

FACTS ON THE BLACKLIST IN RADIO AND TELEVISION

1. IS THERE A BLACKLIST IN RADIO AND TELEVISION?

Yes. Actors, writers, musicians, directors, singers, announcers are being denied work in the industry because their names appear on lists being circulated by certain sources urging employers to boycott the services of those listed. The effect is to destroy the livelihood of those named.

2. FROM WHAT SOURCES DO THESE BLACKLISTS COME?

Counterattack, a weekly newsletter, is the chief source. For three years it has been urging the blacklisting of specific names. In June, 1950, it published a blacklist of 151 names in a book called "Red Channels". The Sign, a Catholic monthly, issued by the Passionist Fathers, published a blacklist of 61 names in its October 1949 issue in an anonymous article called "Red Fronts in Radio." The list was reprinted in the January 1950 issue of The Catholic Digest. Another major source is the American Legion, which released to the press a list of proscribed entertainers and circulated it via Legion posts.

3. WHAT IS COUNTERATTACK?

It is a weekly four-page publication that first appeared in May 1947. Its staff of eight includes six ex-FBI agents, most of whose FBI service began with World War II and ended with World War II. The publisher is American Business Consultants, Inc., at 55 West 42nd Street, NYC. The three directors, T. C. Kirkpatrick, Kenneth M. Bierly and John G. Keenan - are all members of Counterattack's staff. The publication's backers are reported to include an oil corporation, a major department store executive, a former Army general, a lobbyist for a foreign power, the wife of a powerful magazine publisher, a national church organization, etc.

4. WHAT ARE COUNTERATTACK'S OUTLETS?

Counterattack attempts to sell its newsletter to a large number of outlets: corporations, churches and synagogues, schools (public, private and parochial), colleges and universities, veteran posts, civic, trade, fraternal and patriotic organizations, Boy Scouts, Girl Scouts, 4-H clubs and Boys Clubs, religious organizations, teachers, law enforcement agencies, newspapers, periodicals, commentators, radio and television networks and stations, advertising agencies, etc.

5. WHAT ARE COUNTERATTACK'S SOURCES OF INCOME?

It tries to make money in any way possible. Yearly subscriptions to the newsletter that claims to tell "the facts" about Communism sell for \$24. For a fee it sells a "screening" service to any employer who wants it. It does "private investigations" for management seeking aid in beating off labor organization. The quality of its "informational" service was shown in the job it did for the Brooklyn Eagle when that paper was seeking material for an attack upon the Rev. William Howard Melish. The dossier on Rev. Melish supplied for a fee by Counterattack turned out to be a rehash of an Un-American Activities Committee report which was available for nothing to anybody.

6. DOES COUNTERATTACK PRESSURE EMPLOYERS TO BUY ITS SERVICES?

Yes. An example is its approach to the Hutchins agency. A Counterattack staff member, Thomas Brady, visited Hutchins in February of 1950 to protest against the use of an actress on the Philco radio program, handled by Hutchins. Brady said the actress was a "commie" and that mass protest would follow her continued appearance on the show. To save the agency and sponsor from that headache, Brady offered Counterattack's services in screening performers. He set a fee of \$1000 for which the agency would receive Counterattack plus "communist dossiers on anyone the agency asked about." The agency turned him down and Counterattack retaliated with a headline that said, "Philco Does It Again", over a story that attacked the show, named the performer as a "fellow traveller" and urged the readers to protest to Philco.

Some readers reacted with the called-for protests, but most of them were postmarked from Queens, where T. C. Kirkpatrick does a lot of public speaking before the Catholic War Veterans and other groups. One protest came from a West Virginia town beyond the range of any station carrying this TV program. Philco is reported not to have kicked in the \$1000.

7. DOES COUNTERATTACK ACTUALLY CALL FOR THE FIRING OF PEOPLE?

Yes. It has not only printed lists of names, but again and again in its three years of existence has called upon employers to fire specific people, bar them, clean them out, refuse them employment, keep them off the air, etc., etc. Counterattack has proudly published letters it has received from employers informing it that persons attacked by the publication have been dismissed.

8. WHAT KIND OF SMEAR DOES COUNTERATTACK APPLY?

Mrs. Roosevelt is called "a Soviet sympathizer." Trygve Lie is called "Stalin's choice." New York State Supreme Court Justice Harry E. Schirick is attacked because in one of his decisions he "uses term 'witch-hunt' picked up indirectly from Communist propoganda." The Foreign Policy Association, charges Counterattack, "helps Stalin." And Dr. Harlow Shapley (astronomer and head of the Harvard Observatory), says Counterattack in a choice bit of innuendo, "doesn't admit membership in the Communist Party."

