BOOK REVIEWS

AMERICAN VISA POLICY AND FOREIGN SCIENTISTS, 8

On the September afternoon in 1950 when the radio told how both Houses of Congress had just triumphantly set aside Mr. Truman's veto of the first McCarran Act and put many new and drastic provisions against aliens into the law of the United States, a woman on the next program sung the verses of Emma Lazarus, inscribed on the base of the Statue of Liberty:

Give me your tired, your poor,
    Your huddled masses, yearning to breathe free,
The wretched refuse of your teeming shore:
    Send these, the homeless, tempest-tossed, to me:
I lift my lamp beside the golden door.

The same rising barriers which have blocked freedom of movement for multitudes of workers are also preventing some of the most distinguished thinkers in free countries, including our own, from crossing the frontiers of the United States in either direction for the purpose of furthering the advance of knowledge.

This periodical narrates, with carefully stated facts and admirable restraint, what happened to a few of these eminent scholars. It begins with a summarizing editorial by Edward A. Shils, Professor of Social Sciences at the University of Chicago, who is in charge of the whole issue. Next, Eminent American Scientists Give Their Views on American Visa Policy. The writers include Einstein and four Nobel prizewinners. Report on the Visa Situation is then presented by Victor V. Weisskopf, Professor of Physics at the Massachusetts Institute of Technology, who was connected with the Manhattan Project at Los Alamos during the war. The succeeding groups of articles come from foreign scholars.

Some British Experiences starts with those of Professor Michael Polanyi. He came to Princeton in 1946 to receive an honorary degree at the celebration of its 200th anniversary, but in 1951 he was not allowed to get into our country in order to occupy the chair of Social Philosophy at the University of Chicago. It is a shameful story, this fear of giving American citizens the services of a great scholar, about whom a prominent Englishman writes, "I know of no one else in any country who has devoted so much energy and thought to the cause of anti-communism." The adamant American consul paid no attention to the fact that Arthur Koestler, the well-known ex-communist and author of Darkness at Noon, had dedi-
cated another of his books, *The Yogi and the Commissar*, to Polanyi. The consul had never heard of the book. Another excluded man was a physicist from Australia, Professor M. L. Oliphant, the first British scientist to make official contact with the early United States atomic energy project in 1941 and a leader for arranging British teams to join in this project. Yet he was prevented in 1951 from attending an international conference on nuclear physics at the University of Chicago. This group ends with an article on *The British Reactions to the McCarran Act* by Marcus Cunliffe, lecturer in American Studies at the University of Manchester.

The next group comes from France. Professor Raymond Aron, the main advocate in French journalism of the North Atlantic Pact and the policy of anti-communism, writes of *American Visa Policy*. *Some French Experiences* includes the barring of Professor Jean Leray, an important contributor to algebraic topology, from taking advantage of an invitation to spend several autumn terms at the Institute for Advanced Study at Princeton. Jean Wyart, the leading French expert on minerals and crystals, Professor at the University of Paris, was kept away from the first congress of the International Union of Crystallography at Cambridge in 1948. Especially significant is the way the exclusion of some French scientists has made others unwilling even to consider invitations to lecture in the United States. They know that American scholars can go into France without any visa at all, and they will not humiliate themselves, by going through scores of questions and endless delays. Thus the cost of our timidity to American knowledge is much more than the scholars who are actually denied visas.

In *Some Other European Experiences* we find an Italian physicist invited to the Institute for Advanced Study at Princeton, who has not yet obtained a decision about his visa although it is fourteen months since his first application, and a Swiss physicist, who did finally get to the California Institute of Technology after waiting eight months for his visa.

