," Secretary Hull stated, "notwithstanding the eminence and fine character of the organizations under whose auspices a person or persons may go to Spain."¹⁰⁵

Gates admitted the lies to obtain a passport because he, like Robert G. Thompson, another defendant, was proud of his service in Spain. How was this reported? The San Francisco Examiner's record made clear which side it was on in the controversy.

Few papers and magazines of the secular press in the United States were sympathetic to General Franco. Perhaps the most notable example of this small group were the newspapers controlled by William Randolph Hearst. These papers habitually branded the Loyalists as "Reds," played down their victories, and built up their defeats. The Hearst press used Spanish-American War methods in writing about "atrocities" in Spain. In an editorial entitled "Red Savages of Spain," the editors of the Los Angeles Examiner stated that out of a total of 33,500 priests in Spain, 14,000 had been slain by the "Reds" and in twenty-three dioceses "all" churches had been burned.¹⁰⁶

With that pedigree, the Examiner might be expected to give the story somewhat similar treatment, but it didn't.

NEW YORK, June 9-(AP)-One of the American Communist leaders on trial in Federal Court admitted today he lied in 1937 when he got a passport which enabled him to fight with the Spanish Republicans.

But John W. Gates, 35 year old editor of the Communist Daily Worker testified he did not consider it a "lie of substance" since he believed its purpose was justified.

¹⁰⁵F. Jay Taylor, The United States and the Spanish Civil War 1936-1939, (New York: Bookman Associates, 1956), pp. 132-133.

¹⁰⁶Ibid., p. 123.

Gates said: "I couldn't state I was going to Spain to fight on behalf of the Republican Government of Spain because if I had said I was going to Spain, I never would have gotten there."¹⁰⁷

The Milwaukee Journal also used the Associated Press version of the story, but the New York Times' Russell Porter filed the following report:

John Gates, editor of the Daily Worker, admitted under cross-examination at the Communist trial yesterday that he had lied under oath three times and insisted the end justifies the means in lying.

The end in these cases, he said, was to get a passport enabling him to serve as a Communist political commissar in the Spanish Civil War.¹⁰⁸

The differences are significant. The Associated Press version doesn't fall into the anti-Communist slogan "The end justifies the means" in writing the lead as Porter did, although the Associated Press reporter came very close to doing so. There is also a difference in the roles Gates was seeking in Spain. The Associated Press makes him a "fighter" and quotes him that way. The New York Times calls him a "political commissar" with no quote to back it up.

On June 14, 1949, the Milwaukee Journal reported that Gates had testified that John S. Reliher, president of Local 1154 of the CIO United Electrical Workers had been fired from the Stewart Warner plant in Chicago after being named as a red by Garfield Herron, the FBI informant who testified in April. The Journal quoted Gates as saying this backed up his refusal to name Communists.¹⁰⁹ The account was by the Associated Press.

¹⁰⁷ San Francisco Examiner, June 10, 1949, p. 2.

¹⁰⁸ New York Times, June 10, 1949, p. 10.

¹⁰⁹ Milwaukee Journal, June 14, 1949, p. 14.

On the same day, Russell Porter, in the New York Times, summed up Gates' appearance on the stand--for the prosecution:

In his thirteen days on witness stand Gates has convinced Government counsel his testimony has been a net gain to their case. They view him as having created the impression of a typical young Communist League graduate, thoroughly indoctrinated with class hatred, and trained as a professional revolutionary.

By his own testimony, as the Government sees it, he has shown himself above the law and justifies lying by the doctrine that the end justifies the means.¹¹⁰

There was no balancing quotation from the defense on their opinion of the first defense witness. In the same story Porter illustrated how defense attorney Abraham Isserman fared in the hearing on John Gates' appeal of his sentence for contempt:

He declared this was a "political" trial and that the defendants were entitled to a "presumption of legality" as a political party. It was explained from the bench, however, that the Government charges a criminal conspiracy, not political activity.¹¹¹

Gilbert Green, the Communist Party's Illinois chairman was the next witness to take the stand for the defense. Under defense questioning he had a fairly easy time discussing Earl Browder's shortcomings and the reason the Communist Party had dumped Browder and his cooperative policies after the war. He also testified about the peaceful aims of the Communist Party. His testimony wasn't enough for Russell Porter, however, and in the report he filed for the Times was this statement:

In yesterday's testimony Green followed the lead set by John Gates, another defendant who preceded him on the stand. Faced

¹¹⁰ New York Times, June 14, 1949, p. 14.

¹¹¹ Ibid.

with the dilemma of admitting the advocacy of force and violence or repudiating the historic position of the Communist party. Green, like Gates, repudiated it--at least for the record.¹¹²

John F. X. McGohey couldn't have said it better!

Under prosecution examination, however, Green refused to answer questions and showed little respect for Judge Medina. In stories published June 20, 1949, Green was presented as arguing with Medina with disastrous effects.

Green, who has been a defense witness for the last several days, had argued off and on with Federal Judge Harold R. Medina throughout most of the day.

Finally Green said:

"I thought you were going to give us a chance to prove our case."

Medina interrupted sharply:

"Mr. Green, you are hereby remanded for the balance of the trial."¹¹³

Russell Porter reported the incident, but added that Green had made the remark "angrily" in "a sullen, whining tone."¹¹⁴ The San Francisco Examiner, used an Associated Press account as the Journal had, but it included an explanation of Medina's behavior:

Medina, irked by the dragging process of the ninety-three day old trial, had exchanged remarks with Green, a witness in his own defense since June 16, and finally Green said:¹¹⁵

Medina's language while he was being irked was recounted in the Times:

¹¹² Ibid., June 17, 1949, p. 3.

¹¹³ Milwaukee Journal, Final edition, June 20, 1949, p. 2, and p. 3-M, June 21, 1949.

¹¹⁴ New York Times, June 21, 1949, p. 15.

¹¹⁵ San Francisco Examiner, June 21, 1949, p. 2.

You don't seem to realize that these defendants, including yourself, are in the same position as parties to other litigation. It is essential to the administration of justice that proceedings be conducted in an orderly way.

The amount of disorder and contemptuous behavior I have witnessed here is beyond anything I could have thought possible in an American court. I intend there shall be no more of it.¹¹⁶

So four of the eleven defendants had been jailed by Medina and, on June 24, Porter noted the beneficial effects of the policy:

The jailings have had an "unprecedented" effect on the course of the trial. Yesterday the defendants behaved themselves in court, and no insulting statements were directed by any defense lawyer at the judge.¹¹⁷

About this time the Milwaukee Journal paused in its Sunday edition to take stock. An editorial section article by James Marlow detailed all the Communist trials and told why in a preamble:

The attack on American Communists, past and present, is becoming so widespread that the bewildered public is having trouble keeping track of the trials, committee hearings, investigations and reports. This story lists the main line of anti-Communist action.¹¹⁸

On June 29, the Milwaukee Journal also reported another of the trial's rare bits of genuine humor:

One of the few light moments in Tuesday's testimony came when Illinois Communist Party chairman Gilbert Green recalled that he had engaged in a debate in 1947 at Roosevelt College, with an editor of the Chicago Journal of Commerce.

"The subject was 'Shall the Communist Party of the United States be Outlawed?'" Green said.

"I took the negative," he added seriously.¹¹⁹

¹¹⁶ New York Times, June 21, 1949, p. 15.

¹¹⁷ Ibid., June 24, 1949, p. 5.

¹¹⁸ Milwaukee Journal, Editorial section, June 26, 1949, p. 1.

¹¹⁹ Ibid., June 29, 1949, p. 6-M.

But Green's testimony of peaceful and tranquil aims of the Communist Party was broken by the prosecution, which had done its homework well, and Green was forced to admit he was lying.

A national leader of the Communist Party admitted at the Communist trial yesterday that the party teaches its members how to use the third party movement, in which it supported Henry A. Wallace for President last year, to help it eventually seize power. He admitted it also teaches them how, after seizing power, to destroy American democracy and set up a dictatorship modeled on the "people's democracies" of Eastern Europe to suppress opposition and perpetuate itself in power by terror.¹²⁰

Green's admissions continued under pressure from the prosecution. In the papers of July 5 he was quoted as telling how the American Communists at the Communist International in Moscow in 1935 voted for sending a greeting to Stalin, hailing him as "our leader."¹²¹ And on July 6:

Green admits "he wrote an article in 1934 when he was an official of the Young Communists League. It was read to the jury by United States Attorney John F. X. McGohey.

In it the defendant said, "we must proceed to apply the principles of Lenin in the struggles for winning the majority of the proletarian youth for the revolutionary overthrow of American capitalism and for a Soviet America."

