

Kutcher Wins Court Decision in Fight for Job

Action by Gov't To Comply Now Awaited by Vet

By George Lavan

James Kutcher, the legless veteran, who has been fighting the witchhunters for eight years, won another important legal victory on April 20. The Court of Appeals in Washington, D.C. handed down a 2-1 decision tearing the government's case against Kutcher to tatters.

Newspapers throughout the country gave prominent coverage to the story and predicted that Kutcher would now get back his job in the Newark branch of the Veterans Administration and over \$20,000 in back pay.

LEGAL MEANING

Important legal points in the decision of the second-highest court in the country, were: (1) Reaffirmed its 1952 ruling in the Kutcher case that membership in the Socialist Workers Party "could not constitute a valid reason for dismissal;" (2) That Kutcher was recording secretary of the Newark SWP branch "was not a reason nor, standing alone, even an important detail of the reasons for dismissal;" called a charge of general radical association "wholly vague."

Specifically the court found Kutcher's firing illegal because the reasons given by the government did not prove or had no bearing on the charges. In so doing the court took a step important for the protection of all veterans and for civil liberties in general. It breathed some life back into laws passed to protect government employees. Under the assault of the "loyalty" purge the protective passages of these laws had become dead letters.

The court held that the firing of Kutcher had been in violation of the Veterans Preference Act of 1944, which applies to veterans in civil service jobs. This act provides that a veteran in government employ "shall have at least thirty days' advance written notice . . . stating any and all reasons, specifically and in detail, for any such proposed [removal] action." Analyzing the findings of the VA Loyalty Board of Appeals, the court declared that the reasons adduced in it did not correspond to the charges against Kutcher. He therefore had been deprived of his rights under the above-cited law and could not have anticipated, from the charges served on him, how to prepare his defense.

REASONS KEPT SECRET

On these grounds alone the Court of Appeals ruled in Kutcher's favor. But in addition to this the judges added another telling blow at the prosecution's case. The long report of the Loyalty Board of Appeals in 1953 which purported to give the reasons for Kutcher's firing was never given to Kutcher. He and his lawyer first saw it when the government introduced it as an exhibit in the present proceeding in the federal district court.

This is the document which contains the attacks on Kutcher and the SWP that the court declared irrelevant to the charges. Some of the choice items in it are: "Kutcher said under oath he would not report to the FBI a member of the Communist Party;" Kutcher made a speech in which he referred to Lenin, the program of the SWP; 18 SWP leaders were convicted under the Smith Act in 1941, etc.

In Newark James Kutcher declared he was "ready, willing



JAMES KUTCHER

and able" to go back to work as soon as the VA got in touch with him. He told reporters that he considered the decision not only a personal vindication but an important victory for civil liberties.

As yet the VA has made no move. Technically the Department of Justice can appeal the decision to the Supreme Court. General consensus among lawyers was that the government would lose in the high court even if the latter consented to hear the case. At any rate the Department of Justice has 90 days from the date of the decision in which to appeal. Another possibility is that the government will try what it did last time Kutcher won in the Court of Appeals. It will pretend to comply with the decision by reinstating him and re-firing him simultaneously. Such action would make all the more glaring the vindictiveness with which the government witch-hunters have persecuted the legless vet.

CP CASES

Certainly persecution of Kutcher has been long and inglorious. First his job was taken; next came the attempt to evict him and his parents from a low-cost federal housing project; then his pension was stopped. Public indignation forced the witch hunters to restore his pension. This precedent should encourage all friends of civil liberties to press for restoration of the pensions of Wellman, Thompson and Klonsky, disabled Communist party veterans whose pensions were arbitrarily taken away by the witch hunters in the VA.

The public outcry that would result if the VA tries to evade giving Kutcher back his job is indicated by an editorial in the New York Post (April 24) calling on the government to "concede defeat in its long and inglorious war" against the legless veteran.

THE MILITANT

PUBLISHED WEEKLY IN THE INTERESTS OF THE WORKING PEOPLE

Vol. XX — No. 18

NEW YORK, N. Y., MONDAY, APRIL 30, 1956

PRICE: 10 Cents

Soviet Law Journal Assails Stalin 'Confession' System

SWP Maps Vigorous Election Campaign

Key Issues: Class Politics, Civil Rights

By Daniel Roberts

APRIL 23 — The National Committee of the Socialist Workers Party last week mapped out a hard-hitting campaign for a socialist and class-struggle program in the 1956 elections. The Committee met in full session, April 13-15. At a previous meeting last September, it designated Farrell Dobbs and Myra Tanner Weiss as its candidates for U.S. President and Vice-President respectively. The party has already been certified for the ballot in Pennsylvania and New Jersey, and nominating petitions were filed last week in Michigan. The nominations will be presented to a party convention this summer.

