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Eisenhower Comes Out Swinging

HAUNTED by steamy visions of a Democratic landslide, President Eisenhower has finally waded into the campaign in full battle regalia.

He is no longer subdued and cautious. Fully conscious of the high stakes riding on next Tuesday's balloting, the chief executive has come out swinging in the final round. He is fighting with the grim determination of a boxer who is behind on points and knows he must score a knockout to win.

That knockout may come within the next 96 hours. But it is more likely that the President's late burst of campaigning is only a case of too little too late.

Whatever the election day decision, Mr. Eisenhower can be credited with one major achievement. He has junked some particularly musty notions about his job. He has abandoned what Doris Fleeson yesterday called his Chief of State complex and become a forceful advocate of his own and his party's political philosophy.

During the first year of his term, the President stood above political struggle. He liked to speak of "the interest of all 160 millions of our people" (the phrase appeared in his farm message last January). He seemed to regard himself as a mediator rather than a champion.

It wasn't long before political commentators began to speak of "weak presidents" and wondered if Mr. Eisenhower was one.

In recent months, the President's attitude has toughened. Late in the second session of the 83rd Congress, he plumped lustily for some of his favorite measures—but, unfortunately, not all.

After Congress closed up shop, Mr. Eisenhower went to Denver. For a few weeks it looked as if he might have retreated into the role of "nonpartisan" president. Then on Oct. 15, the chief executive came down out of the mountains for a speech in the farm belt. He has been on the stump ever since.

From every standpoint, Mr. Eisenhower's decision was wise. The American political system demands a strong, forceful president who is willing to roll up his sleeves and scrap for his program. It is a rule of politics that no vexed question is settled except by executive policy. It is the president who determines the major issues on which Congress acts. It is the president who must attempt, with or without success, to bring the party members in the House and Senate to the support of his policies. And it is the president who, to protect his program, must fight for the life of his party. When a president abdicates his leadership there is no place in the American system for the mantle to fall.

It is perfectly true that the only agency that officially represents all Americans is the presidency—the president himself, his executive aids and special bureaus. The president was cast in this role by the founding fathers. But there can be no such thing as a nonpartisan president. There could be no progress whatsoever with such a man in the White House.

Cutting Costs Of Catastrophic Illness

HEALTH study groups, presidential candidates and concerned citizens have for some time been calling attention to the onerous burden which falls upon families suffering from catastrophic illness. They are the families in which the breadwinner is bedridden for month upon month, or perhaps where a child must take long and expensive treatment, or where an elderly parent requires continuous hospital care. Those are the illnesses which are not covered adequately by most ordinary health insurance policies. Recognition of these families' plight was recognized by Congress this year, when it granted more tax relief to persons who have unduly large medical expenses. Families—and all of us can count several of them among our friends—who have suffered such disasters will be interested to know of another step which has been taken to alleviate the burden of catastrophic illness.

It is a relatively new kind of co-insurance designed for the families whose income excludes them from charity on the one hand and, on the other, is insufficient to enable them to save substantially. As it works out in practice most families can obtain, for from $50 to $100 per year, assurance that they will have to pay only one-fourth of the huge medical bills that might descend upon them with devastating suddenness.

Here is a field of insurance that wants more attention by insurance men, individuals, companies offering group plans and by government. Chief Justice of the Supreme Court Earl Warren, as governor of California, vigorously supported a public health insurance program limited to catastrophic illness. He maintained, that "we must face the fact that voluntary insurance by itself cannot solve the problem of catastrophic medical costs."

The recent interest of private insurance companies in this kind of coverage permits the hope that they will provide adequate coverage at rates which make it accessible to those who need it most. If they don't, requests for programs such as Warren proposed will become more urgent.

The Wonderful, Neglected Art Of Satire

"'TIS STHRANGE we don't hear much talk about th' Ph'lippeens," said Mr. Hennessy.

Mr. Dooley, across the bar, replied:

They're satisfied an' happy an' slowly but surely they're acquirin' that love f'r th' governmint that floats over thim that will make thim good citizens without a vote or a right to thrile be jury. I know it. Guv'nor Taft says so. Says he:

Th' Ph'lippeens as ye have been tol' be my young but speechful friend, Sinitor Bividge, who was down there f'r tin minyts wanst an' spoke very highly an' at some length on the beauties iv th' scenery, th' Ph'lippeens is won or more iv th' beautiful jools in th' diadem iv our fair nation . . .