In his direct testimony Green, head of the Illinois Party, denied he ever advocated the violent overthrow of the Government.¹²²

The next defendant on the stand was City Councilman Benjamin Davis, and under defense tutelage he was allowed to recount how he became a Communist. He said he was mistreated by a Georgia judge when he was defending a Negro Communist, Angelo Herndon of Georgia. Davis said the judge called them "niggers" and "darkies" and threatened to jail him, the

¹²⁰ New York Times, July 1, 1949, p. 4.

¹²¹ Milwaukee Journal, July 5, 1949, p. 14-M.

¹²² San Francisco Examiner, July 6, 1949, p. 9.

attorney, as well as his client. Davis said he read the Communist literature to prepare Herndon's defense and that the books and philosophy "made sense to him."

Judge Medina, in his unwitting 1949 bias, treated Davis much in the same way the unnamed Georgia judge had:

Sitting in the witness chair, Davis frequently thumped the table in front of him with his hand to emphasize the points in his testimony. He did this once too often when Judge Medina, ruling out a defense exhibit said:

"After all the question here is not the rights of the Negro people--."

"But it is," interrupted Davis, thumping the table.

"Now Mr. Davis," warned the judge in a mild voice, shaking his finger half-playfully, "be a good boy."

"I don't want to be a good boy!," replied Davis curtly.

"Well, you'll talk yourself right into jail in a minute or two if you don't stop," said the judge.¹²³

With post-1960s perspective, it is easy to see that Judge Medina would not have gotten out that line in a trial in 1973, and it is only speculative to try to gauge its effect on the defendant, an attorney, a Negro and a member of a party that preached, however falsely, the equality of the races.

Russell Porter, in the same Times story, however, gave his view of the trial's progress:

All three defendants who have taken the stand have shown a tendency to deny and admit the Government's charges in almost the same breath, partly because of special meanings they seem to attach to words like "democracy," "majority," "elect," and "decide."¹²⁴

¹²³ New York Times, July 12, 1949, p. 4.

¹²⁴ Ibid.

The Times also placed the story on a page containing the Coplon trial story in the next column and, in the last column, a story headlined "Free Speech Is Allowed Traitors." The last mentioned story was coverage of New York's Lieutenant Governor Joe E. Hanley's talk before the United Spanish War Veterans. A sample quotation will yield the import of the speech:

Patriotism of peace is just as important as patriotism of war.

No one has a better right to say how the nation should be run in peacetime than the men who fought for it in wartime."¹²⁵

The prosecution caught Davis in lies also, though:

NEW YORK, July 12-(AP)-City Councilman Benjamin J. Davis Jr., Communist conspiracy trial defendant, admitted today information in his auto license application and voting registration was false.

The admissions were made under cross examination by United States Attorney John F. X. McGohey.

Before the cross-examination began, Davis emphatically denied the American Communist Party or its leadership even advocated the violent overthrow of the United States Government by force and violence!¹²⁶

With that example indicating that the 1949 copy editors of the San Francisco Examiner couldn't recognize a non sequitur when they saw one, no comment on their objectivity is possible.

The next three witnesses for the defense were not defendants, but party workers. The first was Miss Fanny Hartman of Boston, who, according to the Associated Press in the Journal, was "a woman official of the Communist Party," "a plump woman with glasses," and a "gray-haired graduate of Smith College."¹²⁷ She had been called to refute Philbrick's testimony,

¹²⁵Ibid. ¹²⁶San Francisco Examiner, July 13, 1949, p. 11.

¹²⁷Milwaukee Journal, July 14, 1949, p. 6-L.

since he had done his undercover work in Boston. The prosecution was too much for her, just as it had been for Gates and Green:

After denying that violent revolution had ever been taught in these schools, she was confronted with, forced to read to the jury, and made to admit that she has taught the following conclusion from "Foundations of Leninism" by Premier Joseph Stalin of the Soviet Union:

"The dictatorship of the proletariat cannot rise as a result of the peaceful bourgeois society and of bourgeois democracy; it can arise only as a result of the smashing of the bourgeois army; the bourgeois bureaucratic machine; the bourgeois police."¹²⁸

Porter's admiration of the relentless McGohey shows in his verb sequence "confronted with," "forced to read" and "made to admit," but in this case it qualifies as good writing rather than bias.

The ancestry of the next two defense witnesses amused the reporters. Daniel Boone Schirmer was described in the Journal (Associated Press) as a "self-described descendant of Daniel Boone," and when "Blueblood" Francis Hood of Roxbury, Massachusetts, took the stand, the Journal headlined the story "Great Names/Fathered Reds."¹²⁹ Porter of the Times described Schirmer thus:

Mr. Schirmer is a tall young man with black hair, a pale face, an intense manner and a tendency to make long pauses and stare into space with the air of a "dedicated" Communist.¹³⁰

If it is true that "dedicated" Communists act like that, the FBI's job in spotting them should have been very simple. The San Francisco Examiner did not cover Mrs. Hood.

¹²⁸ New York Times, July 15, 1949, p. 13.

¹²⁹ Milwaukee Journal, July 21, 1949, p. 8-M.

¹³⁰ New York Times, July 20, 1949, p. 6.

When Herbert J. Phillips, a Communist professor who had recently been fired by the University of Washington came to the stand, his treatment in the newspapers varied amusingly. The New York Times gave him serious coverage, noting that the defense was "sarcastic" and "contemptuous." The San Francisco Examiner used the Associated Press copy for straight coverage. The Milwaukee Journal edited its Associated Press copy carefully and presented Phillips as a man who used words that were too big for Judge Medina and Gladstein the defense attorney. Judge Medina cut off the professor's testimony because the course he was describing was not taught under the direction of the defendants, "but not," the Associated Press reported, "until the problem of polysyllables arose as Phillips was telling about a class in Marxism-Leninism he taught."¹³¹ "Red Teacher/A Tall Talker/Dismissed as Witness" was the headline the Journal put on the story.

While the next witness Anthony Krcmarek, an Ohio Communist official, was on the stand, Judge Medina was forced to relieve juror George L. Smith because of a persistent foot problem that had caused his absence before. Juror Smith was replaced by Mrs. Jane Schultz. In his testimony Krcmarek tried to refute the testimony of Fred Cummings.

Mrs. Yolanda Hall, the next defense witness was given to making long speeches, and Judge Medina's constant complaints about his stamina and health came to a crisis.

I wish to state for the record that I simply am physically and mentally incapable of going through very much more of this wrangling and arguing¹³²

¹³¹Milwaukee Journal, July 22, 1949, p. 17-M.

¹³²New York Times, July 29, 1949, p. 8.

So he took a ten-minute breather to lie down "after another in hundreds of verbal flareups occurred at the federal court trial of 11 top Communist officials."¹³³ The judge also limited Mrs. Hall's testimony saying:

I think I am from now on going to begin to curtail the expansiveness of this testimony or I'm afraid we'll never get through it.¹³⁴

Medina said he was stopping further defense charges of force and violence against "American democracy." He also took action against the obstreperous defense attorneys and found them in contempt:

"I have heard counsel for the defense here give various excuses, say that they have forgotten or that it was inadvertent and I have warned them again and again," said the judge. "I now say such conduct must be and I find it willfully and deliberately done and contemptuous."¹³⁵

The length of the trial was beginning to wear on everyone, but it took a faulty paragraph from Russell Porter to put it into perspective:

Judge Medina repeatedly charged defense counsel with trying to "wear him down" by their delaying and jumping up-and-down tactics in attacking his rulings. The trial has lasted so long that one juror has been forced out by illness. Yesterday a special recess had to be called because of the slight illness of one of the three remaining alternate jurors.¹³⁶

It was probably the first time in medical history that a foot disease had been caused by court testimony!

Edward J. Chaka, a Cleveland Communist official, was next on the stand and got routine coverage. But the defense attorneys continued to irk Judge Medina, trying to goad him into a reversible error. When Mrs.

¹³³Milwaukee Journal, July 28, 1949, p. 1.

¹³⁴Ibid., July 29, 1949, p. 3-M.

¹³⁵New York Times, August 2, 1949, p. 2.

¹³⁶Ibid.

Geraldynes Lightfoot, next witness, was on the stand, he took action against one of the defense lawyers. It started when Judge Medina became displeased by Mrs. Lightfoot's testimony:

A few minutes later the judge turned toward the witness and lifted his finger in an admonitory gesture, telling her to "stop the circumlocution." In answering another question, Mr. Gladstein jumped up again.

"I object to the court pointing his finger at the witness in an intimidating way," he shouted.

"Mr. Gladstein you are perfectly wonderful, the way you make things up," replied the judge, beginning in a half-jocular manner, but then becoming serious. "I raised my finger, but the rest of it is sheer-imagination--but done deliberately.