"We will urge radical workers to vote for the Socialist Worker Party," said Art Sharon, National Campaign Chairman. "How else can they further the socialist principles they believe in except to cast their vote for our candidates? To vote for the Democratic Party — as the treacherous Communist Party leaders advise them to do — means to work against the cause they espouse. It means to back the Big Business politicians and the rule of the class enemy. It means to betray the Negro struggle in the South because the Democratic Party chiefs kowtow to the white supremacists."

CANNON'S REPORT

Sharon's report on election campaign plans came after intensive discussion on a resolution entitled A New Stage in the Russian Revolution. The reporter was James P. Cannon, founder of American Trotskyism. A leading member of the Communist Party, he was bureaucratically expelled from the CP for supporting Trotsky's fight against Stalinism when he went to the Soviet Union as a

(Continued on page 4)

"We Have Been Naught! We Shall Be All!"



Power of Mass Action Shown by Montgomery

By C. Thomas

A U.S. Supreme Court decision announced April 24, first interpreted as a sweeping edict banning segregation in interstate transportation, was later revealed to be of much more limited character. The decision came in a case involving bus segregation in Columbia, South Carolina. Instead of ruling on the constitutional question of segregation the Supreme Court returned the case to the lower court on the basis of a technicality involving proper procedure.

Although making a correction of their first interpretation of the court order, the New York Times pointed out that: "Few doubted, however, that the long-range effect would be — as appraised when the court's terse order was announced — to demolish the last bulwark of racial segregation in the field of public transportation."

RACISTS DEFEY COURT

This opinion was confirmed by the reaction of bus line operators "in at least thirteen cities" in the South who immediately announced they would no longer enforce race segregation on their buses. The National City Lines, owners and operators of the bus line in Montgomery, Alabama, joined in the announcement. Whereupon the Police Commissioner of Montgomery declared that "bus drivers who permitted desegregation on their buses would be prosecuted. And, he added, "any passenger who mixes with the opposite [race] on buses would face arrest."

It was the arrest of Mrs. Rosa Parks for violation of the city's bus segregation ordinance that set off the Montgomery bus protest movement, now in its 20th week. Following a meeting of

the Montgomery Improvement Association, which is leading the bus protest action, its president the Rev. Dr. Martin Luther King Jr., stated that the protest movement would continue until the original demands were met.

These demands are three in number: (1) Passengers to be seated on a first come first serve basis. (2) An end to the practice by bus drivers of insulting and abusing Negro passengers. (3) The hiring of Negro drivers on buses serving predominantly Negro routes.

The Montgomery bus protest action has thrown a real scare into the profit-hungry bus operators of the Jim Crow South. They derive a large part of their income from the fares paid by Negro passengers. The owners of National City Lines squealed like stuck hogs when their revenue was cut more than half by the refusal of the Negro community in Montgomery to ride the Jim Crow buses.

To recompense them for their loss the city authorities raised bus fares by 50%. But this increase did not compensate for the loss of Negro riders. The Southern bus operators fear the extension of the Montgomery action which hits them where it hurts the most — in the pocket-book.

FEAR IT WILL SPREAD

"With few exceptions," comments an article in the N.Y. Post on the Supreme Court bus decision, "Southern bus companies appeared eager to do away with segregation. The issue always has been troublesome to them and, as in Montgomery, it has led to economic losses."

"The bus companies have been fearful for weeks," the report continues, "that the boycott

movement might spread to other cities. Hence, they have seized on the Supreme Court ruling, technical though it is, to do away with Jim Crowism."

The daily press reports that in some sections of the South where the city or state government has refrained from intervening, the pattern of bus segregation was abandoned. The April 25 N.Y. Times carried a front page picture of a Norfolk, Va., bus showing white and colored passengers sitting side by side. The Times lists a few more Virginia and North Carolina cities in which bus integration is slated to go into effect and then adds: "No immediate mixed riding appeared in prospect, however, in most of the cities in the Deep South."

On the contrary, city and state government officials of the Deep South, snorted their defiance of the United States Supreme Court and its desegregation rulings. Their attitude was voiced by Gov. Marvin Griffin of Georgia, notorious Jim Crow practitioner, who declared:

"We shall oppose this latest decision just as we are resisting the decision in the school desegregation case by all legal means." The phrase "legal means" is thrown in to cloak the campaign of intimidation and terror, waged with the blessing of the authorities, by the thugs of the White Citizens Councils.