9. HAVE PEOPLE OUTSIDE RADIO AND TELEVISION BEEN SMEARED BY COUNTERATTACK?

Ranging far beyond radio and television, Counterattack has included among its targets such publications as the New York Times, the New York Herald Tribune, the New Yorker magazine, Women's Home Companion, Mademoiselle. It has attacked over 15 leading jurists including U.S. Supreme Court Justice Black, several Federal judges and State Supreme Court judges. Such universities as Yale, Harvard, Princeton and the University of Chicago have been smeared. Corporations like Standard Oil and U.S. Steel have been attacked. Many of America's most outstanding intellectuals have found themselves on Counterattack's subversive list.

The list of distinguished Americans whose reputations Counterattack has tried to tarnish goes on and on -- James T. Fly, Dr. Edward U. Condon, head of the U.S. Bureau of Standards, U. S. District Judges William Hastie and J. Waties Waring, Chancellor Robert Hutchins of the University of Chicago, Ambassador-at-large Dr. Philip Jessup, Walter Lippmann, Mayor William O'Dwyer, Rabbis Abba Hillel Silver and Stephen S. Wise ...

Censorship of opinion cannot be dissociated from the black-list. Counterattack has sought to circumscribe the area of free discussion in many ways. It attacks Doubleday for publishing "Scottsboro Boy," it attacked CBS for broadcasting Don Hollenbeck's "CBS Views the Press" program, it criticizes the New Yorker for A.J. Liebling's Wayward Press department, it tries to frighten Chicago's Hull House out of housing a Bread-and-Butter Conference, in one issue alone it sails into Life magazine for writing about Judy Holliday and putting Marsha Hunt's picture on the cover, Look for doing a feature on Leonard Bernstein, and Fortune for using a William Zorach painting on the cover. It slams at the University of Chicago for allowing the Interne Council to meet there. (The Interne Council is red, it seems, because it publishes a magazine that uses illustrations by John Groth.)

10. WHAT ATTEMPTS HAS COUNTERATTACK MADE TO BLACKLIST PEOPLE IN RADIO AND TELEVISION?

Almost every issue of the publication over the past three years has singled out one to several people in radio-TV and demanded action to cause them the loss of their livelihood. In the May 19, 1950 issue, for example, Counterattack blasted Emerson Radio, sponsor of Moss Hart's "Answer Yes or No" quiz show on NBC-TV, because Marsha Hunt, Garson Kanin and Ruth Gordon had been program guests. In the April 14 issue, a squawk was raised because Uta Hagen's picture had been used in a Blatz Beer ad in Colliers. On Feb. 24, Counterattack got mad at CBS and the N.Y. Philharmonic because Leonard Bernstein conducted a Sunday afternoon broadcast. Last Nov. 11, U. S. Steel's Theatre Guild of the Air was criticized for casting Tyrone Power as the lead in a radio version of "The Traitor." Back in October, 1947, Counterattack hit at Drew Pearson for turning his newscasts into "a good channel for the Communist Party's false rumors." If you examine a file of Counterattack, you will be able to multiply these ridiculous examples of "subversion" many times over. Hardly a single issue of Counterattack is published without some attack levelled at radio-TV.

11. HAS THE BLACKLIST CAUSED ANYBODY TO LOSE WORK?

One of radio's leading actresses played on a network show last spring. A week later the agency handling the show was told it was a great mistake to have used her. Her name had appeared in a newspaper, on a list of performers described as "people to be watched." For eight straight weeks thereafter, this actress - who up to now had been one of the most frequently employed - did not get a single call for work. A few jobs on other networks finally opened up to her, but then Counterattack's book-length blacklist, "Red Channels," was published, and her name was among the 151 listed. She hasn't worked in radio or TV since.

This example is but one of scores of others. There is the case of Kirk Douglas, the screen actor who won fame for his title-role in "The Champion." When the film was adapted for television, he was not allowed to play the role because Counterattack had named him (as a signer, among hundreds of others, of a brief for the Hollywood Ten).

There are several cases of blacklist that were newspaper headlines - Paul Draper barred from the kinescope version of Ed Sullivan's CBS-TV show, Paul Robeson barred from Eleanor Roosevelt's NBC-TV forum, William Sweets forced out of the director's job on the Gangbusters and Counterspy programs after almost six years of service, Betty Todd fired by CBS after 11 years as a staff assistant director.

