

The United States

by

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The United States is today the predominant world power and the leader of the free nations. She has much more than dollars—with which she has exhibited unsurpassed generosity—to give the world and particularly Australia whose destinies, economic and strategic, are inevitably linked with her own.

It is today supremely important that Australia should understand something of the "real" America, not just the more sensational aspects of American life with which they are so frequently presented. There is so much to admire and so much to learn—to our advantage.

With this in mind, we asked Professor Zelman Cowen, who spent a year in the United States during 1953 and 1954 as Visiting Professor in the famous Harvard Law School, to prepare this article.

Professor Cowen has had an academic career of the rarest distinction. After carrying all before him at Scotch College and Melbourne University, he was elected Victorian Rhodes Scholar in 1940. He served in the Royal Australian Navy from 1941-45 before taking up his Rhodes Scholarship at Oxford in 1945. He achieved one of the highest academic honours which Oxford has to offer when he became Vinerian Scholar in 1947. A Fellowship of Oriel College followed. In 1950 he resigned to accept his present position. In the meanwhile, in 1947, he visited Germany as Constitutional Consultant to the British Military Government and again, in 1948, in a similar capacity to the American Government. Recently he received a highly remunerative offer of a Chair at the University of Chicago, but he decided to stay in Australia. Australia, which has a record of losing some of its most brilliant minds to other countries, should be grateful for that.

Professor Cowen has thus had not only a unique scholastic background but a unique opportunity to study the United States.

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IT is one of the very regrettable consequences of the régime of exchange controls that most of us are denied the opportunity of visiting the United States of America. At the present time this is particularly unfortunate. Since the close of the second world war, the United States has assumed leadership in the non-Communist world and thinking Australians, together with other peoples, have viewed the American scene with anxious eyes and with a

very real sense of personal involvement. This preoccupation with American politics, foreign and domestic, stems from the realization that American decisions can and will profoundly affect our lives.

These barriers to travel therefore give rise to great frustration in those of us who wish to know and understand more about America and the Americans. Nor, in general, are we well served for information about the United States by the world

press. More often than not it concentrates on the bizarre and extraordinary elements in American life: it gives a Hollywood picture of America. On big issues it seems to me that the Press tends to caricature the American scene. Maybe this is inevitable in reporting technique. But again and again I am impressed by the fact that questions put to me by people about America which are stimulated by what they have read in the Press reveal an unbalanced and distorted picture of America and the Americans.

In this article, I propose to offer some comments on the American scene as it appeared to me. I was one of the fortunate few who were permitted to penetrate the exchange control curtain. I was invited to spend the period September, 1953, to June, 1954, as Visiting Professor at the Harvard Law School in Cambridge, Massachusetts. My family and I in fact spent practically a year in the United States. During that time I was living and working alongside Americans, so that I did not see the United States from the unsatisfactory vantage point of a hotel bedroom and an aeroplane window. I was there long enough to become accepted as part of the scenery, and to develop a reasonable perspective. Moreover, I had the opportunity to travel widely throughout the United States: to the south, to the mid-west and to the far west. In all these places I met and talked with people. So that if it be thought that my picture of America and the Americans is distorted, it was not for want of opportunity to view the passing parade from many and varied vantage points.

I should say at the outset that it was a remarkable year in which to

be in America. During the year, Senator McCarthy reached the pinnacle of his success and power, and as we left he was tumbling down the mountain. In the same year, when much of the world press was depicting the United States as embroiled in the McCarthyite witchhunt, the Supreme Court of the United States unanimously held that the segregation of white and coloured children in the public schools was unconstitutional and illegal. Other extraordinary things happened during the year: one which I shall not easily forget was the struggle for control of the great New York Central Railroad by two rival groups who, at fabulous cost, solicited the support of the shareholders in that great company with full-page advertisements in the daily papers. These things and many others made my year in the United States an unforgettable one. So, too, did other less dramatic things: the kindness with which Americans receive their overseas guests, their lively curiosity about us, and their concern to see that our time in the United States was comfortable and happy.

II.