"I know what you are up to. You and your colleagues have again and again made positively false statements in the record for the purpose of making me appear to be biased and prejudiced. I am not going to sit by silently and have you do that."¹³⁷

Gladstein continued to object and would not sit down. Medina called a marshal to sit him down, but before the marshal could complete the action, Gladstein sat down.

The next day, Judge Medina, amid even more arguments with defense counsel, gave voice to his objections:

It is the most extraordinary thing that lawyers for defendants in a criminal case and their witnesses shall persistently and deliberately decide what questions they will answer and what questions they won't, and then, further have the effrontery--at least one of them did--to say that was the traditional policy of workers and labor. I am pretty sure that statement is resented by a good many working people in the United States.¹³⁸

¹³⁷ Ibid., August 1949, p. 1. This page was not counted in the computations but was added to get the New York Times coverage of the situation.

¹³⁸ Ibid., August 5, 1949, p. 8.

The courtroom was in fairly ragged shape. According to the Associated Press lead, as printed in the Journal for August 4, 1949, "United States Marshals roamed the federal courtroom Wednesday to shut off floods of oratory at the Communist conspiracy trial."¹³⁹ Medina was cracking down, but neither he nor the prosecution was prepared for the frankness of the next witness.

Robert G. Thompson, New York State chairman of the Communist Party and a defendant in the conspiracy trial was next. Thompson was a veteran. He had fought with the International Brigade on the Republican side in the Spanish War and had been awarded the Distinguished Service Cross for heroism in action in New Guinea. The first day he was rebuked by the judge and prosecution for saying that General Douglas MacArthur "was not a liberal man."

The next day, in August 12, 1949 stories, he told the judge how it was:

The ruling class is very smart to give up its control of industry, capital and political power in this country, and is very apt to meet every move of the workers and the people with violence, so that no people's front or working class-led government could just take over ready-made the various phases of state apparatus that are corroded with fascist-minded and in many instances lynch-minded elements.¹⁴⁰

The Milwaukee Journal published the statement in about the same wording as the New York Times. The San Francisco Examiner ran no story that day, nor any day until August 25.

In the August 12 story, however, Judge Medina cleared up some of his ideas about how it would be "after the revolution." He asked Thompson:

¹³⁹ Milwaukee Journal, August 4, 1949, p. 37-M.

¹⁴⁰ New York Times, August 12, 1949, p. 8.

"Would they (the workers' government) let Senators and Representatives in the opposition argue against them in Congress?" asked Judge Medina.

"That is a speculative question," said the witness.

"It might not be so easy to do these things without just cutting down people who opposed them. Do they contemplate doing that?"

"Well, our Communists never considered that Senators are necessarily the most important figures in effecting social development."

"They could be waved aside?"

"The important thing is such a government could never come into power and could never remain in power without the most energetic support of the overwhelming majority of the American people."¹⁴¹

Such talk could hardly be comforting to an American jury, but the defense witnesses continued in this vein. The next, Howard Johnson, New York State Educational Director for the Communist Party testified that the revolution wouldn't "necessarily" be peaceful. He was followed by Joseph Starobin, the Daily Worker correspondent to the United Nations. He admitted using material from the Kislars in his reports. That brought up Abner W. Berry, the Harlem editor of the Sunday Worker. He was viewed as a help to the prosecution:

A defense witness yesterday, replying to questions from the bench, strengthened the Government's case with two statements.

1. That America is not an exception to the Marxist "law" that capitalism must give way to socialism through revolution and that a peaceful evolution is impossible.

2. That when Communists talk about "democracy" in the form

¹⁴¹Ibid.

of a "majority" decision or when and how socialism shall be brought about, they do not mean a decision by the ballot, but by "unidentified groups" of people whom the Communists consider "good people who want good things."¹⁴²

That was just what the government said the Communists were doing!

Then, with the trial in its thirty-second week, the Communists played what they thought was a trump card. Through the offices of "actress and singer" Carol Nathanson, they had managed to compromise juror Russell Janney, author of "Miracle of the Bells" and a theatrical producer. She had engaged Janney in conversations about the trial, in spite of the admonition from the judge that jurors not talk about anything happening in the court, even to their immediate families.

Miss Nathanson quoted Janney in several prejudicial statements:

How can you believe anything (the defendants) say on the witness stand--you don't know when they're lying and when they're telling the truth.

If anyone ever mentions Marxism-Leninism to me again I'll crown him. I don't know what the exact opposite is, but whatever it is, I'm for it.

Why don't they get out of here and go live in Russia?¹⁴³

This was the first incident in the trial since August 10 to attract the attention of the Examiner editors enough for them to run a story on it.

The Nathanson incident was used by the Communists, even though the attorneys denied staging it, to try for a mistrial. Judge Medina refused to grant a mistrial and also refused to dismiss Janney as a juror. The trial, which had cost the government over a million dollars to this point, couldn't be sacrificed.

¹⁴²Ibid., August 23, 1949, p. 18.

¹⁴³San Francisco Examiner, August 25, 1949, p. 8.

Now that the Communists were admitting what they were about in the United States, the New York Times placement of the story took a strange turn. In the August 26 paper, when the mistrial was denied and the Communists were accused of jury tampering, the trial story was on page one of the Times. In the armpit of that story was a story of a speech by President Truman. On page eleven, the jump of the trial story was under a three-column picture of President Truman welcoming American Legion girls to Washington. In the August 30 edition of the Times, when Max Weiss, the former editor of "Political Affairs", the party's theoretical organ, was on the stand, the trial story was wrapped around a four-column picture of G.A.R. members in wheelchairs gathering in Indiana for the eighty-third annual encampment. The placement didn't look like an accident; the contrast was devastating.

Weiss' testimony was as frank as the other Communists' had been and a pattern was seen to be emerging:

The (Max) Weiss testimony, given as the trial entered on its thirty-third week, marked the completion of a shift of ground by the defense. At first defense witnesses insisted that nothing but "peaceful" revolution was taught and advocated, but United States Attorney John F. X. McGohey made them admit they used Marxist-Leninist textbooks on the "inevitability" of force and violence and the "impossibility" of peaceful means in the achievement of socialism.

Since then the defense has been moving toward the position that it does not teach that the overthrow of the government would necessarily be violent. On the contrary, it says, it holds that the use of force and violence is not "inevitable" until "after" the party takes power.¹¹⁴

Early in September the crowd attending a concert to be given by Paul Robeson in Peekskill, New York, was attacked by a mob. Defendant Irving Potash was in the crowd and was injured so the trial was delayed for a day.

¹¹⁴New York Times, August 30, 1949, p. 11.

On the day the story of the delay was published in the New York Times, a nearby story reported that Newman Levy, a New York criminal lawyer, had urged the American Bar Association to disbar the attorneys defending the Communists.

On September 8, the defendant Carl Winter took the stand and his performance was characterized in the New York Times as that of an "evasive fencer."¹⁴⁵ He was a little too evasive for Judge Medina and on September 12 received a 30-day sentence for contempt for refusing to answer questions. The same day that it reported the contempt story (September 13), the Times reported that a group of ministers had condemned the trial, but had refused to approve a press release saying that they condemned it.

On September 15, McGohey's "quiet but unrelenting cross-examination" caused Winter some trouble:

Mr. McGohey got the witness so badly tangled up over his use of names that at one point the whole courtroom, even the other defendants, burst into laughter.¹⁴⁶

The New York Times reported on September 20 that William Z. Foster's deposition was read in court. It contained the usual colorful red rhetoric:

The Red flag is the flag of the revolutionary class and we are part of the revolutionary class. All capitalistic flags are flags of the capitalist class and we owe no allegiance to them.

The workers of this country and every country have only one flag and that is the Red flag.¹⁴⁷

The September 20 story in the Milwaukee Journal was the story of the defense

¹⁴⁵Ibid., September 9, 1949, p. 15. ¹⁴⁶Ibid., September 16, 1949, p. 14.

¹⁴⁷Ibid., September 20, 1949, p. 16.

attempt to call Paul Robeson as a witness:

NEW YORK, N.Y. (AP)--Singer Paul Robeson testified for 20 minutes Tuesday in the Communist conspiracy trial.

But about all he got to say was that he knew all the defendants--and that he once studied law at Columbia University under Federal Judge Harold R. Medina, who is presiding at the trial.

The Government objected to virtually everything else the Negro baritone was asked, and Medina upheld the objections.

A climax came when defense counsel, George W. Crockett, jr., also a Negro, inquired of Robeson:

"I think you shared a platform once with President Roosevelt?"

"Objection," said United States Atty. John F. X. McGohey.

"Sustained," said Medina.

The judge added that Crockett seemed to be trying to establish facts even though the questions were being ruled out.