There are literally dozens of other cases which have never been publicized but about which evidence has been gathered. Names will not be revealed here for fear that publicity will lead to still further blacklisting. The facts, however, are on file. There is the case of a network staff director who was forced out of an assignment of pressure from a veteran's organization. There is the case of an announcer who lost a job because his wife had once been secretary to a liberal commentator. There is the case of two actors who were dropped from a TV show because a few letters protested their appearance. There are several cases of actors who went through rehearsals but were replaced just before airtime as the result of pressure.

There is the case of the talent agency executive who said despairingly of an excellent actress that she was "a sweet little property" but he couldn't sell her anywhere because she had been blacklisted. There is the case of a director who is given no air credit for his work because the sponsor, who respects and needs the man's talent, is afraid blacklist pressure would be applied. There is the case of a choreographer fired from a network TV show because she said yes when she was asked if she was the kind of girl who would not cross a picketline. There is the story of the internationally-famed news commentator whose sponsor dropped him because he didn't like his views on Owen Lattimore.

There is the case of the radio writer who developed a comedy series idea for a first-rate comedian but who was told by the agency to which he brought it to forget it -- the idea was fine and the comedian was talented, but you could never sell a show built around a man whose name was on the blacklist. There's the case of the prominent actress whose valuable contract for a personal appearance was broken because her name had appeared in "Red Channels" after the deal had been set.

The trade press openly recognized a year ago how widespread the blacklisting practice had become. On August 19, 1949, Variety, under the headline "RED SCARE NUMBING VIDEO," wrote: "Situation, which has already hit radio via the firing of director William Sweets for his alleged political beliefs, has staggered video to such an extent that the problem of clearing talent from fellow-traveller charges has become all-important. According to one network talent chief, clearing property rights to a story or play had been the biggest stickler heretofore in staging a dramatic show. 'Now,' he said, 'we spend our time trying to satisfy our top brass that the actors have never been on the left side of the fence.'"

The atmosphere of fear aroused by the blacklist has caused people whose names have been smeared to request an investigation of themselves by the FBI, in the hope that this kind of official clearance -- if granted -- will restore their chances of employment. But in one such case even the government agency's clearance proved futile, for another smear from Counterattack again caused the loss of a job. There is the case of one actor whose name has never appeared on any of the various blacklists circulated in the industry. But nevertheless his income from radio-TV -- excellent for several successive years -- has dropped disastrously in the past year. His own explanation is that although his name has not been published on any blacklist, his reputation as a militant trade unionist is widely known. Directors and producers, frightened by the Counterattack crowd, may be invoking their own blacklist. He has reason to believe that such may be screening actors themselves in order to avoid the blunder of using someone who will then be made a target by Counterattack. The combination of their own insecurity and pressure from the right makes this self-imposed blacklist inevitable.

12. HOW VALID IS "RED CHANNELS" AS A "REPORT OF COMMUNIST INFLUENCE IN RADIO AND TELEVISION"?

"Red Channels" is the 213-page book published at \$1 by Counterattack around June 22, 1950. It claims to be a "Report of Communist Influence in Radio and Television" but actually it is nothing but a blacklist brazenly and openly distributed to all employers who will buy, something unprecedented in American labor history. The bulk of the book is devoted to an alphabetical listing of 151 people, followed by citations of organizations or causes to which it is alleged they lent their names at one time or another. To duck libel suits the publishers pretend this is simply an informational service designed to show the extent to which prominent artists "have been inveigled to lend their names to Communist causes" and to "discourage actors and artists from naively lending their names to Communist organizations or causes in the future."

Actually it is a club over the heads of employers who may dare to give work to anyone listed, and a club over the heads of the artists who may dare to take a stand on any vital issue of the time. All causes which have in the past aroused support among show people are damned as Communist: in "Red Channels'" own words -- "the overthrow of the Franco dictatorship, the fight against anti-Semitism and Jim Crow, civil rights, world peace, the outlawing of the H-bomb."

Ask yourself whether you have not been interested in at least one of these issues. How then are you to purify that interest? The only way to escape "Red Channels'"

snare is to avoid issues of consequence. Is this anything but indirect censorship?