It is not always nicessary to kill a Fillpino American right away. Me desire is to idlicate thim slowly in th' ways an' customs iv th' counthry . . . I have not considhered it advisable to inthrajooce anny fads like thrile be jury iv ye'er peers into me administhration. Plain sthraight-forward dealin is me motto. A Fillipino at his best has on'y larned half th' jooty iv mankind. He can be thried but he can't thry his fellow man. It takes him too long . . .

I hope I have tol' ye enough to show ye that th' stories iv disorder is greatly exaggerated. Th' counthry is progressin' splindidly . . . Ivrywhere happiness, contint, love iv th' sthepmother counthry, excipt in places where there a're people.

Columns like the above, written in 1900 by Finley Peter Dunne, helped Americans see and chuckle at their own shortcomings in their awkward new role as a world power. For Mr. Dunne was a master of satire. At times his rapier pricked sharply. But frequently his writings met the requirements of Lady Montagu, who wrote in satire's golden age, the 18th century, that

Satire should, like a polished razor keen,
Wound with a touch that's scarcely felt or seen.

Satire is an ancient device, used first by the Greek Archilochus, and by Romans like Juvenal. REYNARD THE FOX, a product of unknown Frenchmen during the Middle Ages, was a devastating comment on the foibles and chicanery of the time as was, later, Jonathan Swift's GULLIVER'S TRAVELS. Alexander Pope, one of satire's practitioners, knew the dangers and limitations of his trade. "Satire's my weapon," he wrote, "but I'm too discreet, To run amuck, and tilt at all I meet."

But satire, alas, has in these post-Shavian days been sorely neglected. Cartoonists practically have the field to themselves. Thus we are pleased to read, in Harriet Van Horne's column in the NEW YORK WORLD TELEGRAM-SUN, that a radio network is bold enough to enter the field in a major way.

The Canadian Broadcasting Co. has produced an hour-long dramatic satire entitled THE INVESTIGATOR. The story opens with a plane crash, after which The Investigator finds himself at the gates of heaven. He assumes the gates will open wide. But no, the gatekeeper tells him he'll have to be investigated by the Permanent Committee on Permanent Entry.

The Investigator meets some of his pals outside the pearly gates—Torquemada and Cotton Mather among them. When the investigation starts, St. Peter's qualifications as chairman are questioned. Result: A new investigation is launched. Many "subversives" are queried—Socrates, Jefferson, Voltaire, Mill, Luther, Spinoza. (But the committee has as much trouble with Karl Marxes as another committee had with Annie Lee Mosses. It calls up Karl Marx the piano tuner, and Karl Marx the watchmaker, but Red Karl can't be found.)

And so it goes, until the scholars and thinkers all go to Hell where Lucifer is in a pet because those eggheads are trying to reform his domain.

What this country needs is more chuckles, at itself. Enough of the pundits, historical novelists and exposers. Bring back the wonderful, neglected art of satire.

If all Americans vote their political principles (as most of them claim to do), please tell us why a prolonged drouth nearly always leads to political upheavals and a disaster to the governing party. Do the voters have an assortment of wet weather principles and dry weather principles to hold in readiness for any change in precipitation?—DAILY OKLAHOMAN.

Since the two most notable reigning sovereigns in the world are not kings, but queens, why doesn't some smart cigarette company have the imagination to bring out a queen-size instead of a king-size cigarette?—KINGSPORT (TENN.) TIMES-NEWS.

Reality is when you wake up looking for happiness and all you can see is leaves on the lawn.—ELLAVILLE (GA.) SUN.

The Fifth Amendment: A Symbol Of Individual Liberty

By ERWIN N. GRISWOLD

(Editors' Note: Mr. Griswold is dean of the Harvard Law School. This defense of the Fifth Amendment was excerpted from an Oct. 19 address before the Connecticut Bar Association.)

THE Fifth Amendment provision that a person need not be a witness against himself has been much with us in recent months. Many people, I suppose, though not prepared to say that the amendment should be done away with, are rather inclined to feel that they have heard enough of it for a while. It has been my lot to think about these problems a good deal over the past several months. A number of earnest and sincere people have written to me, often at some length, and I have considered their arguments carefully. But I have not found anything to change my view that this provision is one of fundamental importance in our legal and social system. Indeed, I have come to feel that it is important not only for itself, but as a symbol of our best aspirations and our deep-seated sense of justice.