EVERY visitor, even the unfortunate one who has only sufficient dollars to cross the United States in a matter of days, agrees about the pace, the competitiveness and the vitality of American life. It is apparent from the moment of landing at the airport or wharf, it is evident in the city streets and even in the University classroom. To be sure, the intensity varies in different parts of the country, but everywhere life seems to proceed at a pace which we never experience. Just why this is so should be better explained by a competent sociologist: it may be that the Puritan tradition of hard

work survives; it may be that in the grim struggles of earlier years when the masses in the melting pot were battling for survival, the competitive tradition was forged. It appears everywhere: it was very obvious in the Harvard Law School where I taught. The School houses a large group of young Americans drawn from all parts of the country who have come through a rigorous selection process. They work prodigiously hard and long. To move up a place in the examination ladder is a matter of enormous importance. Indeed the race has rich material prizes: those who head their classes have great professional opportunities, for the large law firms recruit from the most successful graduates of the great American law schools. But the pace of life tends to become an end in itself: I remember posing the question "What is the object of this fantastic race?" to a group of law school students at a luncheon one day. They settled down to discuss the question; they expressed considerable dissatisfaction with their way of life in the sense that they were frazzled and driven by some enormous pressure to run, run, run. And for what? One of the senior professors was present. He explained it this way: the intense competition exists in the school because that is the way in which big American professional and business life is organised. Students are trained in this way because the pattern of professional and business organisation demands it. I objected that this argument simply kept the wheel spinning round and round: if you start that way in the school, you cannot hope to change the pattern of adult life. But the luncheon was over and back went everybody to more hard work

until the early hours of the following morning.

Frankly I must confess that I enjoyed the atmosphere. It seemed to draw the best out of me. But maturer reflection leads me to believe that our slower pace has something to commend it. The intense competition produces anxiety and some uncertainty, which does not appear to anything like the same extent in our slower and more comfortable way of life. What we have, we enjoy. I do not mean that Americans do not enjoy life: that would be absurd. And they have material things to enjoy that we have not yet dreamed of. But I believe that they avoid facing up to the question expressed in the title of a well-known American novel "What makes Sammy run?" In the United States the striving and the competition produce a wider range of goods and services; the customer may shop at practically any time that suits him in conditions of convenience which are virtually unknown here: he will, in general, be courteously and well served. With us, as often as not, there is a surly "Take it or leave it"; we live in a society in which, too often, "good enough" is all that we can hope for.

It struck me again and again in America that it is nonsense to call Australia a young country; our preferences for leisure, our restrictive practices are certainly not the marks and characteristics of youth. It is America that is in so many respects a young vigorous giant with not very much awareness of the limits to the possible. I wish, for the good of this country, that we had more of the American spirit, though, for the reasons I have indicated, I should not wish to see Australia made over wholly in the American image.

I believe that this striving and competition in American life throws a significant light on the American attitude to democracy. The distinctive emphasis in American democratic thinking and living is upon egalitarianism and upon the career open to talent. Although one finds within the United States sharp differences of wealth and power, a strong belief exists in the possibility of the advance from log cabin to White House. This has been well expressed by a recent English commentator on the American scene:—

“The ordinary man has the conviction that no gates may be barred to his entry. He feels that he has the right to experiment with himself. He feels the elbow-room that comes from membership in a community that is dynamic in quality. Not only can he lift up his eyes to the hills, the community expects him to lift them up. That he has made his way forward gives him a title to pride; there is no assumption that he is moving outside the boundaries to which, by his origin, he ought to be confined.”

To be sure, the picture can be exaggerated and overdrawn. Colour still represents a real barrier to advancement, and in certain unhappy respects so does creed. But this attitude to life serves to distinguish the American pattern from the European. With all the great changes that have taken place in English economic, political and social life, class divisions survive and remain important in a sense in which they are not significant in the United States. At one level it is put clearly by the writer already quoted: “The English workman may speak frankly to his employer, but he stands, as it were, with his cap

in his hand. He expects always to be a workman; he cannot forget his dependence on his employer. There is no such habit of deference in the American workman”. Of course this picture is not all of one piece. But this does reflect a striking difference in the American and English view of democracy. If asked what was meaningful in the democratic way of life I believe the American would stress the opportunity to move and rise; while I believe the Englishman would lay emphasis upon the importance of tolerating diverse and heterodox opinions and activity.

III.

THE questions which I have been most often asked about America concern Senator McCarthy and his activities. He has had a prodigious amount of publicity during these years, although in the last few months he has fallen a long way. Senator McCarthy is not the only person engaged in the activities which have given him international notoriety; there are others both at the national and state level. Many people outside the United States are much concerned about the effect of “McCarthyism” on American life and institutions. The inquiry is not only directed at the peculiar McCarthyite technique of Congressional investigations; it is directed also, for example, to American immigration policies, as exemplified by the McCarran-Walter Act which imposes rather stringent political limitations upon entry into the United States of even the most casual visitor.

All this is felt to be symptomatic of a restrictive and repressive atmosphere corroding free institutions within the United States.