The citations included as proof of "subversive tendencies" cover a lot of ground and in some instances go back as far as 1933. You could find yourself in a "Red Channels" if you urged a boycott of scrap iron and oil to Japan before World War II, if you asked aid to Loyalist Spain, if you opposed anti-Semitism in Nazi Germany, if you aided Russian War Relief, if you were for Henry Wallace, if you opposed the Dies Committee, if you opposed the Congressional candidacy of Republican Frederic Coudert, if you sponsored a dinner for Mead and Lehman in the 1946 election, if you belonged to Consumers Union, if you joined the Hollywood Anti-Nazi League or the Artists Front to Win the War, if you authored a book selected by the Book Find Club, if you joined a committee to end Jim Crow in baseball, if you opposed the proceedings in the Polk murder trial in Greece, if you petitioned the Supreme Court to review the cases of the Hollywood Ten, if you wrote for the Hollywood Quarterly, if you opposed the methods of the Hartley Congressional Committee, or even if a radio program you wrote were favorably reviewed in the Daily Worker.

Two curious aspects of the "Red Channels" list are its singling out of union officials and its attention to Negroes. At least eight union leaders in the radio-TV field are distinguished as such in "Red Channels," and several others prominent for their union activity are included on the list. It is a convenient labelling service performed for employers fearful of the legal consequences of firing union leaders for performing that function too conscientiously. They can now claim "authoritative" non-labor sanction for ridding themselves of employees who seek to make wages higher and hours lower.

Nine Negroes find themselves in "Red Channels". Most of the nine have never had any creation of theirs on the air and have almost never appeared on radio or TV themselves. Yet they who had been effectively blacklisted long before Counterattack was born now find that blacklist topped by still another.

Apparently Counterattack has an aversion to the abolition of discrimination and segregation. Among the whites on its "Red Channels" list are several people outstanding for their organizational contributions to the fight against Jim Crow in the entertainment field. And among the white writers, actors and composers listed are several who, although they are distinguished for many different artistic creations, are singled out here exclusively for works they

have created or performed with an anti-discrimination theme. The same pattern runs throughout Counterattack's three-year history.

A footnote to comment on "Red Channels": probably nine-tenths of the awards won in radio-TV over the years for distinguished contributions to American culture and ideals belong to those whose names are listed in "Red Channels."

13. HOW ACCURATE AND AUTHORITATIVE IS "RED CHANNELS"?

The thinness and inaccuracy of "Red Channels" charges is shown most glaringly in its handling of Howard K. Smith, radio commentator and chief of CBS' European News Dept. Unable to find any "subversive affiliations," even by Elizabeth Dilling's standards -- and unable to document any charges from transcripts of his newscasts, Counterattack tried something else. It blasted Smith for what the Daily Worker said about him.

"Red Channels" says Smith is guilty of being critical of the Marshall Plan and of America's participation in the Italian elections, and that he said of the Mindszenty trial "there is absolutely no reason to believe the charges were false."

And even here "Red Channels" is inaccurate. Its source was not the Daily Worker's radio reporter as claimed, but a book reviewer, and the Smith quotation was not from a radio broadcast at all, but from a book Smith wrote.

The "authority" for the citations in "Red Channels" is taken from "records available to the public." The use of the word "records" is intended to give the citations an authoritative, almost legal status. For the most part, the "records" are public information, but they gain no credence by virtue of that fact. A reading of "Red Channels" shows that the "records" are reports issued by the House Committee on Un-American Activities, the California and Massachusetts state committees on un-American activities, the Rapp-Coudert Committee (of New York City), the American Legion's Summary, the Attorney General's "subversive list". Counterattack itself is actually cited as an authoritative source!

Charges made before such committees and published in their reports are protected by legislative body's immunity. Hearsay, rumor, gossip, lies, fabrications, slander all found their way into these "records."

14. WHAT TYPE OF EVIDENCE DOES COUNTERATTACK USE TO BACK UP ITS CHARGES?

Perhaps the best example of Counterattack's methods and reliability is to be found in the story of John Leech. He is the witness Counterattack attempted to use to defend itself from a libel suit instituted by Fredric March and his wife, Florence Eldridge March. Mr. and Mrs. March were targets of Counterattack in eight different issues in 1947-48. As one example, on Dec. 5, 1947, Counterattack said: "Radio sponsors can't escape blame. Why does the U.S. Steel Corp., for example, repeatedly use Fredric March, a Communist, on its programs?"

