

# Coudert Blind To Fascists

By HAROLD LAVINE

The Coudert Subcommittee, which folded its tent Wednesday and noisily stomped away, persistently failed to investigate charges of Nazi and Fascist activity in the New York City schools throughout its two years of legislative ferreting.

This was disclosed today following the Subcommittee's parting announcement that it had been unable to find evidence of such activity, while uncovering no less than 503 "Communist" teachers and teachers under "Communist domination."

Among the organizations whose charges the Subcommittee failed to investigate:

¶ The Co-ordinating Committee for Democratic Action.

¶ The American Jewish Congress.

¶ The United Parents Assns.

¶ The Independent Order B'rith Abraham.

Meanwhile, it was also learned, the Subcommittee accepted testimony concerning alleged Communist activity in the schools from one who frequently has written for the *Brooklyn Tablet*, defended Fascism, and stipped at democracy.

The Subcommittee had previously been informed of the witness's record; in fact, it had been asked to investigate him.

The witness on "Communism" was Dr. Edward I. Fenlon, assistant professor of philosophy at Brooklyn College. Leaves from his biography:

¶ In the *Brooklyn Tablet* of Mar. 4, 1939, he wrote:

"Who is the authority among us to state that Franco is a Fascist? Franco denies that he is a Fascist, and, even so, would that necessarily make him or his cause more vicious? Who can ascribe any fixed set of offensive principles to Fascist philosophy?" (*Any preacher of the gospel in Germany could have supplied the list.*)

¶ On Jan. 20, 1940, the *Tablet* quoted him as saying before the Holy Name Society, Church of Our, Lady Help of Christians:

"I would like to see everyone wary when it comes to this careless, this inane, talk concerning 'democracy' (the quotes are the *Tablet's*). . . . (It) was started and is kept alive by our Communist brethren and their so-called 'liberal' friends. (*Again the *Tablet's* quotes.*)

"And what does it signify? Nothing. It is a mere rebellious, anarchistic, paganistic shibboleth."

The organization which had asked the Coudert Subcommittee to investigate Fenlon was the Co-ordinating Committee for Democratic Action. Its action followed requests for information about subversive activities by R. E. Herman, a Coudert Subcommittee investigator.

In making the request, Herman is reported to have said:

"We hope to get enough stuff on the Communists to have another public hearing quickly.

"That will give us headlines, and, after all, headlines are the thing that keeps a Committee like ours going."

Other individuals and organizations cited by the Co-ordinating Committee were:

¶ Timothy E. Murphy, then chairman of the academic department, administrator of National Youth Administration and librarian at Samuel Compers High School; now at the Chelsea Vocational High School.

¶ The American Education Assn. which, together with the Teachers Alliance, sub-

sequently was accused by Mrs. Johanna M. Lindlof, member of the Board of Education, of "spreading intolerance and anti-Semitism."

¶ Vittorio Ceroni, teacher of Italian at Hunter College.

Charges against Murphy were filed also by the United Parents Assns., which sent delegations to visit both Frederic A. Coudert, Subcommittee chairman, and Paul Windels, counsel.

Murphy was accused of being anti-Semitic, anti-Negro and anti-Italian; of recruiting for the Christian Front among his Irish students; and of permitting students to stay home from school to sell Charles E. Coughlin's *Social Justice*, which is now banned from the mails for its sedition.

The Coudert Subcommittee failed to act on the charges. Four months later, an investigation was made by the Board of Education, which demoted Murphy, and transferred him to Chelsea Vocational High.

The Coudert Subcommittee was part of the joint legislative committee to investigate education in New York State, headed by Assemblyman Herbert A. Rapp and Sen. Coudert.

Coudert is a member of the law firm of Coudert & Coudert, which represents Vichy France.

## AN EDITORIAL

### The Coudert Report

The Great Coudert Mystery has been solved.

The Subcommittee didn't find any evidence of Nazi or Fascist activity in the schools because it worked very hard at not looking for it.

We marvel at the Subcommittee's fortitude, its energy, determination, and persistence. Organizations around town did everything but smack it over the head with indications of Nazi and Fascist activity; but the Subcommittee would not be moved.

It had its eye on the main chance, the headlines; it was after the "Communists."

It got the headlines, all right; whether it got the "Communists" is another question.

If the Subcommittee had stopped ogling the stories about itself for just one minute to look at the other articles on front pages, it might have discovered that we're at war right now. And our enemies are the Nazis and Fascists.

For legislators to ignore that fact, and to ignore charges of Nazi and Fascist activity, was nothing short of betrayal of the interests of the people.

We've indicated that we don't know whether the Subcommittee caught the "Communists" or not. Our reason is the strange new philosophy of jurisprudence propounded in the Subcommittee's report.

The Subcommittee proposed that school teachers be fired if they have earned the reputation of being Communists—whether they are or not.

Seemingly, all Frederic A. Coudert's legal training and experience, including his experience representing Vichy France, hasn't taught him that around these parts men are considered innocent until proved guilty, and that a fair trial is everyone's inalienable right.

The kind of jurisprudence Coudert proposes is found in Germany, of course.

—H. E. L.