In Montgomery the city officials refuse to yield in their determination to hold the segregation line. When the National City Lines announced it was prepared to comply with the law of the land as interpreted by the highest judicial authority, the city fathers threatened reprisals

(Continued on page 4)

Attack Helps Confirm Exposure of Moscow Trials as Frame-ups

By Joseph Hansen

The Kremlin magazine Soviet State and Law has denounced the practice, prevalent in the Soviet Union under Stalin, of basing convictions in court on mere confessions. In the issue that appeared April 22 it singled out Andrei Y. Vishinsky, main prosecutor in the Moscow Frame-Up Trials, for attack, accusing him of having developed the infamous system of "proving" guilt by confession.

On the same day Pravda mentioned Alexei Ivanovich Rykov without the slanderous invective usually attached by the Stalinists to his name. Rykov was one of the main victims in the March 1938 Moscow Frame-Up Trial who "confessed" to all the monstrous charges cooked up by Stalin's secret political police that were leveled at the defendants by Vishinsky.

These two actions portend a major concession by the Stalinist bureaucracy — acknowledgment of the falsity of the purge trials. If that concession is actually granted, it would seem impossible for the bureaucracy to avoid rehabilitating the names of Leon Trotsky and Leon Sedov to one degree or another.

ADMIT STALIN'S CRIMES

This course seems indicated by the number of Old Bolshevik victims of Stalin already rehabilitated, by the admission that Tukhachevsky and some 5,000 top Red Army officers were shot on frame-up charges, and the public recognition by Kremlin officials that Stalin undermined the defense of the Soviet Union on the eve of World War II and actually paved the way for the onslaught of the German imperialist armies.

The whole pattern of concessions, in fact, as it has developed up to now, points more and more to admitting that no matter what the political differences might have been, Stalin's slaughter of the Old Bolsheviks took place under cover of the most monstrous frame-up in all history.

The Associated Press reported that the unsigned article in the magazine declared that Vishinsky's practice had been made an "unimpeachable dogma." It called for a thorough study to throw light on the "questions of guarantees and the means of insuring legality in the matter of guarding the rights and interests of citizens of the USSR."

According to the article, Vishinsky's theory "denies the need for a court to establish the absolute truth in each case and permits the possibility of convicting a person on the basis only of the probability of some fact or other that is undergoing legal examination."

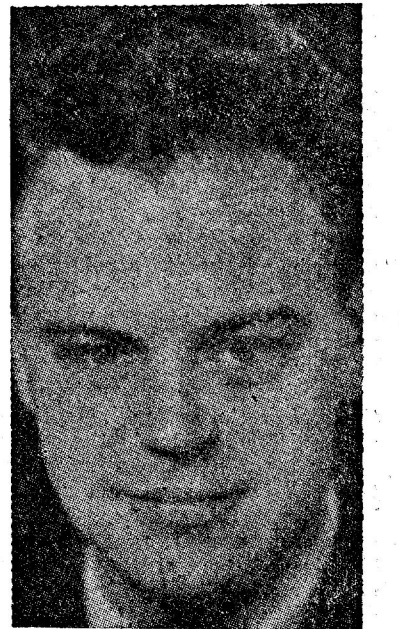
Such procedure, said the magazine, is a "glaring violation of the principle of Socialist legality." It added that the theory was "at variance with the demands of the party and Government for the strictest observance of legality by investigation courts and prosecuting organs."

Ironically, the magazine, which is the leading Soviet law review, is published by the A. Y. Vishinsky Law Institute of the Academy of Sciences.

The name of Rykov appeared on the front page of Pravda in a letter signed by Lenin which the newspaper printed for the first time. Dated April 12, 1922, and published in connection with observances of the eighty-sixth anniversary of Lenin's birth, the letter was addressed to Rykov, to the editors of Pravda, to N. Osinsky, former People's Com-



LEON TROTSKY



LEON SEDOV

missar of Agriculture, Yuri M. Steklov, who disappeared in the purges of the Thirties, and Alexander D. Tsyurupa, Commissar of Food during the Civil War. Lenin's letter denounced in strong terms the "stinking red tape" and the atmosphere among Moscow's intelligentsia. It demanded more attention to local conditions and actual practice and less "political chatter."