Last spring, I outlined some of the history of the Fifth Amendment, both before and after our revolution. I showed how it arose, almost abruptly, out of the great political struggles in England in the 17th century. As a part of our common law heritage it was transplanted to this country, and incorporated into our constitution with the amendments constituting our Bill of Rights. I stated my view that "the privilege against self-incrimination is one of the great landmarks in man's struggle to make himself civilized." There appears to be no reason to withdraw from that conclusion.

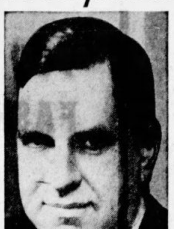
'GUILTY OR LYING'

Many people have approached the Fifth Amendment in recent months in a rigid and mechanical way. They say: "A person claiming the privilege against self-incrimination under the Fifth Amendment, or under a similar provision of a state constitution, is either guilty or else he is lying. Anyone can see that."

That is what we are often told. And on either basis, the person claiming the privilege has condemned himself, and should be forthwith dismissed from whatever he has been doing, and generally blacklisted and deprived of his livelihood. Indeed, this position has been taken (in entire good faith, I am sure, in a bona fide effort to resolve a problem which I have acknowledged is one of great difficulty) in a number of proceedings involving both academic and non-academic people.

It is not true that there are only two alternatives. A person may fear and honestly fear the risk of prosecution even though he knows he has committed no crime. He is entitled to claim the benefit of the privilege in such a case, and an inference that he has committed a crime is simply wrong.

We are often given the example of the bank teller who claims the privilege against incriminating himself when he is asked whether he is the person who stole the missing $1,000. We are told that such a bank teller would be immediately dismissed; and doubtless he would be, and very likely with great propriety. This example is often advanced as establishing the proposition that the same result should follow as a matter of course in all other Fifth Amendment cases. It is my purpose to suggest to you that it is not as simple as that.



ERWIN N. GRISWOLD
No Defense Needed

NO CLEAR LINE

The first matter to which I think we should give careful attention in all of these cases is the nature of the question which is asked, and which the witness refuses to answer under the shelter of the Fifth Amendment. Here again the problem is one of degree. There is no clear and sharply demarcated line. The question whether a bank teller stole funds entrusted to him is one sort of a question. But the closer the question asked gets to the area of opinion and political belief, the less significant, I suggest to you, is the refusal to answer questions.

Now, I may well be asked: Isn't a conspiracy to overthrow our government by force and violence, using murder and all the other evil methods that the Communists have shown that they are capable of, at least as bad (to put it mildly) as taking $1,000 from a bank? Of course it is—far worse. But putting the question that way does not help us to advance our thought. The question is not how bad these two things are, but what conduct the person we are considering actually engaged in.

MANY MEANINGS

The word "Communist" is used with many meanings. Some people automatically jump to the worst meaning. Yet people who have been Communists in the past, or who have allowed themselves to be used by Communist interests, may in fact have been tempted by the Communist lure while holding less sinister motives and intentions. Their approach may have been made, and their actions taken, in terms which were to them purely political and innocent.

Now, many years later, with the benefit of much hindsight, we see the activities in which these people engaged in a very unfavorable light. But the persons who engaged in these activities, and who had these associations about which inquiries are currently being made, did not act themselves in that light. To them, the questions which are now asked often relate directly to matters which they consider to be their personal beliefs and political opinions. And they know from what they read in the papers, and from what their counsel tell them, that information which they now give about these past acts and associations can lead to criminal prosecution.

NOTHING CRIMINAL

So they claim the privilege. And the point here is that, under these circumstances, the privilege may be claimed without the person having in fact actually done anything criminal at all.

As I have said, it is a question of degree. I am not trying to give a simple or positive answer. I am trying to point out something that has usually been overlooked in recent considerations of this problem, namely, that there may in fact be far less basis for drawing any inference against a person claiming the privilege against self-incrimination when the question he refuses to answer is one which is, or which he feels to be, directed to his opinions or political beliefs.

Now I turn to the second factor to which I wish to draw your attention. This too is a question of degree. I am referring to the nature of the tribunal which subjects the witness to questioning.

Our courts are for the most part well run. They are presided over by disinterested judges, and are bent on seeking the truth with careful regard for the rights of individuals. They have no axes to grind.

When we come to legislative investigations, we have a wholly different situation. Here, nearly every safeguard which has been developed over the centuries by our courts is thrown out the window.

All legislators are necessarily and naturally engaged in politics. Politics is surely one of the most important activities in a democracy. But any person engaged in politics is constantly and naturally concerned about the effect his actions will have in attracting or repelling votes. Now let us consider an investigation which is not so carefully conducted. Let us mix in a large measure of television, newsreels, radio, after-session press releases, and so on. In this atmosphere, why is it not obvious that disinterestedness retreats to the background, and that this is true with respect to many controversial legislative investigations.