Our government's failure to let four Mexican scientists attend the meeting of the American Physical Society in Houston, Texas, a year ago is narrated under the title, *The Treatment of Good Neighbors*. Then we come to Dr. Leonardo Guzmán, a former Prime Minister of Chile, who is Professor of Medicine at the University of Santiago and Director of the Radium Institute there. Part of his research has made progress toward a cure for that dread disease, leukemia. In 1947, he had spent many hours with a leading doctor at Oak Ridge. He has conferred with many experts in Great Britain about the treatment of breast-cancer. In 1951 Guzmán wished to revisit the United States in order to learn more from American scientists about fighting cancer. Our consul treated his application with inaction and indifference. "Then I went to see the ambassador and was deeply impressed by the anomalous position of this gentleman; he was under the actual supervision of his consul." Guzmán finally gave up in disgust.
Our government locks the doors on both sides. A former president of the American Chemical Society and Professor of Chemistry at the California Institute of Technology, Linus Pauling, tells of My Efforts to Obtain a Passport. He was invited by the Royal Society in London, the oldest and probably the greatest scientific organization in the world, to attend its discussion meeting on the structure of proteins on May 1, 1952. Subsequent lectures on the same subject had been arranged at other foreign universities and he was to receive an honorary degree from the University of Toulouse. On January 24th he applied for a passport. He received a letter denying it on February 14th. Two months of correspondence and interviews with officials failed to change this decision, and he had to cancel his appearance before the Royal Society. A remonstrance by Senator Morse of Oregon elicited the answers from the Chief of the Passport Division, that the Department of State was not in a position to furnish detailed information about the facts which were the basis for its decision. It took a speech in the Senate by Morse and a protest to the Secretary of State from seven scientists at the University of Chicago, before the decision was reversed on July 15th. By this time, of course, Mr. Pauling had had to miss several of his scheduled lectures in Europe. Nearly six months after his application, the ex-president of our chief association of chemists was told that a passport would be issued to him if he would sign a statement that he was not and never had been a Communist. He did so willingly on July 11th. It added nothing to the evidence because he had given a similar statement to the State Department in April, before his scheduled departure from the United States.

Finally, the Bulletin gives a very useful reprinting of the visa provisions of the second McCarran Act (1952). It indicates the provisions applicable to visiting scholars, and the way they change the previous law. It is of the utmost importance that the editors of all the leading American newspapers should read this Bulletin. They ought to ponder over its sober detailed narratives of the way our government has treated many of the most eminent scientists in the world. It is high time that thoughtful American citizens knew what our country is actually doing because of its fear of communism. We have come a long, long way from Thomas Jefferson, whose name is so frequently invoked by the politicians who have brought about the present laws of the United States. Don Seitz thirty years ago dedicated his reprint of the trial of William Penn "To the memory of Thomas Jefferson which needs constant refreshing." When Jefferson founded the University of Virginia, he wrote:

This institution will be based on the illimitable freedom of the human mind. For here we are not afraid to follow truth wherever it may lead, nor to tolerate error so long as reason is left free to combat it.

For many decades our government, cherishing his spirit, pursued the same policy toward visiting scholars. Yet we are repudiating that spirit just at
the time when it is more important than ever before that the free countries of the world should pool their intellectual resources for the sake of preserving their freedom and increasing human welfare.

The Universal Declaration of Human Rights, which our government signed four years ago in common with all the other members of the United Nations, states as among the fundamental human rights "freedom . . . to seek, receive, and impart information and ideas . . . regardless of frontiers." This freedom embodies the experience of centuries. Many notable contributions to the art and literature of the world have been made by men who wrote and published in countries not their own. It suffices to mention Dante, Locke, Montesquieu, Voltaire, Rousseau, Heine, and Mazzini. Furthermore, the ability of the people of one country to learn contemporaneously about the people of another country depends greatly upon the ease with which journalists and other writers are allowed to pass international frontiers and upon the extent to which news and creative and scholarly ideas can flow back and forth across these frontiers.

The values just described will be hard to obtain if governments are inhospitable to visiting thinkers and writers on the ground of their real or supposed political opinions. Men with original ideas to give the world do not fall into orthodox patterns. If they did, they would probably be unable to tell us anything new. The writer who complies strictly to established views is usually not worth listening to.

The restoration of freedom of movement for journalists, creative writers, scientists and other scholars can be accomplished without modifying the general immigration laws of the United States. These are primarily designed to determine the character of our permanent population. The restrictions are framed with regard to aliens who wish to settle in new homes here for the rest of their lives and eventually become citizens. The present national policy as to such persons is that they must not differ very much from the mass of our population. It was not the policy which built up the colonies and the states, but it is firmly established now. My point is that this problem ought to be sharply separated by the law from the problem of temporary visas. Restrictions which are suitable for intending settlers may be undesirable and needless for visitors coming for a short time in order to further the international exchange of news and ideas. The application of a single set of restrictions to settlers and visitors alike, which is what our existing immigration statutes do, raises very bad and very unnecessary obstacles to freedom of information.

These obstacles are not satisfactorily removed by allowing the Attorney General to issue exceptional dispensations for some temporary visitors who cannot be lawfully admitted as permanent settlers. Even if the law were changed so as to remove, for temporary visas, the narrow and absurd limits within which all dispensations are confined by the McCarran Act of 1952,1

1. See the statement of the conditions on which the Attorney General may admit an ineligible alien, which are reprinted on pages 257-258 of the Bulletin under review, from Pub. L. No. 414, 82nd Cong., 2nd Sess., Ch. 477, § 212a (28) (1), concluding
dispensations from a general law relating to permanent settlers are not the right way to deal with the problem of distinguished foreign visitors. Such special favors are not a sufficient recognition of the values arising from the temporary presence of thinkers and writers among us. Every proposal to disregard a general law so as to benefit a particular individual is likely to cause suspicion in Congress and among rabid columnists. Moreover, the machinery of special permissions is bound to operate slowly.

