such information be revealed to it. Possessing the power to punish for contempt,\(^6\) Congress may cite newspaper employees who refuse to divulge requested information. Yet, in order to maintain news sources which are often assured only if held in confidence, the newspaper employee finds himself impaled on the horns of a dilemma.\(^7\) The solution of this problem involves important rights for both the legislature and the press and can only be posed here for the reader's reflection.

It should be noted, in terms of the second problem, that a newspaper has the right to report and criticize the government in its various functions and activities.\(^8\) Yet Congress may exclude the press from its hearings, and the press finds itself limited in its reports of investigations to the official information given out by the committee involved, that is, information considered by the legislators as "fit" for the public. And there is placed another restriction on the amount and kind of news which is available to the public; for an attempt by a newspaper to publish reports based on "inside information" is often thwarted in its incipient stages by the threat that such news will not be considered "privileged" in the event the newspaper is involved in a libel action based on such information.\(^9\) The placing of such obstacles in the way of newspapers' endeavors to report congressional investigations doubtless affords a primary reason for the failure of the press to attach great significance to such hearings.

The ultimate question, always, is whether the legal control of the press has grown to such proportions as to constitute a denial of the freedom of the press. It is unfortunate for us that Professor Thayer did not devote at least one chapter to determining whether, under his tests, the press remains sufficiently free to fulfill its raison d'état—acting as the people's watch-dog over government.

DAVID PARSON†


But vain the Sword and vain the Bow;  
They never can work War's overthrow.  
The Hermit's Prayer & the Widow's tear  
Alone can free the World from fear.  
For a Tear is an intellectual thing  
And a Sigh is the Sword of an Angel King  
And the bitter groan of the Martyr's woe  
Is an Arrow from the Almighty's bow.

\(^6\) Consult Thayer, Legal Control of the Press § 73 (2d ed., 1950).

\(^7\) See a summary of the law making communications between reporters and their news sources privileged communications. Ibid., at 328.

\(^8\) A discussion of the extension of this principle in City of Chicago v. Tribune Co., 307 Ill. 595, 139 N. E. 86 (1923), is found in ibid., at 324.

\(^9\) For an excellent discussion of the concept of privilege, consult ibid., at 328.

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The hand of Vengeance found the bed  
To which the purple Tyrant fled;  
The iron hand crush'd the Tyrant's head  
And became a tyrant in his stead.

—BLAKE, The Grey Monk

So wrote William Blake during the war-ridden period that followed the French Revolution. One need be no mystic like Blake to believe that he who kills tyrants tends to become tyrannical. This is the central concern of Harold D. Lasswell in National Security and Individual Freedom. Professor Lasswell looks forward (from last June) to a period in which the primary problem of the United States will be to resist effectively the aggressiveness of Soviet despotism. To maintain that resistance, he argues, the United States must move progressively closer to the "garrison-police" state. And so Lasswell addresses himself to the problem "how to maintain a proper balance between national security and individual freedom." The problem is to "crush the Tyrant" without "becoming a Tyrant in his stead."

The aim of the book is, indeed, explicitly narrower than considering ways to avoid war; Lasswell defines his task as "the more modest and less gratifying one of thinking how to endure the crisis with the least loss of fundamental freedoms." If this task is the more modest, it is none the less important and none the less indispensable to the wider task of ending the world crisis. Yet a reader may ask whether the limitation which Lasswell has imposed does not weaken the argument; whether one who is deeply concerned—like Lasswell—for individual freedom can dissociate the maintenance of that freedom from the maintenance of world peace. One may ask whether, in Blake's language, Professor Lasswell has not ringed around, with the Sword and the Bow, the prayers, the tears, the sighs, the groans, which express the essence of individuals' free contributions to the achievement of a peaceful human community. One may ask whether Professor Lasswell does not in fact unduly limit the potentialities and significance of individual freedom by the primacy he appears to accord to the demands of national security.

The reservation expressed above is not intended to affirm disagreement with Professor Lasswell's specific argument. In a period when the demands for securing the nation tend to sweep away all considerations either of world peace or of individual freedom, this book is a tremendously valuable weapon in freedom's cause. Americans must, it is clear, be alert to the impact of its basic propositions: (1) that in meeting the "continuing crisis of national defense" we will tend to become a garrison-police state with increased defense expenditures, expanded and centralized government, reduction of public information on national policy, heightening of suspicion, decline of the importance of press and public opinion, and a weakening of the traditional civilian institutions in favor of military and police agencies; (2) that national security is won not merely by force but by a combination of many foreign policy techniques; (3) that the...
criteria by which any measures for national security should be judged and challenged include civilian supremacy, freedom of information, civil liberties and the free economy. And I think everyone must find significant and instructive Professor Lasswell's suggestions (offered for discussion rather than as definitive) on what may be done by the executive, the Congress, the courts and the public.

Detailed analysis of these proposals is beyond the scope of this review. Their temper is suggested in the plea that the executive "keep political police functions relating to government employees and to others at the indispensible minimum"; many devices are suggested for strengthening existing defenses of freedom (adding to the National Security Council civilian members who would watch over individual freedom and over publicity on government policy) or maintaining traditional defenses such as congressional and civilian control and judicial protection of individual rights. The reviewer finds the survey of our political establishment in terms of the security-freedom axis an informed and wise example of that policy-oriented social science for which Lasswell recurrently pleads.