The attacks were effective. March lost his radio work and the movies turned away too. Finally the Marches decided to sue for libel. When the pre-trial examination fell due, Counterattack produced its main witness, John Leech. It was evident that not until the possibility of paying damages was in the offing did these "trained" investigators and lawyers who staff Counterattack attempt to document their oft-repeated charges. They talked to their main witness for the first time only after the Marches brought suit.

Their main witness was John L. Leech, father of eight children, contract painter of Portland, Oregon, the man whose testimony they had come upon in the files of the House Un-American Activities Committee in the days when it was chaired by Martin Dies. Leech came to N. Y. to give his deposition and was paid \$1000. Under cross-examination by the Marches' attorney, Leech repeated the story he had told the Dies Committee, then retreating, explained and explained until there was no basis for the charge left. Finally, he was asked if he would come East and testify for the Marches if they too should give him a thousand dollars. The answer was a brazen "Yes sir."

Leech's personal history is interesting as evidence of the kind of source from which Counterattack's charges originate. In 1925 Leech had taken and passed an exam for the police force in Los Angeles. But he returned to Toledo before the appointment was due. In Toledo there was nothing for him to do and in September 1930 he went back to L.A. with his wife and kids, broke. Leech joined the Communist Party in 1932 and was active in L.A. according to his own testimony.

In 1935, the Hollywood Anti-Nazi League was formed by thousands of the most respected people in the film industry, including the Marches. It ranged from Helen Douglas to Rupert Hughes, Archbishop Cantwell and State Senator Jack

Tenney (later to become head of the California Un-American Activities Committee). Membership was open to all. Leech became a member.

Discussion groups were formed in Hollywood. People came and went as they pleased. Leech once escorted Earl Browder to a large home and before leaving him in the throng, he later claimed, he caught a glimpse of Fredric March along with many other movie people. In another group formed to discuss the making of liberal documentary films, Leech claimed that Florence March was present. That was all. The Marches never saw him, never knew him, and were never there.

In the Fall of 1936, Leech became Communist Congressional candidate. Immediately after the elections his behavior became erratic and in April 1937 he was expelled on charges of party irresponsibility and petty blackmail.

Shortly after, he was visited by William D. Browne of the Portland Police, who said apparently Leech was both criminally and civilly liable for not having notified the Relief Bureau of his Communist salary of \$10 a week. Browne offered Leech, father of 4 kids, a way out -- by testifying that Harry Bridges was a Communist for the Immigration Dept. Leech said he had absolutely no evidence but said he'd think it over.

Pressure was applied to Leech. Shortly thereafter a lawyer from the Bridges' defense came and got an affidavit saying that Leech did not believe Bridges was a Communist. Scared still further by what he had done, Leech wrote to the Portland Police Dept. that he had been intimidated by the Communists. The State of Oregon sent down a man named Doyle with a concrete offer. Leech was to move his family to Portland, Oregon with all expenses paid, with the guarantee of a job if he would testify against Bridges. Leech accepted. Doyle took a statement from him that Bridges was a Communist, in case Leech should give contrary evidence later on. The Bridges Defense returned again and this time got a complete statement in affidavit from Leech of all that happened. Within less than a month after his expulsion, Leech signed three statements at variance with each other and with each one had an explanation of all the others.

He fled to Portland, where he was given work as promised after he had made his deposition to the Immigration authorities.

Before the Bridges case came to trial, Leech was subpoenaed by the Dies Committee sitting in Hollywood. There was, of course, no direct payment but again his expenses were paid

on a generous scale including an item to cover earnings lost while testifying. Leech arrived and testified in headlines that the Hollywood Anti-Nazi League was red-controlled, and among the Communists he named Humphrey Bogart, Fredric March, James Cagney and others. The actors flatly called him a liar. Leech began to backtrack. He finally admitted that the Anti-Nazi League was overwhelmingly non-red.

The hearings ended with Dies announcing all actors named were absolutely cleared. At the Bridges trial, Leech was riddled by the Defense. Dean Landis, after listening to his torrent of explanations, said Leech was afflicted with "verbal haemophilia." Leech was so discredited that he was never again called as a witness either by Dies, Wood, Rankin or Thomas.

But nine years later, Counterattack called him

15. IS COUNTERATTACK AN ANTI-LABOR AGENCY?

There is ample evidence to prove the services it has rendered to employers in their efforts to weaken or smash labor organization. Counterattack's publisher, American Business Consultants, Inc., filed incorporation papers in New York City on April 23, 1947. This was at the height of the big corporations' campaign to get the Taft-Hartley bill pushed through Congress. The first issue of Counterattack appeared May 16, 1947. The Taft-Hartley law was adopted by Congress a few weeks later, in June 1947.