Consideration of this matter by intelligent writers in the press with the assistance of our leading learned societies might shape public opinion and make it practicable to persuade Congress to place temporary visitors to the United States in a separate category from permanent settlers.

When a foreigner is not going to stay here, we do not really need to worry about his present or past political and economic views or his present or past membership in various organizations, so long as it is reasonable to assume that he will not do any bad acts during his visit. The only real question is—Will this visitor be dangerous as an individual while he is here? To put it in legal language, the sole test for a temporary visa might well be, whether the applicant is coming to the United States "for the purpose of engaging in activities which will endanger the public safety." Proof that he has arranged to give lectures or attend conferences here, under the sponsorship of a reputable university or scientific organization, etc., ought to go a long way to satisfy this test. And so should proof that he is connected with an important university in his own country or is otherwise of high reputation there for his achievements.

Anybody who considers this simple test to be perilously hospitable to "subversive" foreigners would do well to remember that Great Britain, France, Italy, and most of the other countries of free Europe require no visas whatever from a visiting American. He just needs a passport to get in and stay in, so long as he behaves himself. Yet those countries are 3,000 miles nearer to the Soviet Union and its satellites than we are. If they are willing to take a chance on our citizens, why are we afraid to take a much smaller chance on theirs?

One more suggestion is ventured, dealing with the person who decides whether a temporary visa shall be issued. At present, this person is the consul in the country of the applicant. If he keeps on the safe side and holds up the visa, there may be an appeal to Washington. Then the applicant has an uphill fight, with all sorts of delays and hot publicity. My suggestion is that, whatever the statutory requirements for temporary visas may be, such a visa should be handled in Washington whenever the foreigner concerned has been invited over to attend a conference or deliver lectures. The institution which has invited him could then arrange for his visa, well sentences. 55 Stat. 252 (1941), 22 U.S.C. §228 (1952), repealed, 66 Stat. 280, 22 U.S.C. §228 (Supp. 1953).

2. This test could be imposed by consuls in granting temporary visas, in addition to the statutory requirements of eligibility applicable to all aliens. I suggest this test as a substitute for the statutory requirements as to permanent settlers, and not as an addition to them.
ahead of time, by conferring with the Attorney General or a subordinate official who is customarily charged with this problem. The consul abroad may be requested to send information to Washington, if any facts be needed in addition to the visitor's university position, published writings, and other recognized achievements. But the Washington official would do the deciding, and then order the consul to issue the visa.

This administrative change would have many advantages. Centralized handling could develop a consistent policy toward eminent foreign visitors, instead of the present scattered decisions by scores of consuls, who are chiefly concerned with invoices on imported goods and the legal tangles of American tourists. Consuls cannot fairly be expected to understand the ranking of scientists, the merits of scholarly works, or the ramifications of European radicalism, but a single official in Washington could readily make himself a master of such matters. The institution which thus sponsors the visa would feel a moral responsibility for the proper behavior of its guest. There would be no need for a distinguished scholar to be grilled by a consul, no need for long delays while many letters crossed the Atlantic, little or no occasion for publicity. If Congress so desires, it can be informed periodically of such admissions, with brief information about the visitor's scholarly qualifications and the name of the institution which asked for him to be allowed to come.

Much of what I have said thus far applies to thinkers and writers in general—journalists, free-lance authors, and so on, as well to scientists and other scholars. The Bulletin is directly concerned with these last. Its pages demonstrate that some such changes in the law and its administration as are described above are especially desirable when men like Polanyi and Guzman have important intellectual reasons for visiting the United States such as conferring with American experts in their fields or giving a course of lectures at an American university. The dangers of continuing our present legal methods as to visas for such men are cogently set forth by Professor Shils in his introductory editorial:

The United States is . . . being severely harmed by its visa policy. . . . [Our] claim to be the leader of the defense of the free society of the West is falsified by our refusal to allow foreigners to discuss unclassified scientific matters freely with American scientists and by our efforts to prevent some of our own scientists who have no classified information from going abroad where they can meet European scientists. . . . By our visa policy we play into the hands of the neutralists who argue there is no significant difference between the United States and the Soviet Union . . . Nearly every refusal of a visa, every unnecessary prolongation of the bureaucratic labyrinth through which a visa applicant must pass, embarrasses a Western friend of the United States and the Western alliance. . . . Our visa policy places a great strain on the democratic European scientist's

3. See instant BULLETIN at 210-12.
own faith in the soundness of the cause which he has hitherto believed he held in common with America. . . .