The one specific discussion which I find disappointing is that relating to congressional hearings (p. 129). "The concern of the Congress," Lasswell writes, "can be expressed in providing a model of consideration for fair play in the hearings conducted by the several committees of the Senate and House. The criticisms of the methods employed by the House Committee on un-American activities has brought this question into the foreground." Lasswell rejects formal methods of disciplining members who "fly in the face of public morals by smearing official and unofficial persons"; he places his hope in "the conscience of fellow Senators and Representatives, and of leading constituents." But this is literally all the positive advice he offers. And however sound the ultimate appeal to "public morality," it still is the case that this morality needs to be invoked or aroused and also that it needs adequate instruments for its expression. Hysteria and smearing in 1951 are not stopped by saying, "come now, Joe, that's not fair play." In point of fact this area seems to be one where Lasswell's flair for positive proposals is especially in order, as in the form of suggesting a public defender or a precise definition of the right to silence.

It is, in fact, curious that Lasswell makes so little of this topic, in view both of the prevailing prominence of such hearings and of Lasswell's own concern with the interplay of public opinion and congressional policy. For such hearings are not typically affairs in which congressmen acquire facts from individuals who may or may not be reluctant to divulge them. A hearing is normally an exercise in forming public policy, in which the individuals who testify contribute ideas both about facts and policies. The crucial concern in respect to freedom is that a speaker may contribute his opinion with the same immunity as that guaranteed to the members of Congress. Such considerations, though congenial to Lasswell's point of view, are not developed in any detail.
The heart of Lasswell’s program for promoting individual freedom lies, I think, in what he recommends to the public: establishment of a private press commission (as urged by the Commission on Freedom of the Press), the setting up in “the thousands of policy associations now existing at every level of national life” of special committees on National Security and Individual Freedom, the creation of community councils on human rights, the observance of National Security and Individual Freedom days, the employment of new instruments of mass communication in education, and development of “unofficial sources of information and interpretation.” As formal proposals to aid in hindering hindrances to free discussion these are eminently worth consideration.

Yet it is here, in this fundamental but delicate business of public opinion, that I find telling the limitation imposed in the definition of the book. These National Security and Individual Freedom Councils are described primarily in terms of defense—of holding back from the domain of freedom the encroaching waves of security measures. This task obviously is of great importance. But it is by no means the only aspect of maintaining freedom. Another and fundamentally more significant aspect is suggested in the recent efforts of the American Civil Liberties Union, which Lasswell praises highly, to develop concern for international human rights and to foster the growth of similar organizations in other countries. To limit oneself to American individual freedom is to concede in a fundamental way to the garrison-police-state idea. The political sagacity and reasonableness that pervades Lasswell’s pages would be more persuasive if the continuities with the international order were more explicitly acknowledged.

This criticism might be restated by suggesting that the committees Lasswell suggests should be entitled World Peace and Freedom Committees, or simply Freedom Committees (if not indeed associated more or less closely with organizations such as the American Civil Liberties Union which have carefully maintained independence of communist control). The point is that in our concentration on the foreign policy issue we can and should employ the civil liberties, not like the shiny automobiles we hate to give up, but as forms of rational activity that can effectively bring together Americans, Europeans, Asiatics—even Russians if we could ever speak to them. The civil liberties are not passive luxuries. In the present great debate over how best to prevent war, we need to devise every possible kind of machinery of discussion—including discussion of the ideas we hate as well as those we love.

It is here, I think, that the limitation imposed upon the topic very considerably qualifies the effectiveness of the book. The demand for individual liberty is not an American monopoly. What Blake called the “intellectual” aspect of “tears” we would, I think, call the universal appeal of human feeling and dignity. A society concerned about human dignity is concerned about it everywhere. It is concerned about the conditions of international organization that are adequate to guarantee it everywhere. It is concerned, within its boundaries,
to guarantee discussion of such conditions the freedom that it allows to more obviously "patriotic" discussion.

Such critical remarks may seem ungracious, in view of all the wisdom this reviewer finds in the book, especially in its discussion of the role of government and the importance of making it responsive to an informed public opinion. The criticism is in fact suggested by Lasswell's own discussion of "U. S. Assets in the War of Ideas" (p. 19). We are still, he says, the "miracle" of our age, in virtue of our standard of living, generally diffused, of the "new birth of personal dignity" which millions have found here, of our continued efforts to reduce the gap between theory and practice in respect to human personality. We are shocked to "hear ourselves denounced as the spearhead of all that is old, rotten and corrupt." We are not happy to be "the power that props up what is left of the empires of Europe in Asia, Africa and the islands." But the implication is surely not that we should merely build our walls and hug to ourselves our miraculous dignity and standard of living. The pursuit of individual freedom has in it the paradox that it is both the most significant ingredient in our national strength and at the same time a principle by which we affirm our participation in the larger human enterprise. Professor Lasswell is far from affirming that we can be free only by keeping aloof. But he does not explore the ways in which Americans can associate with other freedom-loving peoples to make the cause of freedom more secure. "The reincorporation of everyone into the commonwealth is," he says, "a pressing problem of modern society." The civil liberties are America's especial instrument for incorporation of all men in that international commonwealth now struggling to be born.

DONALD MEIKLEJOHN


In Witch Hunt Mr. McWilliams is indirectly concerned with the theme of this symposium. Congressional investigations are discussed briefly, and only as they are symptomatic of the state of mind which produces investigations of loyalty by administrative tribunals, state legislatures, and university trustees and faculties. Indeed, he claims that by ordering an administrative investigation of the loyalty of federal employees President Truman "cynically touched off the worst witch hunt in the last quarter century" (p. 7) and asserts that "McCarthyism is a direct outgrowth of the President's loyalty program" (p. 16).

The author is not, however, concerned with extensive discussion of the legal and constitutional questions raised by loyalty investigations. Although these questions are real enough, they obscure more fundamental issues, for concentration on individual rights overlooks "social freedoms" and the functions which individuals and groups perform through the exercise of their rights in a free society. Certain legal premises or conclusions are nevertheless set forth. Freedom

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