Whether Robeson did or didn't share a platform with the late president, Medina said, had nothing to do with the case.

Crockett said that in view of the rulings he found it impossible to get the testimony he wanted from Robeson.

"I don't think you should have called him," Medina commented.

Robeson left the stand a few minutes later after McGohey said he didn't wish to cross-examine. ¹⁴⁸

Defendant Henry Winston, the organizational director for the party, was the last on the stand for the defense. When Winston began to give his views on lynching, racial prejudice and wars in China and Spain, Medina ruled out his testimony. Later, when defense attorney Harry Sacher was trying to exonerate Winston by proving he was not in the country at the time of the formation of the party, he made a serious error. The attorney

¹⁴⁸ Milwaukee Journal, September 20, 1949, p. 8-M.

introduced Winston's service record to prove his point and on the record United States Attorney John F. X. McGohey found the information that Winston had returned to the United States on June 23, 1945, before the charged conspiracy, not after.¹⁴⁹

After that both sides rested and Medina dismissed the jury until October 4. He then called for defense motions on September 28. On that day Medina rejected all the defense motions for a mistrial and for quashing the government's charges. The issues were tense and on the subject of secrecy, which the Communists insisted was their right, Sacher and McGohey clashed:

Mr. (Harry) Sacher then began his attack on Mr. (John F. X.) McGohey.

"The early Christians used false names," said the defense lawyer, his voice rising. "They met in secret. They did so many things more than this evidence disclosed that if Mr. McGohey were a contemporary of Jesus he would have had Jesus in the dock."

At this point Mr. Sacher was shouting in an angry voice. The short, stocky black-haired defense lawyer paused with a melodramatic gesture and looked at the tall, slender, gray-haired prosecutor.

The quiet and mild-mannered Mr. McGohey shook his head with a surprised air, but in a moment recovered himself.

Addressing the Court, he said in a loud voice: "Your honor, I resent that."

"I don't blame you," said Judge Medina sternly.¹⁵⁰

It is easy to see that Reporter Porter for the Times is more on the side of the "tall, slender" prosecutor than he is on the side of the "short, stocky"

¹⁴⁹New York Times, September 23, 1949, p. 14.

¹⁵⁰Ibid., September 30, 1949, p. 21.

defense attorney in that exchange. The other papers didn't report the exchange.

The defense attorneys began summing up on October 10, and the speeches were reported in the papers October 11. They were a good show, according to the Times story:

The jury was treated yesterday to a display of old-fashioned oratorical intonations and gestures by Mr. Sacher and Richard Gladstein, attorney for Robert Thompson, the party's New York State chairman, and Gus Hall, the Ohio chairman. They let their voices rise and fall, threw their arms around, approached the jury box with confidential whispers, and drew back to their counsel table to let out roars of indignation.¹⁵¹

Again Harry Sacher got the most coverage. His sum-up had elements that outdistanced the other attorneys' talks and he got good coverage in the Times, better than the others. Sacher's words also garnered more of the Milwaukee Journal's space. The prosecutor's sum-up got good coverage in the Times, but wasn't mentioned in the Journal. The San Francisco Examiner carried none of the sum-up speeches. Sacher made charges and predictions that proved to be fairly accurate, even if not for the reasons he assigned to them:

"That (the prosecution) came from the Great White Father in Washington," Mr. Sacher asserted.

He then said it was significant that the defendants were indicted on July 20, 1948, two days before the opening of the Progressive Party convention in Philadelphia, which nominated Henry A. Wallace for the presidency with Communist support.

Sacher pointed out the Communists had backed Herbert H. Lehman for the Senate in 1946 and the Government had already then the reports of Herbert A. Philbrick, Boston advertising man, and Miss Angela Calomaris, New York photographer.

¹⁵¹Ibid., October 11, 1949, p. 18.

"There was no prosecution in 1946 or 1947," he went on. "But in 1948, when the Communist party announced that candidates of the Democratic party no longer deserved the support of progressive forces in the United States and the charge was made in the election campaign that the Democratic party was being supported by the Communists, it became necessary.

"On the one hand, it was punishment for defection and on the other hand a willingness to endanger the civil liberties of our country in the interests of a political candidacy.

"Then, when the election purpose was served, the prosecution took on another meaning and became an instrument in the 'Cold War', in which they relied on a monopoly of the atom bomb which no longer exists."¹⁵²

In the Milwaukee Journal:

Sacher told the jurors that they held the life of the Communist Party and other minorities in their hands and declared: "You 12 will say whether a minority party in the United States will live or die. You will affect the rights of the American people in the literal sense of the word when you have killed a political party."¹⁵³

The last paragraph is interesting in that Sacher's choice of tenses "when you have killed," if reported accurately, shows he has no hope the jury will find any other way than against his clients.

Judge Harold Medina charged the jury on October 13; stories appeared on that day in the Milwaukee Journal's Final edition and in the San Francisco Examiner and the New York Times on October 14. The Associated Press stories in the Journal and Examiner were short and gave very little of the content of Medina's charge. The Examiner story was 14.75 inches long and contained 17 lines of quotes from the charge; the Journal's account was 7.75 inches long and referred to Medina's charge, but gave none of the content. The New York Times, in its usual "all the news" tradition, devoted 81 inches of space to

¹⁵² Ibid. ¹⁵³ Milwaukee Journal, October 11, 1949, p. 10-M.

the charge story and gave the content practically verbatim, and also included a characterization of the judge:

The judge read swiftly and in a clear, calm voice with a dispassionate manner. Wearing his black robe, he leaned back in his chair behind the bench and rocked back and forth gently under the American flag and the Great Seal of the United States in the high-ceilinged court room with its black marble wainscoting and walnut-paneled walls.

He said what the case required was "calm, cool deliberate consideration of the evidence."

The jurors should return "a just and true verdict, no matter whom it hurts," he added.¹⁵⁴

The jurors got the case at 3:55 P.M. Thursday. They deliberated for seven hours and returned a verdict of guilty on all counts for all defendants.

All three papers gave the conviction story the top spot on page one, but the San Francisco Examiner's treatment was the most spectacular. After virtually ignoring the story, leaving one- and two-week gaps in their coverage, publishing little of the defense testimony and none of the summing up speeches, the Examiner devoted 67.75 inches to the conviction story. It began in the prime page one spot and jumped to page two. All of page two was given to the jump and related stories and huge pictures of all the participants. There was a five-by-six-and-three-quarter-inch picture of the eleven convicted Communists being filmed for the newsreels, a three-by-nine-and-one-quarter-inch cut of the jurors leaving the courthouse and a four-by-six-and-one-quarter-inch shot of the five attorneys who had been convicted of contempt of court. The sudden interest the Examiner

¹⁵⁴ New York Times, October 14, 1949, p. 1.

editors gave the story was all the more impressive after their lackadaisical coverage of the story since the government case was closed.

The presentation of the defense case seemed to strain the tolerance of the newspapers' editors to the utmost. Much of it was an attack on the ills of America, and the part of foreign policy that most Americans don't like to admit i.e. the support of some frankly right-wing dictatorial regimes in order to assure that communism wouldn't spread. Those words distressed the court so much that Judge Medina was moved to rule out further testimony on those subjects.

The "guilt by association" placement referred to above, assumed a character in the New York Times during the period that defies characterizing it as accidental. In the beginning, the trial story was paired with Coplon and Hiss and other Communist-related trial stories. Then all the anti-Communist state and local stories were placed around it. Suddenly, however, the Grand Army of the Republic, President Truman smiling his way through a bevy of American Legion beauties, coverage of the American Legion convention in Washington and then at the end, crime stories of the sort in which a father admits slaying his three children and other such horrors. The comparison and contrast was at all times too great to be accidental and added up to a very effective and very nearly subliminal form of biasing the reader on the part of the Times. Considering the coverage as a whole and noting what stories surrounded the trial story was the only way the pattern could be discerned, but the effect on a reader, and even on a researcher, was quite acute.

The coverage also varied more widely on the defense case than it

had on the other portions of the trial. The story had, of course, been running a long time. The Milwaukee Journal had a gruesome local murder running almost concurrently with the trial, a murder case in which the Journal took so much interest that it ran page after page of verbatim testimony at the height of the murder trial. The San Francisco Examiner had the Tokyo Rose trial in its city and gave that trial much attention, but the consistent pattern of ignoring almost all of the defense testimony and concentrating on the acerbic clashes in court showed definite bias on the part of the editors of the Examiner.