[The] McCarran Act . . . also weakens our security here at home. . . . Vast expenditures for scientific research on defense problems have been authorized with the confidence that our scientists would find the answers which the more conventional and less ingenious minds of our soldiers and statesmen could not discover. But out of arrogance and ignorance it has been overlooked that American science . . . is not omniscient and self-sufficient.

Despite our vastly greater wealth, our bigger and newer laboratories, and our much larger bodies of postgraduate science students, our larger number of science professors, old Europe still goes on producing great and valuable scientific discoveries. American scientists know that they can still learn very much from personal discussion with their European colleagues. But . . . [the] holding of international scientific congresses in America—an honor for Americans and a great advantage for American scientists since it allows them, with relatively small expenditure, to meet and hear the most important foreign scientists—is becoming more and more difficult. . . .

The real advantage for science of free informal contact, the exchange of impressions and interpretations, the comparison of results and procedures in face-to-face conversations remains as great as it ever was. Apparatus and vast expenditures and large administrative bodies do not replace it, and without it scientific progress moves more slowly and haltingly. An improvement in our visa practices cannot guarantee that science will advance. If, however, our visa practices remain what Senator McCarran and his associates have made them, an indispensable ingredient of American scientific progress will be lost.

Our legislators and our State Department, as concerned as they are with our national security, act, however, as if they are unaware that American security depends not just on economic power but on our scientific progress as well.

The foregoing general principles have special importance for our development of atomic energy, which is unfortunately one of the main excuses given for our present exclusion of foreign scientists, although they could give us great help in the future as they did in the past. Professor Weisskopf says: 4

[Among] the group of foreign-born scientists in this country who contributed decisively to the success of the atomic bomb development, there are many who would have great difficulties obtaining visas if they applied now. Most of these people have spent some time either

4. Id. 222.
in Russia or in an Eastern Europe country. Today, this fact alone has resulted in indeterminate delays in replies to visa applications and frequently in outright refusal.

An added reason for freedom of scientific intercourse in these years after the Second World War is its denial over much of Europe in that war. Thus Jean Wyart, the leading French crystallographer, writes:

During the four years of the German Occupation we had been deprived of all communication and contact with our American colleagues, and we had much to learn. We are deeply aware of the enormous influence of personal contacts in our kind of work. . . . Science will cease to exist as soon as scientists are no longer able to communicate their ideas and their results to one another directly and face to face and to discuss those ideas with full freedom.

Professor Polanyi, the excluded English social philosopher aptly remarks:

Let any American go carefully through the whole list of conditions imposed upon West European visitors to the United States and imagine himself to be subjected to the same conditions when he travels to Europe—while at the same time West Europeans could enter the United States without let or hindrance. He would be horrified to realize that such a position exists today in reverse.

None of the excluded foreign scholars here discussed would have been dangerous to the United States if admitted. The Bulletin shows this by scrupulously stating facts about the political views of each man. One of them was a Trotskyite long ago. A very few had once belonged to groups with communist members. This was almost unavoidable in France, where the Communist Party was for years the largest political party and included several scientists, who would naturally be in a large professional organization. One or two made common cause with communists against the Nazis during the Resistance. But not one of these scholars has the remotest tinge of communism. Indeed, most of them are too much interested in science even to bother with any kind of politics. The reports are full of statements like "I have no political affiliations whatsoever" and "Not even in my earliest youth have I had any left-wing leanings."

In no case, if I remember rightly, was there a definite decision placing an applicant in an ineligible class. The trouble was the absence of definite decisions. Either vague reasons for refusal were given, or the thing just dragged on without anything happening.

The statutory standards which a European scientific visitor must satisfy are bad enough, but a still worse barrier is created by the methods

5. Id. 241.
6. Id. 227.
of administering these standards. Many scholars who do not infringe the drastic requirements of the McCarran Acts are nevertheless kept away by the long delays in the process of deciding that they are admissible. Oftentimes the ultimate decision is not reached at all, or comes after the conference they were to attend or the university term at which they were to lecture. Speed is essential for a favorable decision, if it is to do much good, and decency requires speed for unfavorable decisions. The complacent piling up of pieces of paper in offices on both sides of the Atlantic upsets enormously the lives of men who are busy on thought and research of the utmost importance. Professor Shils points this out: 7

The refusal of a visa to an educated European applicant . . . causes him great and often costly inconvenience. If he is a scientist who plans to spend several months in the United States, he must arrange for the conduct of his laboratory and the performance of his teaching duties during his absence. He usually arranges to sublet his house or apartment. These arrangements must be made in most cases well in advance, and the uncertainty of the date when a decision will come forth, if ever, adds to the difficulty. In some instances, men have resigned their positions preparatory to receiving a visa which never comes, to take up an appointment which they had already accepted from an American institution. It is easy to see why personal resentment should be added to the intellectual doubts which American visa policy is creating about the good faith and sobriety of American actions.