All labor unions agreed that no matter what its professed aims were, the Taft-Hartley law was designed to cripple trade union organization. Counterattack was only one of many similar publications born to take advantage of the T-H atmosphere. A rash of new publications and organizations devoted to "fighting the red menace" sprang up in 1947 and 1948. Foreseeing fat fees from industrialists always willing to pay heavily for "inside" information that could be used to weaken labor organization, the new outfits were prepared to use tactics ranging from screwball fascism to subtler union-busting.

Counterattack has proved to be one of the more "respectable", better publicized and probably most successful of these new "anti-Communist" crusaders.

Point 4 of Counterattack's published 10-point program is "To consult with representatives of trade unions and business and provide them with documented facts on Communist infiltration in their respective fields."

In radio and television, Counterattack's stated goal is to provide a blacklist employers can use against the most militant unionists, concealing this by labelling the targets "Communists":

"Communist actors, announcers, directors, writers, producers, etc., whether in radio, theater, or movies, should all be barred, to the extent permissible by law and union contracts. There should be no avoidable dealings with any union official who has shown by his acts that he is secretly a Communist Party man or fellow-traveller." (Counterattack, 9/5/47)

15. WHO IS COUNTERATTACK'S "LABOR RESEARCH DIRECTOR"?

Harry A. Morgan is Counterattack's labor research director. A vice-president of the American Communications Association in the war years, he was forced out of the union by the rank and file and immediately joined the staff of Counterattack. His former union, the ACA, charged him with taking part in "a new labor spy racket" and cited his record as a man who cooperated with the employers in the maritime industry against the interest of his own union members.

In 1946, the ACA membership by almost unanimous vote found that Morgan's action in leadership "constitutes a disruptive attack upon the unity and welfare of the membership."

Interviewed by the ACA News, Morgan admitted he and Counterattack never checked the truth of the smears they apply. In answer to a question from the reporter, Morgan said, "I just check to see that we have the papers, the documents. I don't check to see whether it's true. I don't check the facts." (The papers and documents referred to are usually old Dies or Tenney Committee reports.)

17. WHAT UNIONS HAS COUNTERATTACK INTERFERED WITH?

A. In April, 1948, the Farm Equipment Workers were trying to renew their contract with the Caterpillar Tractor Co. in Peoria, Ill. S. Paul Ferrin, ex-FBI agent and member of the Counterattack staff, appeared in Peoria to feed sensational scare stories to the local newspapers, attacking the union's leadership as "communist". The union members bitterly denounced him for disrupting negotiations and aiding the company's efforts to destroy the union.

B. In May 1948, the Screen Office and Professional Employees Guilds was in the midst of negotiations with United Artists, a company with whom they had signed contracts ever since 1942. Suddenly the company broke off,

making false charges against the union. The same day, the International Alliance of Theatrical Stage Employees (IATSE), trying to raid the United Office and Professional Workers of America (UOPWA, of which the Screen Guild is a part), handed out a pamphlet called "Objective Study of UOPWA, CIO," published by American Business Consultants, Inc. (Counterattack). The same pamphlet has been distributed to other employer groups with whom the union has contracts or where it is engaged in organizing drives.

C. T. C. Kirkpatrick, ex-FBI agent and member of the Counterattack staff, appeared before a subcommittee of the House Education and Labor Committee in Washington on July 2, 1948, to make "red" charges against several leaders of the Retail, Wholesale and Department Store union.

D. In the fall of 1949, just as the Radio and Television Directors Guild was about to enter negotiations for a new contract with the networks, Counterattack tried to plant anti-union material in the hands of what it considered to be the more conservative members of the union. It issued memos alleging the union's lawyer was a Communist, mailed material anonymously to portions of the union membership, and tried to bring together a faction in advance of a union meeting to prepare the way for breaking up the union's unity. The movement was defeated and Counterattack denounced. It would have played perfectly into the employers' hands had it succeeded.

18. HOW ELSE DOES COUNTERATTACK AID EMPLOYERS?

Counterattack's promotion material appeals directly to employers. It has sent out samples of its services to a list of names in the Directory of Directors of NYC, using a group order form in an attempt to obtain group subscriptions from companies. They say their clients include executives of General Motors, Standard Oil, General Electric, etc.

