

2005
Cornell University
Civil Liberties

CORNELL RESEARCH IN CIVIL LIBERTIES

STUDY OF THE CONTROL OF SUBVERSIVE ACTIVITIES

Advisory Committee

RAYMOND B. FOSDICK
New York, N. Y.
LLOYD K. GARRISON
New York, N. Y.
PHILIP L. GRAHAM
Washington, D. C.
ERWIN N. GRISWOLD
Cambridge, Mass.
EARL G. HARRISON
Philadelphia, Pa.

Director of Research

ROBERT E. CUSHMAN
Cornell University
Ithaca, New York

Associate Directors of Research

ELEANOR BONTECOU
1028 Connecticut Avenue
Washington 6, D. C.

ROBERT K. CARR
Dartmouth College
Hanover, N. H.

WALTER GELLHORN
School of Law
Columbia University
New York 27, N. Y.

JHW JAN 16 '50
January 12, 1950

FEB 24 1950

Dr. Joseph H. Willits
The Rockefeller Foundation
49 West 49th Street
New York 20, New York

Dear Dr. Willits:

I have just had an opportunity to study with some care a memorandum by Mr. J. B. Matthews attacking Walter Gellhorn, who is currently engaged in directing a part of our study of the impact on civil liberty of the governments' program for the control of subversive activities. Mr. Matthews was investigator for the House Committee on Un-American Activities during the time Martin Dies was its chairman. I think you received a copy of this document.

Those of us who are connected with this study are distressed and irritated at these attacks. This is the second which has come to my attention and I am afraid that there may be more of them. I had hoped that we would be able to avoid all publicity in carrying on our work until we were ready to publish our reports. Those reports will have to stand on their own merits, but I am confident that they will reflect the fair-minded objectivity with which every part of this work is being done. This, of course, is the only possible justification for the study.

I am disturbed at the thought that these attacks may cause embarrassment to you and to the other officers of the Foundation. I should hate very much to have any of you feel that I had let you down by enlisting in this project the services of a near-communist or fellow traveller. The vicious thing about the Matthews document is its plausibility to one who does not have the facts. For my own satisfaction I should like to give you the real truth about this whole matter. I have taken a good deal of pains to get the record straight.

I. The attack on Gellhorn's fitness to make a study of the work of the House Committee on Un-American Activities can be disposed of superficially by pointing out that he is not making such a study. Professor Robert K. Carr of Dartmouth is doing that particular job. He was, it will be recalled, the Executive Secretary

of the President's Committee on Civil Rights, of which Mr. Charles E. Wilson was chairman. I picked Carr for this assignment because of his proved ability and because he had never publicly expressed himself regarding the House Committee on Un-American Activities. His study, I may say, is well along and he has had very friendly cooperation from the members of the Committee and its staff.

II. The charge that Gellhorn is a "fellow traveller" and has been a member of various "front" organizations appears to stem from citations which appear in a document (which we had a hard time tracking down) known as "Appendix - Part IX" of a report which was issued in 1944 by a member of the staff of the House Committee on Un-American Activities (presumably J. B. Matthews) without Committee authorization and which was almost immediately withdrawn. It is a completely unofficial document. We were able, with some difficulty, to have a look at it. It appears to have borrowed heavily from the reports of the notorious Tenney Committee in California. This clearly accounts for one of the "charges" against Gellhorn that he is one of the Directors of the American Civil Liberties Union, as is Morris Ernst. The Tenney Committee lists the ACLU as a Communist Front organization, and I have no doubt that Dies and Matthews both consider it so. We are very sure that all these charges against Gellhorn comes from this Appendix IX.

III. An examination of these citations of Gellhorn as a fellow traveller prove upon examination to be both frivolous and malicious, and in most cases dishonest by reason of their suppression of relevant facts. Gellhorn himself, who is much disturbed by all this, took a good deal of pains to run these things down - a task in some cases not at all easy. He has given me a very detailed statement on all the points raised. I should like to give you a few examples of what some of the accusations in the Matthews memorandum turn out to be.

a. Gellhorn's membership in the non-partisan committee for the re-election of Marcantonio. Matthews does not state (what is the fact) that this membership of Gellhorn's occurred only in the campaign of 1936 when Marcantonio was opposed by an old style Tammany man, and when he was being vigorously supported by Mayor La Guardia, Judge Seabury and most of the reform element in the City. Morris Ernst, by the way, was the chairman of that non-partisan committee.

b. Gellhorn's appearance as a speaker at National Wartime Conference of the Professions, the Sciences, the Arts, 1943. Matthews mentions four Communist Party members (as of the present time) who took part in this program. He does not state that the conference was sponsored by more than twenty national professional societies and that on the program with Gellhorn were such people as Dr. Leonard A. Carmichael, president of Tufts College, Senator Kilgore, Dean (now Senator) Wayne Morse, President Constance Warren of Sarah Lawrence College, Dean Harry J. Carman of Columbia University and dozens of others.

c. Gellhorn's address at the Workers School, 1943. This seems a peculiarly vicious instance of misrepresentation. Mr. Dies had, of course, branded Gellhorn as a fellow traveller because of this address. That was the whole point. Matthews does not state this, nor does he give the facts about the matter which were that Gellhorn, at the request of his administrative superior in the OPA, lectured at the Workers School, on Price Control and Rationing. He had no other connection with the institution.

One could go on at length and show the baseless character of the other charges contained in Appendix IX. The exasperating fact is that an accusation can be hurled in a sentence, but an accurate answer and explanation of all the facts takes a number of pages.

IV. Gellhorn's articles on the House Committee on Un-American Activities will have to stand on their merits. Naturally Mr. Matthews does not like them. The Harvard Law Review piece was one of the things which led me to invite Gellhorn to have a share in this study. I can't understand why Mr. Matthews hasn't caught up with me yet. I have been a steady and vigorous critic of the House Committee on Un-American Activities ever since it began misbehaving back around 1939.

I think what this adds up to is that Gellhorn has been a vigorous, articulate, and persistent defender of civil liberty for the last fifteen years or more. This has, at times, brought him into association with individuals and organizations which have since been branded as fellow travellers or "fronts". He is not a fellow traveller any more than is Dr. Frank Graham or Dr. Abraham Flexner who have been similarly smeared. I am entirely convinced that he has no sympathy whatever for Communism in any of its forms. There is not a shred of evidence to support such a suggestion.

I may say that what Gellhorn has actually been doing on our study is an analysis of the government's policies and procedures in the matter of the loyalty and security clearance of government scientists. The manuscript of his book - Secrecy, Security and Science is now complete and is in mimeographed form. I would welcome the opportunity to send a copy of this study to anyone who has been led by the Matthews' attack to doubt Gellhorn's scholarly ability or fairminded objectivity. I think he has set us all a very high standard.

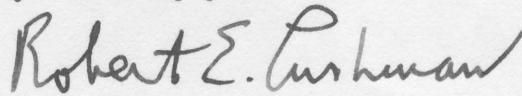
I am taking the liberty of enclosing a copy of the long reply which Gellhorn prepared to the charges against him based on "Appendix IX", in the thought that you might care to have it on file in case some further question along this line arises.

I am planning to call a meeting within the next few weeks of our distinguished Advisory Committee, and one of the questions on which I hope to get their judgment is the question how we ought to

deal with these irresponsible attacks on Gellhorn, if there is anything we can do.

With best regards, I am

Very sincerely yours

A handwritten signature in dark ink, reading "Robert E. Cushman". The signature is written in a cursive style with a large, prominent "R" and a long, sweeping underline.

Robert E. Cushman

REC:JWS

Enclosures (2)