A sample of forty-two of the ninety-five stories run by the New York Times during the presentation of the defense case reveals that the exhaustive space available to Times reporters resulted in complete coverage, but not necessarily unbiased coverage. In the 1,297.5 inches of copy in the Times sample, reporter Russell Porter became almost the voice of the prosecution. The recapping of the charges was a definite element in the Times, which devoted 125.5 inches to the facts of the charge. Included in that total was 22.5 inches devoted to telling what the prosecution had "proved" against the defendants. Not included, but noted were many instances in which Porter reran testimony from the anti-Communist Louis Budenz to refute the Communist defendants' efforts to refute the testimony. This ranks as good coverage, but Porter reran the testimony at unrelated intervals, seemingly to remind the readers how guilty the defendants really were.

The Milwaukee Journal's fifty-eight stories filled 558 inches of space and, in contrast to the Times, devoted only 18 inches of that total to recapping the charges. The San Francisco Examiner ran twenty-eight

stories at unpredictable intervals during the period and filled only 298.75 inches with trial copy. The Examiner's efforts at recapping the charges filled 15 inches.

The testimony of the witnesses for the defense showed great contrast, too. The Times' 362.25 inches (in the sample) topped the bill as expected. The Journal edited the Associated Press copy fairly tightly, but still ran 202.25 inches of defense testimony. The San Francisco Examiner had available the same Associated Press copy and used it to the exclusion of almost everything else, but in concentrating on the clashes, the Examiner presented only 59.25 inches of copy on the defense testimony. This contrasts to 113 inches of prosecution testimony printed in the Examiner even though the defense presentation lasted over twice as long and more than twice the number of witnesses were on the stand.

Judge Medina continued to get special coverage in the Times, garnering 274.25 column inches to the defense attorneys' 108.75. The defense attorneys got scant attention from the Journal and Examiner editors, getting only 6.75 and 8.5 column inches respectively. Judge Medina was given almost identical space in the two non-New York papers, despite the fact that the Journal ran more than twice the number of stories, Judge Medina got 39.75 inches in the Journal and 37.5 inches in the Examiner.

The Times sample included about half again as much space for the prosecutors as was given to the defense attorneys, even though the defense testimony was being given. The prosecutors got 162.5 inches and the defense attorneys, as noted, only 108.75. The prosecutors got less than ten inches in the Journal (6.75), but they received 13 inches in the Examiner.

The editors of the Journal, by design or oversight, made the story of the conspiracy trial very difficult to find on many occasions. Four times during the defense period, the trial story was run in the Journal's Local section, supposedly devoted to stories of metropolitan Milwaukee. On one of these occasions, the placement was in a half column at the head of the first classified page. It seemed as if the editors were hiding the story, but the effect was probably due to the time the copy reached the Journal. It may be to the Journal editors' credit that they squeezed the story into the papers regularly, whenever it came in, but in a nine-month trial a certain regularity of coverage could be expected, so that credit is probably not due them.

CHAPTER IV

A QUANTITATIVE LOOK AT THE COVERAGE

Analyzing the ordered chaos that goes into coverage of a story by a newspaper can often reveal patterns that are merely suspected in reading the stories that make up that coverage. The measured and line-counted figures appearing at the end of each of the descriptive chapters above reveal such a pattern, when taken in totals and converted to percentages.

TABLE 1

TOTAL SPACE DEVOTED TO STORY ELEMENTS BY THREE NEWSPAPERS

Element of Story	Newspapers		
	N.Y. Times	S.F. Examiner	Milwaukee Journal
Recap of Charges	11.00%	6.75%	6.00%
Prosecution	15.50	9.50	2.50
Defense	3.00	11.50	0.60
Defense Attorneys	9.25	12.75	5.40
Prosecution Testimony	12.00	23.50	45.00
Defense Testimony	18.25	12.50	26.50
Defendants	3.75	5.75	4.75
Judge	27.50	17.75	9.25

From the table, it can be determined that the New York Times devoted the most space to the words of Judge Medina, while the San Francisco Examiner and the Milwaukee Journal put their main emphasis on the prosecution testimony. The Journal gave only about half the space to defense testimony as it did to prosecution witnesses, but its share of the total Journal coverage was still more than the other two newspapers. The Examiner, using the same Associated Press copy as the Journal, ran only about half as many stories and exhibits the same two to one ratio between space devoted to prosecution testimony and defense testimony. The Times devoted about a third more space to the defense testimony as to the prosecution, which could be expected, since the defense took more than twice the time to present as the prosecution.

The difference in editing between the Examiner and the Journal shows in the table also. The defense category (references to defense strategy with no attribution to specific attorneys) shows that it is a major category in the Examiner, but edited almost entirely out of the Journal. References to the prosecution were also edited heavily by the Journal staff. References to the defendants in non-witness roles show about the same strength across the board.

If the data are broken down into the three main periods of the trial for a time-set, the development of interest in the various elements can be observed. The thinking of the reporters and the editors as they viewed the trial shows up clearly. The change in emphasis during the trial also can be ascertained. Defendants and testimony were not considered in the pre-trial challenge since the defendants did not take the stand and the testimony had no direct bearing on the innocence or guilt of the defendants.

TABLE 2
SPACE ALLOCATION IN THE NEW YORK TIMES DURING THE TRIAL

Trial Element	Pre-Trial Challenge	Government Presentation	Defense Presentation
Recap	15.00%	8.20%	11.50%
Prosecution	14.75	17.20	14.50
Defense	10.25	0.20	2.00
Defense Attorneys	13.50	6.15	9.50
Defendants	-	5.75	3.50
Testimony	-	41.75	34.00
Judge	46.50	20.75	25.00

It can be seen in the table that while the New York Times gave a good amount of space to the testimony in both the government's case and the defense case, very much space was also given to the judge and to the prosecution and relatively little to the defense.

The continuing heavy emphasis on the prosecution's view and the close coverage of the judge biased the story in the favor of the government. The influence of this bias was even felt by the researcher, who in spite of an effort to remain neutral found himself taking sides, but only in the Times, not in the other newspapers.

The San Francisco Examiner exhibited a different pattern of interest in its coverage of the trial. The technique mentioned above of leaving out stories which didn't match the Examiner philosophy was one method of

biasing, but the coverage which was published shows a fairly ordinary pattern.

TABLE 3

SPACE ALLOCATION IN THE SAN FRANCISCO EXAMINER COVERAGE

Trial Element	Pre-Trial Challenge	Government Presentation	Defense Presentation
Recap	6.00%	4.00%	9.80%
Prosecution	9.00	11.10	8.50
Defense	29.00	2.50	8.00
Defense Attorneys	25.00	9.50	5.50
Defendants	-	0.90	5.00
Testimony	-	61.00	38.70
Judge	31.00	11.00	24.50

The Examiner, the table shows, gave the judge a most generous share of attention in the pre-trial and continued to give him some attention, but devoted the most space in the trial proper to prosecution and defense testimony. The defense attorneys got a lot of attention in the challenge, but in the trial proper the prosecutor received more space.

The Milwaukee Journal showed yet another pattern of interest, despite the fact that its editors were using the Associated Press copy used by the Examiner editors. Differences in editing show up clearly in a comparison of the tables.

TABLE 4
SPACE ALLOCATION IN THE MILWAUKEE JOURNAL COVERAGE

Trial Element	Pre-Trial Challenge	Government Presentation	Defense Presentation
Recap	10.40%	5.60%	6.25%
Prosecution	4.70	1.90	3.00
Defense	3.70	0.50	0.25
Defense Attorneys	37.70	3.60	2.50
Defendants	-	0.40	4.50
Testimony	-	82.00	70.00
Judge	43.50	6.00	13.50