The document Counterattack issued against the UOPWA recommends that employers consult the material published by the U. S. Chamber of Commerce. The C. of C., in turn, has recommended that its affiliates use Counterattack.

The anti-UOPWA document also details the steps on how a shop is organized, and spells out ways to counter such moves. These could be applied to any union situation and the document is, in actuality, a manual for the benefit of employers who have potentially organizable workers.

On May 1, 1948, the Journal of Commerce reported that the then current issue of Counterattack showed how to use the

Taft-Hartley law for the employers' benefit. The Journal reviewed the article in detail, emphasizing how the law could be used against so-called "communists."

20. DOES COUNTERATTACK ATTEMPT TO IMPOSE CENSORSHIP?

At the September 1949 meeting of the Scarsdale Board of Education in Westchester County, N. Y., Otto E. Dohrenwend, an investment broker, asked the board to investigate "tainted" books in the school libraries and on the textbook lists. The Rev. William C. Kernan, also a member of the "Committee of Ten" to which Dohrenwend belongs, disclosed that the list of books to be banned came from Counterattack. The next month a group of 81 leading citizens of Scarsdale signed a public statement opposing the banning move and the self-appointed Committee of Ten.

The same demand for book-banning was brought up again in Scarsdale in July 1950, with the same committee spearheading it. And again Counterattack was used as authority. The Scarsdale Board of Education refused to order an investigation.

Counterattack has made many other attempts at censorship. It has sought to ban children's recordings. It has attacked the book review sections of such newspapers as the New York Times and Herald Tribune because books Counterattack disapproved of were recommended. It has published lists of books not to be bought as Christmas gifts. It has printed attacks on Catholic writers, educators and commentators whose opinions did not coincide with Counterattack's. It has sought to advise newspaper editors on what news is fit to print and what isn't. It worked out an arrangement with the American Hotel Association to supply a list of organizations to whom space or facilities were not to be rented. It has advised the sponsors of radio and other public forums on what speakers are to be invited and which proscribed. It has told radio writers, film writers, reporters and editorial writers what to say and how to say it.

21. IS THE BLACKLIST A LEGAL OFFENSE?

Blacklist has long been considered a form of interference in employer-employee relations. In the words of the U. S. Department of Labor, "to procure the discharge of an employee by false representation is actionable at common law, and even where the statements are true a person who procures another's discharge is subject to liability if malice can be shown. Thus, although an employee has no action against an employer who discharges him, he may have redress against the third party who reported his trade-union

activity to the employer, thereby inducing his discharge. Moreover, most States have statutes which make criminal the establishment of a blacklist." (From Characteristics of Company Unions, 1935. Bulletin #634, U. S. Dept. of Labor, Bureau of Labor Statistics.)

Over half the states, including New York, have statutes which specifically prohibit the use of blacklist and penalize all persons who are found to be guilty of participating in their creation or in their distribution. It is either a misdemeanor and punishable as such in some states, or an unfair labor practice under the unfair labor act of the state and nation. Both the old Wagner Act and the current Taft-Hartley Act prohibit the use of the blacklist and provide for penalties.

22. WHAT ACTIONS HAVE THE UNIONS IN THE ENTERTAINMENT FIELD TAKEN AGAINST THE BLACKLIST?

The following are resolutions, quoted in full or in part, adopted by unions in the field:

Radio and Television Directors Guild:

"Blacklists are un-American in principle and purpose, designed to deprive a man arbitrarily of his means of livelihood ... It is now, always has been and always will be a fundamental precept of the RTDG that a man's talent and ability shall be the sole criteria by which he is judged for employment ... the RTDG unequivocally condemns the existence and use of blacklists in the radio-television industry."

American Federation of Radio Artists, New York local,
July 1949:

"The New York local of AFRA strongly condemns the practise, if any, of giving or withholding employment in the case of any performer on the basis of political beliefs or affiliations ... all performers (should) be hired or not solely on the basis of their talent and ability."

AFRA, New York local, resolution for referendum, adopted
June 29, 1950, submitted to referendum:

"WHEREAS, the Constitution of AFRA guarantees the protection of its members and the advancement of their welfare;

"AND WHEREAS, the increased use of blacklist is depriving greater numbers of AFRA members of their livelihood;

"THEREFORE BE IT RESOLVED that, for the purpose of initiating and implementing action to eliminate the practice of

blacklist, the Local Board of AFRA meet with the executive bodies of any and all unions in the industry, including the executive bodies of the Radio and Television Directors Guild and the Radio Writers Guild, which have already taken positive action to fight blacklist, and that the National Board through the Local Board meet with the advertising agencies and networks and that the matter be publicized."