NO REAL SAFEGUARDS

At its best a legislative investigation is not too satisfactory a place to be concerned with individual rights, nor for creating confidence in the witness that his rights will be safeguarded and respected.

Let me make it plain that I am not seeking to lay down any absolutes. I am by no means saying that every witness who claims the Fifth Amendment's privilege is lily white. Many of them are surely quite black. All I am trying to say is that the determination of that question is, or may be, an extremely difficult one, and any conclusion which is reached automatically is likely to be a wrong one.

Instead of decrying the Fifth Amendment, we may well feel satisfaction at the protection the Amendment has given to individuals standing alone, against abuses which for centuries would never be tolerated in any of our courts.

LONE SURE ROCK

The Fifth Amendment has been very nearly a lone sure rock in a time of storm. It has been one thing which has held quite firm, although something like a juggernaught has pushed upon it. It has, thus, through all its vicissitudes, been a symbol of the ultimate moral sense of the community, upholding the best in us, when otherwise there was a good deal of wavering under the pressures of the times.

The Fifth Amendment needs no defense. But if it did, a good way to make it would be to use it, in a sense, offensively, as a reminder of the necessity of maintaining constant vigilance for the protection of individual rights. As a symbol, the Fifth Amendment can be a guide to a number of things which we should be doing better, and which we as members of the bar might well be doing more to improve.

Let us never forget the great tradition of individual liberty in this country. There are few clearer symbols of this tradition than the Fifth Amendment.

"It's a history of America from the writing of the Constitution, through Washington, Jefferson, the Bill of Rights, Abraham Lincoln, up to the Roosevelt era, with an interesting last chapter entitled 'HOW DID McCARTHYISM COME INTO BEING WITH THIS KIND OF HERITAGE?'"

People's Platform

Vote With Party —Or Get Out?

Charlotte

Editors, The News:

I AM A Registered Democrat.

And, as such, I feel I am within my rights to inquire of my own party: What does Sen. Alton Lennon and others mean when they say, in effect: Either vote with the party, or get out?

Frankly, this line of tactics worries me. If this is what "the grand old party of the South" is coming to, then I'm not so sure I want to remain in it.

When I became 21, I became eligible to vote. Up until this time, I've always voted the straight Democratic ticket. There was a possibility that I might have done so this year. That is, I would have done so, had there been a stronger man put up against Mr. Jonas, and had my own party not begun calling Jonas supporters "Republicans who are ashamed to admit it."

Well, at this point, I am still a Democrat. A Democrat for Jonas. It seems there are a lot of other Democrats for Jonas in these woods; and if after I cast my vote for Jonas and against my party's man on Nov. 2 the party does not want me to remain within its ranks, I'll see what I can do about that, too.

But why raise such a fuss about supporting the best man, regardless of party? Isn't it true that the key speaker of the Young Democratic convention here—Sen. Jackson—was elected by both Republicans and Democrats in his own state of Washington? In that election, the Republicans must have felt Jackson to be the stronger candidate.

That's the kind of "party politics" for me!

—RAY WHITAKER

Put The Country Above The Party

Lincolnton

Editors, The News:

I BELIEVE that in the six counties comprising the 10th Congressional District, there are enough voters who are willing to put country above party and vote for the man who is best qualified to represent this district in Washington. That man is Charles Raper Jonas.

In the past two years, for the first time since I can remember, we have had a congressman who has looked after the best interests of his constituents. He has already succeeded in locating a guided missile plant in this district that will employ many hundreds of people at high wages. He is constantly alert to possible opportunities for bringing other such industries into this district.

With a Republican administration in Washington it is a known fact that a Republican congressman will be better able to look after the interests of his district than can a congressman of the opposite party.

Mr. Jonas is a fine Christian gentleman. There's not a Democrat in this district who can truthfully say that Mr. Jonas is not a good man and is not ably qualified for the job he seeks.

Let's elect him again on Nov. 2.

—CHARLES EUREY

Drew Pearson's Merry-Go-Round

Trouble Dogs Sen. Mundt's Footsteps

WASHINGTON

SOUTH DAKOTA hasn't gone Democratic since most people around the Republican National Committee can remember, but today there's a certain amount of uneasiness regarding the future of the genial gentleman who tried—rather unsuccessfully—to keep order in the Army-McCarthy hearings—Sen. Karl Mundt.

