

OPINION

A THING  
OR TWO

*JM 9/22/44*  
**The Dies Challenge to Free Speech**

WASHINGTON.  
Let us suppose that the columnist involved was not ~~Walter Winchell~~ but Arthur Krock or David Lawrence or Mark Sullivan. And let us suppose that he had been severely criticizing not a committee of Congress but the FCC or the SEC or the FERC or some other New Deal agency.

Let us suppose that this New Deal agency felt that the criticism was unfair or untrue. And let us suppose that it decided to subpoena the writings of Krock or Lawrence or Sullivan, to summon their publishers for questioning and to investigate the whole affair as a plot to subvert public confidence in the New Deal.

It is not difficult to imagine the uproar in the press and in Congress. Procedure of this kind would be attacked, and properly attacked, as an interference with freedom of the press, as an attempt to bully and terrorize anti-New Deal publishers and their columnists.

I suggest that we have here an exact analogy to what happened when the Dies Committee announced that it would subpoena Walter Winchell's radio scripts and recordings, and summon for questioning officers of the Blue Network, over which Winchell broadcasts, and of the Jergens Co., which sponsors those broadcasts.

To permit a committee of Congress to subpoena the records and sponsors of a radio commentator is to establish a precedent fraught with the gravest dangers to free speech in America. It is to establish a weapon which can be used under many and diverse circumstances to punish and pillory critics of any agency of the government, whether Congressional or executive. If the newspapermen and the radio broadcasters of America are wise, they will form a solid front in sup-

port of Winchell, irrespective of political differences. For they are confronted with a common danger.

I have a lot of admiration for Walter Winchell. This Broadway columnist has probably aroused more people to the menace of fascism than several dozen intellectuals. He's a scrapper and has challenged the Dies Committee to subpoena him, to confront him with hostile witnesses, and to let him cross-examine them, "as is provided in the Constitution." Unfortunately there is no such provision in the Constitution.

In that challenge Winchell is laying a trap for himself. Witnesses before a Congressional committee have no right either of counsel or of cross-examination. They must answer the questions asked them, however unfair, and a committee as cowardly and dirty as the Dies Committee is bound by no Marguis of Queensberry rules. If Winchell enters that ring, he'll find the referee biting him in the ankle while somebody else kicks him in the gut during the clinches.

Under other circumstances, it would be Winchell's business whether or not to engage in such a fracas. But more than Winchell will be black-and-blue if he goes before the committee. I think it his duty to refuse to honor a committee subpoena and I think his network and his sponsors should do likewise. Their appearance would establish a precedent that could be used in the years ahead effectively to beat down critics of the government, whether of the Right or Left.

Newspapermen and radio commentators are not exempt from the law of libel, or any other law. But they need not account to any committee of Congress or any other agency of government for their opinions. To hold otherwise would be to make freedom of speech and press precarious. Which is what Dies seems anxious to do.

-I. F. STONE.