The Bulletin shows how often these great foreign scientists have been subjected by our consuls and other officials to the run-around. Anybody who has been shocked by Menotti's opera "The Consul" will see its scenes re-enacted in these pages. A few extracts from the narratives must suffice. By Professor Polanyi: 8

I was then seen by [the American consul-general] and the vice-consul for about two hours . . . The interrogation was conducted very courteously by the vice-consul while I sat in front of the consul-general, who looked hard into my face all the time without uttering a word. . . . In general, I found both officials quite uninformed on the subject of the communist movement which they were supposed to investigate. . . . Nor had they ever looked at any of my writings . . . .

By the Australian physicist who had helped us with the atomic bomb during the war: 9

On September 8 the American vice-consul advised me that if I called at the U. S. consulate . . . on September 12, the visas would

7. Id. 211.
8. Id. 224-225.
9. Id. 230.
be ready for us. Late in the evening of September 11, when we were packed and ready to leave early next morning, I received a telephone message from the embassy saying that . . . permission to issue the visas had not been received from Washington. . . . The consulate, from that day to this, has continued to emphasize that the visa had not been refused but that there were administrative delays.

By an English mathematician, who had lived in the United States from 1938 to 1950: 10

I applied in August, 1951, for the renewal of this re-entry permit [valid until September 1951], but . . . I am still without any reply . . . .

By a biochemist in the Pasteur Institute in Paris: 11

[This] kind of inquisition was introduced into the French Administration under the Nazi Occupation.

By a French mathematician: 12

It is naive [for a consul] to be astonished that a mathematician should know Russian mathematics . . . .

A French pure mathematician, when ready to swear that he was going to the United States for mathematical purposes only, was told by the consul: 13

But even if you don’t take part in any political activities, you may engage in propaganda on behalf of the Negroes, and we do not want any of that sort of thing.

From a leading French astronomer: 14

The consul . . . received me with the friendliness which a police official would show toward a criminal. He asked me rudely what I was going to do in America. . . . He interrupted me to reject contemptuously the letters of my eminent colleagues [several American astronomers], declaring, “Scientists will invite anybody.”

From a French authority on magnetic resonance, teaching at the world-renowned École Normale Supérieure: 15

10. Id. 231.
11. Id. 236.
12. Id. 237.
13. Id. 238.
14. Id. 239.
15. Id. 243.
Here are a few of the questions I was asked: Have you ever been to jail? Have you ever been in trouble with the law?

From an Italian theoretical physicist, doing research on electrodynamics, whose application received no decision during fourteen months: 16

I was never given a reason for the delay of my visa, but I was always told that in my case there were no special difficulties.

Narrative after narrative develops the same theme. "I waited, but nothing happened"—"After this, weeks and months elapsed without an answer."

One is reminded, as he reads what our government is doing, of the cartoon by Herblock,17 where the politicians on the investigating committee are sitting around a table with the angry chairman shouting, "How did atomic energy information leak out to the damn scientists in the first place?"

This is the way we, the people of the United States, are treating great thinkers who are anxious to come among us to help us treat leukemia and breast-cancer, and in many different ways to aid us in developing principles whose value for our industry and welfare cannot be predicted, but they may be as great as those resulting from Franklin's kite, Galvani's frog, and the rude dynamo of Faraday. Russia has hung an iron curtain along its frontiers and China a silken curtain. The government of the United States is doing its best to put around our shores a curtain of solid ivory.

Zechariah Chafee, Jr.†


This very readable little volume can be summarized by reporting that it consists of sound theories, founded on practical experience, judicially expressed. The author is concerned not only by the fact of the wave of corruption in government since World War II but equally by the effect the wide publicity of this corruption may have because, in the author's words:

"The public has come to believe that the revealed sins of the few are the predominant practice of the many. In the long run perhaps this is the worst consequence of the evil acts which have come to light. The men who have committed unethical acts have not only disgraced themselves; they have disgraced federal service and they have seriously weakened the faith which people have in their government.

16. Id. 248.
† University Professor, Harvard University.
When faith is thus weakened the power of our democracy to survive in the fierce struggle with totalitarianism is also dangerously impaired.