Actors Equity and Chorus Equity Joint Council, July 11, 1950:

"WHEREAS, the Actors' Equity Association and Chorus Equity Association are voluntary Associations constituted to advance, promote, foster, and benefit all those connected with the "art of the theatre", particularly the profession of acting and the condition of persons engaged therein; to protect and secure the rights of actors, and to advise and assist them in obtaining employment and proper compensation therefor; as set forth in their Articles of Agreement;

"AND WHEREAS, it has been brought to the attention of the Actors' Equity Association and Chorus Equity Association that certain agencies and employers within the theatrical profession are resorting to the use of a so-called "black list" directed against several and sundry of its members;

"AND WHEREAS, the use of such so-called "black list" is traditionally a powerful weapon for the destruction of unions;

"AND WHEREAS, the continued use of such so-called "black list" is therefore detrimental to both its individual members and to the Actors' Equity Association and Chorus Equity Association;

"THEREFORE, BE IT RESOLVED, that the use of the so-called "black list" is contrary to some of the most fundamental purposes for which the Actors' Equity Association and Chorus Equity Association were formed, as herein above set forth, and in order to protect themselves and their members they must vehemently denounce such practice and take action to eliminate it; and be it further resolved that to this end they instruct their executives to place this matter before the International Board of the 4A's so that the International Board may meet with the Executive bodies of any and all unions in the entertainment profession for the purpose of initiating and implementing such action."

Authors League of America:

".... We have reached a point where writers of motion pictures (and no doubt of plays, books and other creative

work) are blacklisted; their product is not distributed. And this is not on the basis of content or artistic ability or the value of the work itself, but because of the personal associations, politics, views and opinions of the writers. This is censorship gone wild.

"Hitler lost his leading scientists, writers, artists and teachers because of discrimination against those who were not in step in his totalitarian regime. Censorship, however it comes about, is dangerous. Censorship by defamation, blacklisting, compulsory public disclosure of views and associations is quite as effective as direct prohibition of creative work."

23. HAVE INDUSTRY EXECUTIVES RESISTED THE BLACKLIST?

Yes, and wherever they have, those attempting to force blacklisting have failed in their purpose. An executive in a major advertising agency said that his agency had felt pressure to blacklist from both Counterattack and some of the sponsors whose accounts it handled. But by simple common sense the agency had successfully resisted the pressures. In one case a client got excited because some 60 letters came in during one week, attacking an artist featured on its weekly radio series. The client wanted to have the artist dropped, but the agency pointed out that a) the letters were obviously the result of an organized campaign and were mostly crackpot in tone, and b) the same artist was the recipient of hundreds of letters every week full of praise for his performance. The client saw the point and dropped the issue.

In a similar situation, a network got 41 letters protesting the appearance of a writer as a guest on one of its broadcasts. All the letters came from Queens County in New York. At the same time, the network received about 2500 letters of delighted approval from all over the country. Yet the network officials, alarmed at the minority protest, might have surrendered network policy to a handful of fanatics had not someone brought to their attention the enormous preponderance of friendly and genuinely spontaneous mail.

Recently on a network TV dramatic program the director was advised by the network to use the same actress who had won critical acclaim in the starring role in a shorter version televised previously. After a week of rehearsals, the director was advised that the network brass now wanted to drop the actress. The director refused to comply with the order, stating that her proved competence permitted no ground for firing her. He stuck to his guns and the actress went on with the show. No further protest was registered.

In another such situation, Counterattack attempted to force a social welfare agency to drop two performers who had won auditions for a program the agency was sponsoring and producing on a network. The agency resisted the demand and the performers went on the air. The next day one of the performers mentioned the incident to a radio producer in one of the largest advertising agencies. The producer commented: "We get a list from Counterattack or the American Legion just about every month and if we paid any attention to it we'd never be able to get a show on the air."

Counterattack itself has indignantly quoted in its pages letters from executives of organizations of which it has demanded blacklist action. One such came from Irving Olds, chairman of the board of U.S. Steel. Answering Counterattack's charge that U.S. Steel's Theater Guild of the Air program had been hiring "subversive" writers and actors. Olds wrote: "Such individuals are considered on the basis of their ability in their respective fields and in no way on account of ideological, social or religious beliefs they may hold."

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