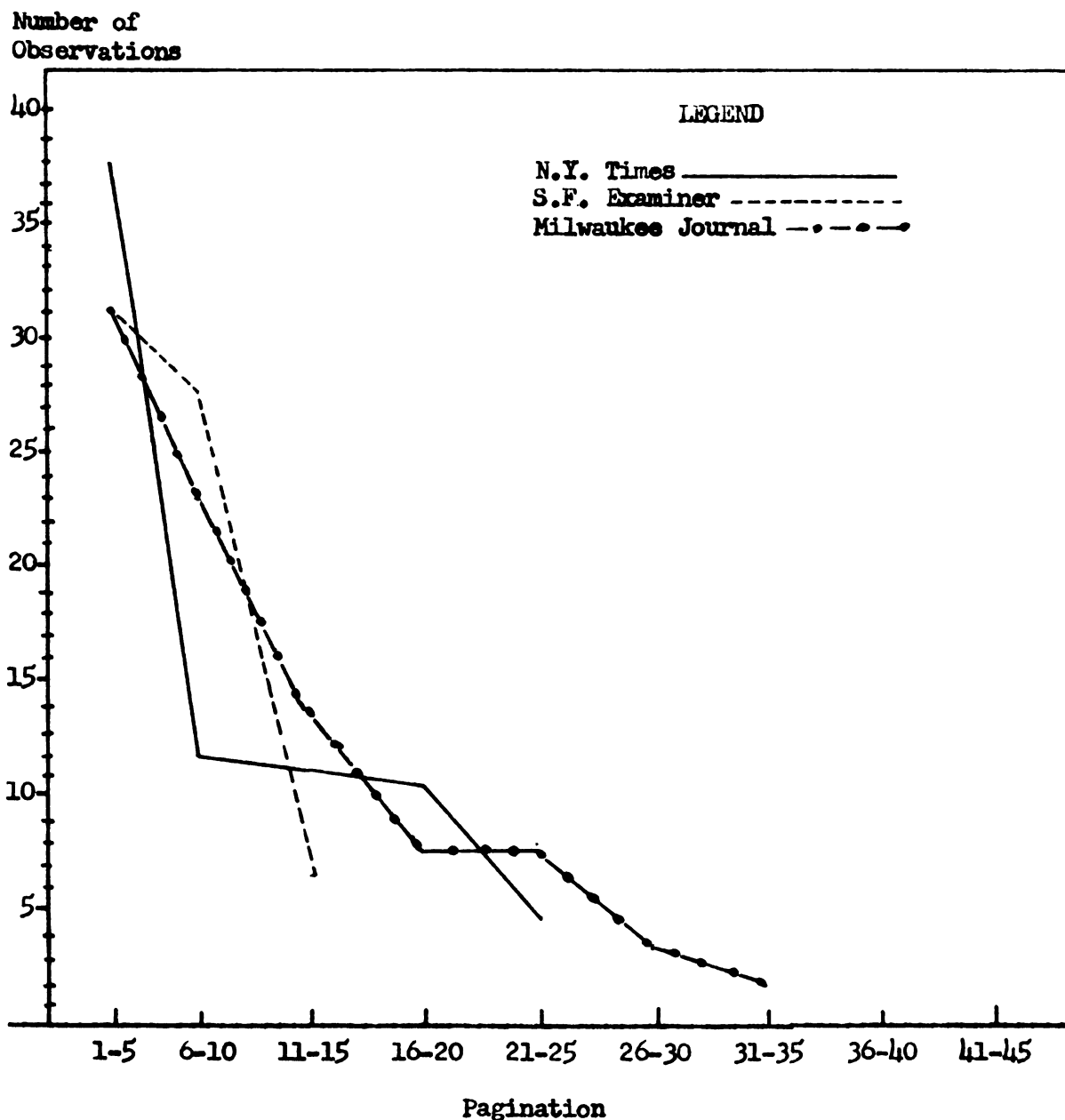
The judge and the defense attorneys got the attention of the Journal's editors in the pre-trial challenge, but after that, the overwhelming amount of Journal space was devoted to the testimony, more to the exclusion of the other elements than in the other newspapers.

The attention given to the judge dropped precipitously after the initial clashes with the defense attorneys. The prosecution and defense attorneys show a similar decline in the interest of the reporters and editors. The defendants, almost ignored during the government's case, got a respectable amount of space during the defense presentation.

On the theory that important news should be kept in the forefront, i.e. the front, hard news section of the newspapers, a check was made of the pages in which the trial story appeared over the nine-month duration of the litigation.

FIGURE 1

PAGE DISTRIBUTION OF TRIAL STORIES IN THE NEWSPAPERS



The graph shows that all three newspapers made a good effort to keep the story of the conspiracy trial among the news in the hard news sections. The Milwaukee Journal editors let the story wander through its pages more than

the other papers' staffs. The graph also does not show the twenty-four times the Journal put the story on pages one and two of its Final edition. The Final edition had only two pages for news and treated the trial story in a sensational manner. On one occasion the headline consumed much more space than the story. It was a full 8-column headline of 84-point type with a 36-point drop head of three lines for a six-inch story. Also not included in the graph are the five instances the Journal relegated the story to the Local section, behind the Main section, the Editorial section, the Women's section and the Sports section. Probably, however, if the Journal editors had not had the option of inserting late-breaking stories in the Final edition, often repeating them on inside pages of the Main section the next day, the Journal's "hard news" record would have been more impressive. The San Francisco Examiner, which seems to have done an excellent job of keeping the story "up front," ran such small editions in 1949 that the editors had little other choice about where to put the trial story. The pages were scarce, small and heavy with advertising, leaving little room for news.

Whenever bias is discussed, the obverse concept, objectivity or fairness, must be dealt with at some point. A defense of objectivity or fairness or a decision of whether it exists or should exist is beyond the scope of this study. The writer is not a believer in the existence of objectivity as a fact, but rather regards it as a cherished goal. The sad fact is that the most delightful writing possible is a jaundiced piece of invective which exactly matches the ideas of the reader: H. L. Menken's description of William Jennings Bryan for an anti-fundamentalist, for

instance. It is possible, however, to expect copy from reporters which should be acceptable to all the parties in the story. That copy should avoid one excess: the fault of favoritism for one side or the other. The previously mentioned methods of influencing the reader, selective quotation marks, out-of-balance space allocation, pairing with stories of the opposite philosophy, were all forms of biasing the reaction to the story. An analysis of the language used in the stories needs a definition of objectivity to proceed beyond the "you can't do that" arguments of critics. This study will adopt a very safe definition as a standard, for it is the standard that was achieved in the majority of the Associated Press stories about the conspiracy trial encountered in this study. The difference between biased and non-biased statements can be taken as the difference in word choice. The statements "he said," "he shouted," "he whined" and "he shrieked," all contain a slightly different view of the method of statement. Likewise, the statements "who always took notes," "who always took copious notes" and "who always took careful notes" all contain a different view of the action. In the first example, the reporter could observe whether the statement was made in a quiet manner or a noisy manner, but when he characterizes the noise as whines or shrieks, he enters the realm of opinion and leaves the realm of possible objectivity. One man's shriek may be another man's bel canto. The second example contains two observable actions, "who took notes," and "who took copious notes" and one in the realm of opinion, "who took careful notes." Without access to the notes, a reporter couldn't say whether the notes were careful or a mish-mosh of half-realized ideas interspersed with tick-tack-toe games.

The statements tabulated in this study range from the fully orchestrated visions of Philbrick and Medina sitting--with their red, white and blue tie and black judicial robes under the Great Seal of the United States--to the above-mentioned observation "who always takes careful notes." These are clearly favorable statements. The unfavorable statements range from referring to the defendants as "good boys" to "in a sullen, whining tone," to describe a statement by Gilbert Green, a defendant.

The ideal that was achieved in many of the Associated Press stories, then, was the presentation of the trial information, the complete facts, without biased characterizations. This is not, however, to say that all the Associated Press copy achieved this ideal. Many instances contained statements prejudicial to one side or the other, but this is to be expected when the defense attorneys were being as unpleasant as possible to try to goad the judge or the prosecutors into reversible mistakes and to make as much propaganda as possible.

The definition of objectivity for this study is that reporters should describe scenes accurately and use the language which suits the action, but to observe all parties involved in the story with the same view, be it acerbic or chauvinistic. The reporter should be neutral. In reading the story, no reader should be able to determine which side the reporter was on personally. Some delightful examples of neutrality were observed in this study, for instance, the presentation of Professor Herbert Phillips as a man who used too many polysyllabic words for the judge and attorney.

Many of the examples observed in this study and tallied for

presentation here, exceeded the neutrality guidelines. Many excesses, probably, were the result of a view of the Communists which was being established in 1949, which grew to fruition in the 1950s and is still the prevailing view of many in the United States today. Others were beyond the expected statements from courtrooms under the American system of justice. Under the United States system, the prosecutor often assumes the role of the avenger for society and the judge often remains grandly aloof from the courtroom fray, dispensing advice, admonitions and decisions with courtesy and dignity. These are roles played under the canons which make up our legal system. In covering a trial, however, it takes either a very young or a very biased reporter to be taken in by these roles to the extent that he covers the trial from that angle rather than listening to the testimony and recording that for his readers. Defendants are still innocent until proven guilty under the American system. The prosecutor tries to make it appear that the defendants are guilty and the defense attorneys try to make it appear that their clients are being unfairly charged. The judge is supposed to remain the neutral arbiter of the proceedings. In the conspiracy trial the attorneys tried to turn the trial into a shambles and, by and large, they succeeded. The judge took the bait and his words and actions turned the trial into a political trial in which personal references abounded, not so much on the part of the attorneys, according to the reports, but mainly on the part of the judge and prosecutor. The attorneys confined their jibes to the judicial abilities of the judge and prosecutor and refrained from belittling remarks of the more personal sort employed by the government representatives.