LENIN FOUGHT STALIN

From the description given of the letter, it is clearly directed against the symptoms of rising bureaucracy which so alarmed Lenin toward the end of his life and which led him in the following year to ask Trotsky to join in a bloc against Stalin, leading representative of the usurping bureaucrats.

Trotsky's Speech On Moscow Trials

(See Page 2)

Pravda's use at this time of Lenin's letter fits in with the ending of the Stalin cult by the heirs of the late dictator. In the same issue, Pravda repeated the denunciation of the cult of "personality," the euphemism for

(Continued on page 3)

NEW YORK MAY DAY MEETING

"The Stalin Frame-Up System And the Moscow Trials"

Hear the Trotskyist Analysis Of the End of the Stalin Cult

SPEAKERS:

- Joseph Hansen — Former Secretary to Leon Trotsky
- Farrell Dobbs — Socialist Workers Party Candidate for President
- Myra Tanner Weiss — Socialist Workers Party Candidate for Vice-President

Hear Trotsky Speak

A recording of his English speech to the Tenth Anniversary Celebration of the American Trotskyist Movement

May 1, Tuesday, 8:00 P.M.

YUGOSLAV HALL 405 West 41st St. (Near 9th Ave.)

Auspices: New York Local, Socialist Workers Party, ALgonquin 5-7852

Subscription \$2 per year...

THE MILITANT

Published Weekly in the Interests of the Working People...

Unpaid articles by contributors do not necessarily represent the Militant's policies...

Vol. XX — No. 18

Monday, April 30, 1956

May Day 1956

Despite temporary setbacks and detours, the progressive development of mankind has proceeded along the path charted by Marx and Engels.

The Marxist prognosis has been conspicuously amplified and enriched by Leon Trotsky's illuminating theory of the permanent revolution.

Capitalism Off Balance

On May Day 1956 the events of the past year are a source of great encouragement to the advanced workers of the world.

The insurgent masses of the colonial countries are now making payment on their debt to the Russian revolution of October 1917.

The leaders of the Russian revolution viewed the Soviets as the first conquest in the world-wide struggle for socialism.

'Socialism in One Country'

Although unable to make their own revolution the workers in the West were powerful enough to prevent the destruction of the Soviet state.

It was on the basis of the reaction that the Stalinist bureaucracy arose and consolidated its power. As against the Bolshevik program of international socialism embodied in the doctrine of permanent revolution, Stalin counterposed the reactionary and utopian theory of "building socialism in a single country."

cialism in a single country has meant building socialism in no country. It meant subordinating the interests of the workers and colonial people to the needs of the Kremlin bureaucracy.

Stalinism served to delay the final reckoning but it could not stay the onward march of history. The permanent revolution prevailed over Stalinist reaction.

In the Soviet Union the nationalized property forms established by the October revolution demonstrated undreamed-of vitality in repairing the war damage and catapulting the Soviet Union into a position of world industrial power second only to the American colossus.

New Stage in Russian Revolution

The concessions already wrested from the Kremlin bureaucracy by the mounting pressure of a revitalized Soviet working class is only the beginning.

Even today, the centers of capitalist imperialist power are severely shaken. The revolution in Indo-China, the insurrectionary movements for independence in Tunisia, Morocco and Algeria, have created a condition of perpetual crisis in France.

Negro Struggle in U.S.

As the dominating capitalist power the American ruling class has grown sensitive to the pressure of world opinion.

Montgomery is a harbinger of things to come. The forces of freedom, progress and socialism are on the march.

By Tom Kerry

Since the campaign against Stalin was unleashed by his closest collaborators in the Soviet Union, it has become standard practice for the leaders of the American Communist Party, to shift responsibility for all the Stalinist crimes and betrayals of the working class onto the malodorous "Stalin cult."

Stalin's closest co-workers in the Kremlin say they did not act when the bloody tyrant was alive because they were paralyzed by fear. They knew what was going on but did not protest because they wanted to save their own skins.

'TAKEN IN' BY STALIN

Because they operated thousands of miles beyond the borders of the Soviet Union, the leaders of the American CP cannot use the excuse of personal cowardice. They pretend they were "taken in" by the Stalin cult.

These facts, while generally known, are first being admitted by American CP leaders.

Vishinsky Accused

Stalin. Having coupled his concession on the cult with the immensely popular slogan "Back to Lenin!" the Kremlin is forced to bring out Lenin's real attitude toward Stalin and the bureaucratic danger.

When Vishinsky died in November 1954, he was known in this country as the Soviet delegate to the United Nations.