Because of his concern, the able Senator felt impelled to write a timely book which gives an encouraging sense of perspective and some sound remedial proposals. After shocking illustrations of recent corruption in government, but with fascinating down to earth disclosures of how the system of corruption works today, Senator Douglas wisely comments:

"On the other hand, the exposures have also aroused a new desire for personal and social improvement. It is one of the merits of democracy that it encourages peaceful social regeneration. Herein lies our hope."

The author then asks the pertinent question: "Have we degenerated or improved?" By applying historical perspective he shows the long run progress which has been made in political moral standards. It is indeed even more shocking to read of past immoral practices in government than to read of the distressing recent wave of immorality. Machiavelli's famous advice, "Not to keep one's word when the occasion for giving it no longer exists," the openly tolerated bribery in all British elections less than a century ago, and the granting of "loans" by the Second Bank of the United States (which was seeking a renewal of its charter in a life and death struggle) to fifty-four members of Congress (when Congress was much smaller than today), to editors of newspapers and to officers of the general government, including such men as Webster, Clay and Calhoun, as well as to numerous cabinet members and to Vice-Presidents of the United States—all a little more than a hundred years ago—indicate the progress which has been made in elevating the moral standards of government despite the devastating news of the past few years. But as Senator Douglas says, "What could be tolerated when government was small cannot be endured when government is big. For its consequences, if not its causes, can be relatively worse."

Quoting the late Harold L. Ickes as remarking, "I have never known a public official to corrupt himself," Senator Douglas makes a needed sound point when he says, "In any moral indignation which we develop and in any reforms which we initiate, we need to take account of the corrupter as well as of the corrupted and the enticer as well as the enticed, and to deter and punish the former as well as the latter."

In dealing with the ethical problems of administrators, as distinguished from legislators, we find the author skilfully pointing out in the most practical manner the tremendous pressure on public officials from those with something to gain if the public officials will become even careless or indifferent. The pressure also constantly mounts by way of inducements to move over into more lucrative private enterprise if their conduct as public officials is "satisfactory." The writer well realizes that the greater the concentration of power in government, the greater become these evil temp-
tations. He uses such specific phrases as "subsidies which are breeding grounds for corruption," and "it is undoubtedly true that a partial swing back to the principles of the free market would decrease the opportunities for corruption."

Senator Douglas then quite wisely and correctly concedes that many of the evil practices he so clearly points out and criticizes, even if specifically made criminal offenses, could not be prosecuted successfully under criminal statutes. The reason for this is that the connection between the improper practices and the decisions of public officers could not be proved with sufficient certainty in the eyes of a jury to obtain criminal convictions. Therefore, he recommends only a code of ethical proprieties rather than an attempt to write criminal statutes. If this carefully thought out code were violated it would not only be ground for dismissal of public officers but, of equally vital importance, if violated by private individuals and concerns, these private individuals and concerns would lose certain rights and privileges, such as dealing in a business way with the government and obtaining the benefit of government contracts.

In dealing with the ethical problem of legislators as distinguished from administrators, Senator Douglas will stagger the uninitiated with his realistic treatment of the high cost of running for public office. Certainly most citizens have little comprehension whatsoever of how much it costs to run for office and they inevitably are inclined to believe that any substantial expenditure of funds indicates immorality, if not crookedness. The amount of money that not only can be, but has to be, honestly and legitimately spent in elections is just beyond the comprehension of those without experience.

To meet this great problem, Senator Douglas suggests greater financial support of candidates by small contributors, an objective with which none will disagree but which is hard to accomplish. His next suggestion is restriction of total expenditures, and he offers some definite recommendations with down to earth treatment of the problems involved. These problems are too complicated to more than mention in a review, but when one considers that there are both primary and general elections to deal with and the fact that many different kinds of offices are filled in both state and national elections on the same day, in both large and small states, (which would necessarily involve different limits for different offices) some of the problems can be at least surmised. The third suggestion is moderate support for candidates for office out of tax funds. The author places great weight upon the value of relieving candidates for office from any obligation to heavy contributors by somewhat equalizing the financial support from tax funds to all candidates who at least have a reasonable chance to poll a substantial number of votes. It does not impress the reviewer that the successful candidate would be any less indebted to active supporters merely because one evidence of support, namely financial support, is reduced, because a successful candidate can be as much indebted to a group for organizational work as for financial support. Furthermore, once elected,
if an office holder is the sort who is going to succumb to temptation there are more temptations still made available to him from the wealthy than from the modest of means and the mere fact that he may be released from financial obligations for past services would not release him from the temptation to gain future financial rewards by being "a good boy."