The statements tallied in this study were limited to stories which occurred when a witness was on the stand. This was done to afford the maximum chance for personal references, which could go either way. The statements which were clearly about persons in the trial--witnesses, the judge, the prosecution--were tallied in three categories.

This was also designed to test the hypothesis that the relationship between these remarks and their occurrence in all three papers constituted a pattern of bias in the coverage of the trial and that this was expressed in the language chosen by the reporters to describe personages in the trial. The hypothesis was tenable, as is disclosed in Table 5.

TABLE 5

THE RELATIONSHIP BETWEEN REPORTERS' STATEMENTS AND COVERAGE BIAS OF THE TRIAL

Newspaper	Favorable (N = 59)	Neutral (N = 65)	Unfavorable (N = 93)
New York Times	37 % (22)	20 % (13)	55 % (51)
San Francisco Examiner	31 (18)	34 (22)	20 (18)
Milwaukee Journal	32 (19)	46 (30)	25 (24)
Totals	100 %	100 %	100 %

$$\chi^2 = 24.051; P < .001$$

It may be observed from the table that the New York Times accounted for the greatest number of entries in the study. This is accounted for not only by the greater number of stories published by the Times, but also by the space afforded them. The average Times story on the trial was 33.09 inches, while the average lengths in the other two papers were 12.1 inches in the San Francisco Examiner and only 10.5 inches in the Milwaukee Journal. The last two figures are deceptive. The San Francisco Examiner usually edited its stories much tighter than the Milwaukee Journal, even though both were using almost identical Associated Press copy. The Milwaukee Journal, however, often repeated the stories in its Final edition in much truncated form. The frequent Final edition stories lowered the story-length average for the Journal. The Journal published almost twice the number of stories than the Examiner did and they were generally longer.

In the matter of bias, the New York Times again seemed to be in the top position, with a greater number tallied in the favorable and unfavorable "opinion" columns than were tallied in the neutral column. Russell Porter, the trial reporter for the Times, tried to cover the exchanges in the courtroom completely and, in doing so, often ventured into opinion in characterizing the statements made by the attorneys and court officers. His personal allegiance with the prosecution was evident in his copy, but it was a patriotic allegiance of which he was probably unaware in 1949. The United States had just completed a worldwide conflict in 1945 and the patriotism demanded of citizens and newspapers during that war was considerable. The citizens of the United States were united in a war effort that had had no equal in history. The complete mobilization of the army and defense plants

took patriotism beyond what had ever been demanded from a people before. Likewise, newspapers cooperated with the government in holding the release date of stories and accepting without question the communiques of the War Department. Anything that would harm the war effort was avoided without fail. Probably, in 1949, the vestiges of this cooperation were still in force in the newspaper and a patriotic bias would not be noticed by the copy readers or editors. Porter's language was more out of balance than the Associated Press or Hearst reporters, however, and his use of quotes to bias his copy should not have been permitted in any newspaper copy that claimed to be unbiased. It was probably this same unquestioning feeling that the government was right that led to the pattern of bias shown in Table 5.

CHAPTER V

CONCLUSIONS

It is easy to see now the conspiracy trial against the eleven Communist leaders could be regarded as a political trial. The Communists were being tried for criminal activity in the political area. The law under which they were being tried was a wartime measure, which had never been tested in the Supreme Court. The judge, although not known as a right wing politician, had gained a measure of notoriety in his career by defending successfully the appeal of a convicted pro-Nazi traitor. The prosecutor, McGohey, wore an American Legion emblem in his buttonhole during the trial, a direct link with one of the more vociferous groups demanding the outlawing of the Communist Party at the time. Probably the main reason that it could be called a political trial, though, is the era in which it occurred. Following the death of Franklin Roosevelt the extremists whipped up public doubt that he had acted with his full faculties at the Yalta conference, but had been duped by the Communists and had "sold out" the United States. Amid the sniping of his critics, Roosevelt's unprepared successor could see no other path to maintain his leadership. The world was tense and the revolutions were nearing the pandemic stage when Truman formulated his hard line against the Soviet Union. His role in that period is just now being assessed by historians, relieved of the obligatory adulation accorded presidents.

The goodness conferred by death is especially obnoxious, it seems to me, in the case of public men, our Presidents, our governors,

our mayors. Although history has a way of catching up with these personages, most often years later, the immediate history, as embodied in obituary comments, portrays them as great and good public servants. Harry S. Truman died in the odor of sanctity, yet he was one of the willing architects of a malefic foreign policy that brought death to thousands in Korea and that involved us in a fruitless cold war. A narrow man who privately considered Franklin D. Roosevelt a faker, he has nonetheless endured in the popular mind as Good Old Harry who sure did stand up to Uncle Joe and wouldn't take any sass from those slant-eyed gooks in Korea.¹⁵⁵

The issue at hand when the indictment was issued was certainly a presidential election. But the issue when the trial was staged was preparation for war. The two sides in the affray, the United States and Soviet Russia, were "cleaning house" of dissidents and making show trials in much the same manner as medieval armies put enemies to death in repugnant manners to incite combat. The Communists put the prelate of Hungary in the dock and the Americans began a series of trials of Communists that eventually reached across the country. The New York Times Index lists sixteen such trials. The 1949 conspiracy trial was the needed test of the Smith Act and served the government as a prosecution vehicle in the other trials.

Other measures taken in the United States included the loyalty program for federal employees, promulgated by President Truman and soon copied down the line into the smallest bureaucracies. The hearings over the anti-Communist crusade gave avian rights to two fledgling members of Congress, Joseph McCarthy and Richard Nixon. The crusade also vastly affected the cultural life in the United States, not only in the blacklisting of motion picture performers, directors and writers, but also in the calming down of the anti-Nazi protests against performances of Metropolitan Opera star Kirsten

¹⁵⁵ Alden Whitman, "Truth in Death," Newsweek Magazine, March 12, 1973, p. 13.

Flagstad and pianist Wilhelm Backhaus. Probably the most drastic effect it produced, however, was a system of military and industrial priorities which eventually would consume thousands of American lives and a major portion of their output in work, money and goods.

But the trials of 1949 were the beginning of all that followed. If the conspiracy trial was not a political trial, it was not because the defense attorneys were not trying to make it one. Their antics and the ridiculous ploys, such as challenging the New York jury system in an effort to get the indictment vacated. The "rich man's club" idea smacks of a paranoia that probably existed in any such anti-Establishment group such as the Communist Party of the United States of America. How else could they explain their lack of success in litigation and at the polls?

The attempt to compromise the jury was probably the most successful action by the Communists, if they engendered it. In almost any other trial the effort probably would have been effective in causing a mistrial, but the government had so much invested in time, effort and money that a mistrial would have damaged the anti-Communist movement drastically. The judge simply couldn't afford to let that happen and he denied the attempt. In doing so he set the trial up for charges of politically engendered unfairness.

Although the outcome of the trial wasn't as sure as the Communists thought it was, they acted as if the decision would go against them and thus showed utmost contempt for the proceedings. Even at their sentencing and afterward, they continued to show their contempt. When Robert G. Thompson was rewarded for his war record by having a year cut from his sentence, he railed against the judge for thus prejudicing him with his fellow Communists.

After the final upholding of the sentences by the Supreme Court, Gus Hall and Gilbert Green failed to report for their imprisonment, thus showing contempt for the proceedings.

Probably the most distressing finding in this study was the performance of the newspapers. The San Francisco Examiner could have been expected to be in line with any anti-Communist hysteria, but for the other two newspapers to raise no questions and to reflect the government view right through the heavy moves against dissidents until there was a real danger that an alternate form of government might be established in the United States was disappointing. A view from 1956 spells out the danger:

. . . Not only do Europeans read far more extensively and study far more intensively the classic doctrines of Communism than do their opposite numbers in our country, but they are and always have been far closer to the actual practices of Communist governments and large Communist parties than we have been.

In fact, precisely what multiplies the anxieties of Europeans when they contemplate present trends in our domestic and foreign policies is their own painfully vivid experience of the last few decades. They remember that whenever a government of marked power began to make the theme of anti-Communism more and more the central focus of all its policies, when repressive measures against the left began to pile up one after the other, when laws to restrict, to censor, and then to penalize with jail sentence began to multiply, when the activity and influence of secret police and military began to increase sharply, when the public institutions--education, the arts, science, trade unions, bar associations, the churches, press, radio, screen and the like--began more and more to accept and act upon the idea that they must get rid of the radicals and purge themselves of any taint of leftism, when the government began to construct large concentration centers where these thought politically dangerous could be held in an "emergency" (many American citizens do not seem to realize that a program of such construction has been authorized by the federal government), when things of this kind began to happen in increasing volume Europeans saw, time and time again, that the country in question became saddled with an outright fascist or nazi regime, whether the people of the country had intended such a result or not.