But Vishinsky was a sinister figure, who advanced to prominence in the Stalinist machine through his role in the slaughter of Lenin's general staff.

1938 TRIAL

The last big trial in which Vishinsky figured was in 1938. His victims this time included Bukharin, Rakovsky, Rykov and other stellar names in the Bolshevik Party in the early days.

The frame-up in this trial was exposed while the trial was in session but that didn't save the hapless victims. On the basis of their "confessions," Vishinsky demanded the death penalty and 18 were shot.

Marshall at '47 CIO Convention



The late Philip Murray (right) shown with former Secretary of State George C. Marshall, at the 1947 CIO convention in Boston.

only about Stalin's crimes but some of their own. All of this mumbo jumbo is intended to conceal the true role of the American CP as a political agency of the Kremlin.

CP UNION POLICY

Independence, critical self-analysis and agonizing reappraisal! That is the theme song of Morris and his cohorts. As the labor movement is his special field, Morris confines his "self-criticism" to CP trade union policy.

"I don't think it is a question of atoning for sins, although that's part of it. Primarily the problem is to look back to see if we are going on the right road ahead."

Chicago CELEBRATE MAY DAY

"The Crisis of Stalinism" Hear a Trotskyist Analysis Howard Mayhew: Chicago Organizer, Socialist Workers Party.

Question and Discussion Period International Smorgasbord Banquet Food and Refreshments from 6:00 P.M. to 8:00 P.M. Sat., May 5

Twin Cities Labor Forum

Montgomery Bus Protest Meeting Speakers: Frank Boyd, Member of the National Executive Committee of the International Brotherhood of Sleeping Car Employees.

Chicago CELEBRATE MAY DAY "The Crisis of Stalinism" Hear a Trotskyist Analysis Howard Mayhew: Chicago Organizer, Socialist Workers Party.

THE REAL CRIMINAL

The only "evidence" in the Moscow trials was interlocking "confessions," all of which were proved to be false at the time they were made. Today's attack on the practice of trial by confession is thus an attack on the validity of the Moscow Trials.

Subscribe!

Start your subscription now. Clip the coupon and mail it in today. Send \$1.50 for six months subscription or \$3 for a full year to The Militant, 116 University Place, New York 3, N. Y.

scriptures, when we should have grappled with the problems of REALISTICALLY applying Marxism to American life and problems.

It is first necessary to decipher this Stalinist jargon. The term "Marxist" in the above quoted passage applies to members of the CP. "Lack of independence," refers to selling out the workers whenever Kremlin policy required it.

The literature of the reformist Social Democracy, which sought to emasculate the revolutionary essence of Marx's teachings, is studded with such epithets. Lenin spent the better part of his life in irreconcilable struggle against all attempts to present Marx as a bourgeois democratic reformer.

You will find nothing in Marx, Engels, Lenin or Trotsky to support the "coexistence" theory of Khrushchev-Stalin and their American exponents. Marx's outstanding contribution to social science was the disclosure of the class struggle as the greatest motive force in history.

How does Morris propose to use his newly acquired "independence" in "REALISTICALLY applying Marxism to American life and problems?"

"A serious examination of the trend in the left, especially since World War II, I am sure, is bound to lead to the conclusion that the split in the CIO, that came to a climax in 1949 might have been avoided.

This is truly amazing — even for a Stalinist. The basis for the expulsion of the Stalinist-led CIO unions in 1949 was laid at the Portland convention which met in November after Truman was elected president with all-out CIO support.

Flushed with their "election victory" the CIO leaders led by Philip Murray opened a slashing attack on the Stalinists. Murray was voted dictatorial powers to "discipline" any union affiliate which failed to follow CIO policy.

The Truman Doctrine unleashed the "cold war" against the Soviet Union and led directly to the "police action" in Korea and war against China. Marshall Plan funds were used as a weapon in the "cold war." Billions of American dollars were expended to bolster Wall Street's tottering imperialist allies in Europe and to aid them in retaining their grip on their insurgent colonial possessions.

Now the "independent" Morris, in a quick glance backward, takes a pot-shot at "the left" for its "refusal to retreat and compromise" especially on the presidential race and the Marshall Plan.

All of the twaddle about applying Marxism "realistically" is mere window-dressing for a policy of class collaboration which violates basic Marxist doctrine.

Start your subscription now. Clip the coupon and mail it in today. Send \$1.50 for six months subscription or \$3 for a full year to The Militant, 116 University Place, New York 3, N. Y.