The biggest problem bothering Karl—the Eisenhower farm program—isn't his fault. Two other problems could have been avoided. They are: 1. A cocktail party to have been held in the Senate; and 2. Karl's friendship with Joe McCarthy and Texas pals.

It so happens that candidate Eisenhower chose South Dakota to make his strongest promise to farmers in 1952. In South Dakota Ike went even further than he did at Kasson, Minn., and gave himself not one loophole in promising categorically and firmly 90 per cent price supports to farmers. So, with eggs now selling for eight to ten cents a dozen, farmers remember all to vividly Ike's categoric and eloquent promises.

Another problem involves a cocktail party to which Karl invited all members of the Army-McCarthy hearings just after their windup. It was to be held in the Senate caucus hearing room where it's against the rules to serve liquor. Karl, however, invited all Army-McCarthy participants anyway.

Then, when he heard the Democrats would boycott the party, he called it off.

However, the story got back to South Dakota and didn't sit too well with voters. So Karl did rather a foolish thing. He denied it.

Whereupon the Democrats trotted out a copy of the cocktail invitation. At the bottom were these giveaway words: "Viands and vintages."

The final problem is Mundt's association with McCarthy and Texas friends, which quite a few people in South Dakota don't seem to like. Mrs. Mundt, of course, has long been a friend of the McCarthys, and Karl himself once bought 200 shares of Texas Gulf Sulphur stock on a McCarthy tip that his Texas friend, Clint Murchison, planned to buy up all the company's stock.

At any rate, when Mundt was speaking at Aberdeen, S. D., he climaxed one rhetorical pasage with: "As long as I represent the good people of South Dakota . . ."

"You mean Texas, don't you, Karl?" interrupted a man in the audience.

The crowd, judging by this reaction, knew exactly what the heckler was talking about.

Politico-Go-Round

The GOP campaign is really getting into high gear. The Republican National Committee in Washington spent one day last week on the long-distance phone, called 300 people in New York, asked them for $1,000 apiece. Quite a few came through . . . It looks as if ex-Sen. Ernest McFarland, former Senate Democratic leader, would stage a comeback as governor of Arizona. McFarland was the great champion of Arizona water rights. His Arizona successor in Washington, Barry Goldwater, spends a good part of his time at La Jolla Beach in Southern California. California is Arizona's bitterest rival for water rights.

Republican Strategists Eye Important U. S. Negro Vote

By DORIS FLEESON

WASHINGTON

"IF ONLY Ike were running, how we'd bring those Negroes home!" moans Val Washington, minorities director of the Republican National Committee.

He has in mind an Eisenhower civil rights record which prompted the New York Negro congressman, Adam Clayton Powell, to write recently in the Reader's Digest: "I was wrong (about Eisenhower) . . . without political trumpeting (he) has quietly started a revolution which, I firmly believe, means an era of greater promise for Negro citizens."

Even without the President on the ticket, Washington claims an average increase in the Negro vote of 10 per cent over 1952. These claims are based on polls made by an outfit which in 1952 surveyed the scene and warned that Negroes would not then leave their Democratic moorings.

Democrats don't argue against the President's civil rights record but they assert it is cancelled out by unemployment. Despite their increased membership in unions, Negroes have much less seniority than the average so are still first to go when jobs fall off.

The recent CIO poll showed, too, that the relatively few Negroes who had gone over to the Republicans in late years were coming home. CIO spokesmen expect no defections from Democrats by Negro members of their unions.

It is conceded by Mr. Washington that many Republican candidates are not too well known to Negroes generally while in all industrial areas, Democrats are well known.

Nevertheless, he feels that his campaign literature — mostly reprints from the Negro press describing what Eisenhower has done — is making a real impression on better-educated and professional Negroes. Thus he says the GOP will be helped in cities like Louisville, Ky., Harrisburg, Pa., and South Bend, Ind., where excellent Negro neighborhoods flourish.

NEGRO VOTE GROWS

About two million Negroes vote outside the Solid South and even there, the big cities are showing a significant Negro vote. Outside the South about three Negroes vote Democratic to one Republican. In the South they copy the white pattern, apparently feeling they have got to be Democrats in order to make their weight count.

The President's record includes ending segregation in the Army and the District of Columbia, expansion of the social security act which meant so much to all low-paid workers, and appointment of many Negroes to government posts their race had not hitherto held. Mr. Washington said that Eisenhower himself forbade the party to list the Supreme Court decision ending segregation as an administration achievement.