The reviewer also questions the author's enthusiasm for primaries in presidential elections. Considering the sad experience resulting from primaries in all state elections, I see little reason for extending the primary system. It does not seem to have raised the caliber of public office holders, much to the disappointment of its sponsors. Furthermore, unless the campaign season were drastically shortened, I believe the ordeal of going through first a presidential primary in both parties and then a presidential election would be so exhausting as to result in less political interest rather than more political interest, to say nothing of the probability of killing the candidates.

The author's recommendations for legislators in dealing with administrative agencies, and in the conduct of congressional investigations, point out some weaknesses in past practice which good taste and good judgment should rectify. Dealing with these matters, however, he points out the importance of congressional investigations and the importance of legislators not isolating themselves from the efficiency of the administration of the laws which the legislators have enacted.

Senator Douglas' final recommendation to the effect that government officials earning $10,800 a year or more be compelled to disclose their income, its source and their net worth, will raise many objections. The author frankly admits there is conflict between the need of the public for information and the individual's right to privacy, and each of these rights is entitled to great weight. On the whole, the reviewer believes Senator Douglas makes a strong case for his point and that his recommendations might have more public benefit than harm.

To those unfamiliar with political practice and problems, Senator Douglas' brief judicial book will be interestingly and informatively shocking, and his sound remedial suggestions will be encouragingly hopeful to both the politically experienced and the inexperienced.

Horace Hildreth †


This book definitely belongs in the "Economics-Can-Be-Fun" department. Although the analysis is provocative and the ultimate impact of the book quite serious, it is offered as a volume of genial speculation for lay reading. Professor Galbraith asks good-naturedly why in the world the

† President, Bucknell University; Former Governor of Maine.
official interpreters of the economic scene—bankers, economists, politicians—regarded the period of unparalleled prosperity that followed World War II with unconcealed embarrassment and malaise. For almost all of them it was a period of "artificial" well-being, sure to be followed by deflation and collapse. Professor Galbraith attributes their sense of guilt about prosperity to perception that the economy was functioning very well, in defiance of every rule that had long been prescribed as essential to a healthy national productive life.

If people suddenly adopted a regimen of gross gluttony and steady drinking, promiscuous disregard of the theory of infectious disease, and reckless trampling on infant egos, think how the medical profession would react to the discovery that we were all living exuberantly to the age of 108! Most doctors would predict a bad end to the race just the same. Some would try to find an explanation consistent with the old theories of the bodily economy—perhaps emanations from atomic explosions have killed all the germs. There would be one, no doubt, who would begin to speculate about the possibility that the old theories were no longer valid, that a new conception of hygiene was needed to account for the survival of the rake-hells.

Such a speculation is what Professor Galbraith has here provided. The outmoded theory is the theory that competition is the life of trade, the principal and best regulator of investment, price and quality, the goad that drives men ever forward to new technological triumphs. The reason this theory must be jettisoned is that we plainly live in a non-competitive, yet productive and progressive, economy. Some may be surprised to hear a distinguished economist call our economy non-competitive. But Dr. Galbraith unhesitatingly pins the monopoly tail on the American business donkey. He has no truck with the notion that an industrial structure of "Big Threes" and "Big Fives" is competitive. So far as price competition is concerned, he says; an oligopoly is indistinguishable from monopoly. The members of such an industry do not restrain each other from extortion; instead, an intelligent appraisal of what can be gained by non-competitive exploitation of the market leads to common action without the need for formal agreement or conspiracy. The only effective restraint on the power of oligopolists is the power of big customers who can bargain effectively for a share of the monopoly profits.

Countervailing power is this power of big customers. The big auto companies hold the steel companies at bay. The farmers' cooperative buying associations hold off the farm machinery autocrats. The power of the Big Union counters the concentrated power of the Big Company. Only the unorganized can be hurt in this wrestling among giants, and it is the main duty of government to organize them, rather than waste time and effort in anti-trust litigation—the hopeless pursuit of a 19th century ideal. With the abandonment of the competitive model, countervailing power becomes the last hope of private enterprise, for we shall certainly get government control or public ownership—a planned economy, with all its impos-
sible administrative problems and its implications for individual freedom—
unless some alternative system of restraint on private economic power can be
found or invented.

Perhaps the most noteworthy feature of this account of American
capitalism is that countervailing power is offered not merely as ersatz com-
petition, but as an improvement on the older theoretical system for a self-
regulating, competitive economy. Some of the arguments advanced would
suggest that if competition ever reared its ugly head it would be the duty
of the government to suppress it. For example, we are told that “there
must be some element of monopoly in an industry if it is to be progressive,”
because “size and the rewards accruing to market power combine to insure
that resources for research and technical development will be available.”
A rivalry among oligopolists for prestige or for a larger share of the market
(at non-competitive prices) supplies the incentive for inventive progress,
as for huge expenditures for advertising and selling.