This was the story of Fascist Italy and Nazi Germany. "You

must tolerate us," said such regimes to their peoples. "Nay, you must welcome us, because we are going to free you from the Communist menace. Harsh measures will of course be necessary, but are we not agreed that the menace must be completely stamped out?" Apparently, the people of those countries reached a point where they agreed, or at least where they were afraid to say that they did not agree. And they paid a price which neither they nor their immediate neighbors are likely to forget for a long time.

To speak candidly, it is highly improbable that when many Europeans are moved to weigh the possible consequences of our present lines of policy they are thinking primarily of the sufferings which the American people might be bringing down on their own American heads. What they are thinking of primarily is war, and the impact of war upon themselves.

In this regard, two facts have been very painfully graven on the tablets of their memory: (1) Once an outright fascist regime has been fastened on a country it cannot be gotten rid of until it loses a war. (2) That sort of regime, far from being afraid of war, becomes a cult of war, placing more and more reliance upon, and taking more and more pride in, the development of military power, so that wars are precipitated where they might otherwise have been avoided.¹⁵⁶

John Somerville's 1956 warning in the quotation above about what happens under a fascist regime comes uncomfortably close to the foreign and domestic policies of the United States in the years since it was written. The administrations in the United States have by no means been fascist, but the pride in militarism and the constant wars have been a fact.

The newspapers have supported the administrations through most of the years until the last few. In 1973, as they have for a very few years, they are showing signs of being the adversary press that they definitely were not in 1949. The 1949 reporters, particularly Russell Porter of the New York Times were won over to the government's view when they should have stayed neutral and questioned motives. The performance of Porter, in

¹⁵⁶ John Somerville, The Communist Trials and the American Tradition, (New York: Cameron Associates, 1956), pp. 20-21.

which he became almost the voice of the prosecution, was most distressing. For the New York Times to exhibit the most bias of the three newspapers was an unpleasant surprise. The excesses permitted to Porter by the editors were astounding. They probably would not be permitted by today's Times editors, but they illustrate a problem faced by editors of newspapers today: whether to trust the reporter's view of touchy stories. Political inquiries in employment forms would probably be repugnant to most newspapermen, but editors commonly trust reporters to bring back unbiased reports when the opposite might be true. One remedy for the situation, albeit expensive, would be to "double team" sensitive stories i.e. to send two reporters to cover the same story, thus affording the editors two views of the story. A viable compromise between doing nothing and assigning two reporters might be to assign different reporters to a story if it runs for months as the conspiracy trial did. This might prevent the "capture" of a reporter's mind as seems to have happened in the Times coverage. The fact that in two recent years the Pulitzer Prize has been awarded to reporter teams indicates that newspapers are realizing the value in more than one view on stories.

The ideal would, of course, be to develop a group of newspaper reporters who were not political and not gullible, but adversaries of any person who sets himself up as a power. For only by being an adversary can reporters come up with the incisive questions that bring out the truth; only by being adversaries can they put in the plodding hours of grindingly dull labor necessary to produce the news break that opens the hidden facts to view.

Under the provisions of the Smith Act, the eleven Communist leaders

were obviously guilty. The traditional Communist literature promotes collectivism with the workers in power and recommends revolution as the way to obtain that system. Such a system is the antithesis of democracy. But the Communists were not a powerful group. In the national elections from 1924 to 1940, the Communist candidates attracted the votes of 336,428 to 102,785 citizens. The high number of votes occurred in 1932, with the next highest total in 1936--80,158--in the middle of the Great Depression. In all the other elections the Communist candidates attracted fewer than 50,000 votes.¹⁵⁷ Anti-Communists prefer to answer that fact with the fact that at the time of the Russian revolution, only a small minority of Russians were members of the Communist party. The differences in the majority of the American and Russian citizens, not mentioned in the two statements above, is impressive.

One of the factors in the conspiracy trial which was used to formulate the "clear and present danger" decision was that the Communists had infiltrated American industry. There have been various infiltrations since that trial. Central Intelligence Agents have infiltrated the National Student Association, Federal Bureau of Investigation agents have infiltrated practically every politically active minority since the 1950s. There are unsubstantiated reports that Conservative groups, principally the John Birch Society and the Minutemen, have infiltrated the police forces of the cities of the United States. The oil interests and big business might be said to have "infiltrated" the United States government. But political trials in almost all these cases would probably be impossible to stage or would

¹⁵⁷"Presidential Candidates from 1788 to 1964," Congressional Quarterly Special Report, December 15, 1964, pp. 21-23.

probably, in these days of the early 1970s, go against the government. The reason is that the nation now has, for better or worse, an adversary press.

A passive press which falls in line with government dictums is worthless. This study revealed that the press of 1949 was passive and its silence on issues was one of the direct causes of the excesses of the 1950s.

BIBLIOGRAPHY

BOOKS

- American Friends Service Committee. Anatomy of Anti-Communism. New York: Hill and Wang, 1969.
- Arkin, Herbert and Colton, Raymond R. Statistical Methods. New York: Barnes and Noble, 1970
- Ballou, Hubbard W., ed. Guide to Micro-Reproduction Equipment. Annapolis, Md.: National Microfilm Association, 1959.
- Bentley, Eric. Thirty Years of Treason. New York: The Viking Press, 1971.
- Bernstein, Barton J., ed. The Truman Administration. New York: Harper & Row, 1966.
- Chase, Harold W. Security and Liberty, The Problem of Native Communists 1947-1955. Garden City, N.Y.: Doubleday & Company, Inc., 1955.
- Hodgman, Charles D.; Selby, Samuel M.; and Weast, Robert C., eds. Mathematical Tables. Cleveland: Chemical Rubber Publishing Co., 1963.
- The 1973 World Almanac and Book of Facts. New York: The World Almanac, 1972.
- McCullough, Celeste and Van Atta, Louche. Statistical Concepts. New York: McGraw-Hill Book Company, 1963.
- Schmidt, Karl. Henry A. Wallace: Quixotic Crusade 1948. Syracuse: Syracuse University Press, 1960.
- Shakespeare, William. The Dramatic Works of William Shakespeare, Vol. III. London: Thomas Nelson & Sons, n.d.
- Shirer, William L. The Rise and Fall of the Third Reich. Crest Books. New York: Simon and Shuster, 1960.
- Somerville, John. The Communist Trials and the American Tradition. New York: Cameron Associates, 1956.
- Spolansky, Jacob. The Communist Trial in America. New York: The McMillan Company, 1951.
- Starobin, Joseph Robert. American Communism in Crisis 1943-1957. Cambridge: Harvard University Press, 1972.

Stormer, John A. None Dare Call It Treason. Florissant, Missouri: Liberty Bell Press, 1964.

Taylor, F. Jay. The United States and the Spanish Civil War 1936-1939. New York: Bookman Associates, 1956.

Theoharis, Athan. Seeds of Repression, Harry S. Truman and the Origins of McCarthyism. Chicago: Quadrangle Books, 1971.

Tugwell, Rexford Guy. How They Became President. New York: Simon and Shuster, 1964.

U.S. Congress. House. Committee on Un-American Activities. Guide to Subversive Organizations and Publications, Washington, D.C.: Government Printing Office, n.d.

U.S. Congress. Senate. Committee on the Judiciary. The Communist Party of the United States of America, what It Is, How It Works, A Handbook for Americans. Washington, D.C.: Government Printing Office, 1955.

Wittmer, Felix. The Yalta Betrayal. Caldwell, Idaho: The Caxton Printers, Ltd., 1953.

MAGAZINES AND PAMPHLETS

Budenz, Louis Francis. "How the Reds Snatched Henry Wallace." Collier's Magazine, Sept. 18, 1948, pp. 15-16.

Davis, Benjamin J. Why I'm a Communist. New York: Communist Party of the United States, 1947.

"Fanning the Spark, Civil Liberties." New Republic Magazine, April 7, 1947, p. 7.

"Presidential Candidates from 1788 to 1964." Congressional Quarterly Special Report, December, 1964.

"Rallying Cry." Time Magazine, April 7, 1947, p. 24.

Whitman, Alden. "Truth in Death." Newsweek Magazine, March 12, 1973, p. 13.

NEWSPAPERS

"Names & Faces." Detroit Free Press. Aug. 19, 1973, p. 15-A.

Milwaukee Journal. Jan. 17, 1949-Oct. 15, 1949.

New York Times. Jan. 17, 1949-Oct. 15, 1949.

San Francisco Examiner. Jan. 17, 1949-Oct. 15, 1949.

MICHIGAN STATE UNIV. LIBRARIES



31293102369034