Those who might deplore non-price competition as leading to concen-
tration of money and effort on selling rather than producing may take com-
fort in the observation that such waste is “inconsequential”—part of the
“economics of opulence”:

“It is not clear that the community would be better off if those now
engaged in selling tobacco and liquor were employed instead in the
production of more and cheaper cigarettes and whiskey . . . . The
alternative use of the resources which a wealthy community appears
to use frivolously will always be in other frivolous employments.”

The buyer bamboozled by radio reiterations into asking for brand A rather
than brand B, which is better but not so well advertised, “is the victim of
his own comparative well-being.” The economist who worries about this is
“excessively preoccupied with goods qua goods; in his preoccupation with
goods he has not paused to reflect on the relative unimportance of the goods”
or on the “escape from physical to psychological standards of consumption.”

This is rather too rosy a picture of life in the U. S. A., even on the
banks of the Charles. A passing reference to the possibility that “poor
people” may have different problems, or to housing as a large unfilled
physical need, does not save talk like that from being nonsense. And non-
sense too is the suggestion that one of the virtues of oligopoly is that it
builds up a hoard of excess profits and so creates an incentive for the vic-
tims to organize countervailing power. It is fantastic to intimate that the
steel workers union, any more than the garment workers, came into being
because of a covetous desire by workers to share monopoly perquisites. It
is disturbing also to see bigness attributed to technological requirements and
doing efficiency of large scale operations, without mention of the Federal
Trade Commission's statistical demonstration that lower costs and larger
profits were found among medium and smaller enterprises. Finally, the
theory of countervailing power is not likely to commend itself to the ordi-
nary citizen as a model for a new economic policy, on the basis of comfort-able assurances that a figure of 4,000,000 unemployed would be “enough to rehabilitate countervailing power,” after a period of inflationary price rises: countervailing power does not work in a sellers’ market, says the author—“Some slack in the economy is what keeps countervailing power from being converted into a coalition against the public.” But these remarks occur near the end of the book, where he is no longer dealing with countervailing power, but is saying some very important and acute things about government controls to meet the threat of inflation.

What can be safely said is that countervailing power is one of the significant tensions in our economic structure; that it has some tendency to limit abuse by other economic potentates; that it also has a potential for combination with such powers against the common weal; that every time we erect a countervailing power to deal with an existing oligopolist we also help dig the grave of such small competitors as still function in the oligopoly, since the countervailing power will certainly be more effective against them than against the giants; and that a society organized on countervailing power principles has given up completely the noneconomic value to which Judge Learned Hand referred in the Alcoa case—“to perpetuate and preserve, for its own sake and in spite of possible cost, an organization of industry in small units . . . because of the helplessness of the individual” before great aggregations of economic power. One of the decisions we must make—if, indeed, we are lucky enough to have any power to choose in this matter—is whether we prefer to be a nation of secure and regimented clerks and jobholders, each a cog in a great machine, or whether our policy shall be directed towards maintaining the largest possible number of restless and imaginative risk-taking, decision-making individuals. The requirements of our technology will compel us to accept a great deal of organization in any event, but the question remains whether this is to be regarded as a necessary evil or whether the tendency of our fluid economy to freeze into ever larger floes and bergs shall be welcomed.

It is of course true that our economy does not conform to any theoretical competitive model. Neither does it conform to a countervailing-power model. A balanced description would show an incredibly complicated mixture of competition (ranging from “ruinous” to nominal), of oligopoly and countervailing power, of monopoly and governmental controls, of free enterprise and socialization. As an ideal rather than a description, countervailing power has little to offer as against competition. Certainly there is less reason to attribute our post war prosperity to oligopoly, than there was to attribute the Great Depression of the 1930’s to oligopoly, a thesis elaborately documented by Roosevelt’s Temporary National Economic Committee. Lacking reason to change, we may as well cling to the competitive ideal. It has certainly not prevented great achievement, and is even today winning adherents among our European neighbors, who have had plenty of experience in the past with oligopoly and with efforts to provide controls and counterbalances for it.
If Professor Galbraith has somewhat overstated his case, we are nevertheless indebted to him for a brilliant and readable description of a force which has existed for a long time and been recognized before, but which he has now strikingly christened. It is a tribute to the power of his thought and pen that this force will undoubtedly be known henceforth by the name he has given it.

Louis B. Schwartz †

† Professor of Law, University of Pennsylvania.