Now what is the truth? I do not think that there is any doubt but that the United States has, in this respect, gone through a very unhappy and disturbing period, and I do not doubt that the activities of Senator McCarthy and others like him have had a very serious effect—at least temporarily—on American institutions. There have been investigations into the conduct and activities of public servants, notably in the State Department (the Foreign Service), into Universities, schools and colleges, even into the text books used in the instruction of school children. I do not mean to say that all these activities were unwarranted, but I have no doubt that they have produced some very unhappy effects. I believe that they have presented a serious threat to American free institutions. Many people, whose normal obligation it is, in a free society, to speak up and express dissent, have been very much afraid to do so. In some spheres of the public service, notably in the State Department, which was under constant attack by Senator McCarthy, there was on reliable accounts, a serious weakening of morale. The spectre of guilt by association has haunted many people. The activities of Senator McCarthy and others have been carried out in the pitiless glare of nation-wide publicity and there is no doubt that great harm has been done to individuals and associations, sometimes certainly without warrant.

I do not mean to say that these investigations into subversive activities in the United States have been wholly misdirected. It is felt in many quarters that Senator McCarthy really did perform a national service in exposing the canker of Communism in the heart of

America. The case of Alger Hiss—although this was not one of McCarthy's investigations—had an enormous impact. It will be recalled that while Hiss was convicted technically of perjury, his substantive crime was that of betraying secret information, obtained while he was in the State Department, to the Communists. The conviction of Hiss pointed to the fact that Communist influence might be found in the highest places; for Hiss had been at Yalta with President Roosevelt, had been Secretary-General of the San Francisco Conference at which the Charter of the United Nations was drafted, and at the time of the case was President of the Carnegie Endowment for International Peace. Now I do not want to debate the Hiss case again; he stood trial twice and was convicted. I simply want to point to its impact on the American people. I do not doubt that the Hiss case itself materially helped McCarthy in his insistence that there were traitors in the heart of America, and in the high places of the nation.

It is perhaps a little difficult for us to understand all this agitation about Communists and Communism in America. To be sure we have had some excitement about Communism in Australia. But we have had nothing like McCarthy or McCarthyism. I think that an understanding of this phenomenon involves some appreciation of the American situation. America emerged suddenly as a world leader: she did so in circumstances in which the world was divided into two hostile camps. There was little experience of world leadership in America, and there was a very real fear in a country, which in a certain sense is lacking in cohesiveness, of being sapped

from within—as Czechoslovakia was sapped—by traitors. Looking at the magnificent productive machine and the great prosperity of America, one might have thought that the fear of any conspicuous success for Communists within America was groundless, but this is not how it appeared to masses of the American people. The Hiss case showed many how deep and high treason could go, and when McCarthy and others pointed the finger at others, some of whom incidentally occupied the most trivial appointments, there was a great measure of popular support and approval.

An atmosphere in which there is a great popular response in favour of a demagogue who cries “Communism” is inevitably a tense one. Moreover, it must be remembered that Senator McCarthy, in his use of the technique of the Congressional Investigation with nation-wide publicity, gave many of those whom he investigated little effective opportunity of vindicating themselves. The real danger in McCarthyism was that a person ran the risk of virtual destruction through being *named*; not through being convicted by due process of law. Now this is a very dangerous situation and I have no doubt that it has had a most deleterious effect on freedom of expression and association in many places in which it is important in a free community that it should exist.

But it is also important to remember—and this is what is often ignored or understressed—that there was a persistent core of opposition to McCarthy and to McCarthyism. Furthermore, this opposition did not stem only from radical sources. Much of it came from responsible

conservative persons who, while detesting Communism, saw in the gathering strength of McCarthyism a great threat to American traditions and free institutions which they deeply prized. It is significant that the sponsor of the Senate resolution to censure McCarthy was a Conservative Republican Senator from the State of Vermont.

Furthermore, it is false to picture the United States—as did many, particularly outside America—as so far within the grip of the witch-hunt that there was a totalitarian repressive atmosphere pervading the country. Such a picture is false and absurd. I found an enormous intellectual vitality wherever I went. To be sure I lived a good deal among intellectual people, but it was primarily at such people that the witchhunt was directed. Yet the attack on and the opposition to McCarthy were insistent. While I was at Harvard, McCarthy turned his attack on that great University. If it had yielded to him, the effect on intellectual institutions throughout the country would have been devastating. But it did not yield.

I am sure that there is a great reservoir of individualism in the American people. From time to time it goes into eclipse, when some ugly hysteria sweeps the nation. But I believe that the situation rights itself, and the fall of McCarthy, I think, serves to show that the worst has passed. I do not think that the personal decline of the Senator means that the witch-hunt is entirely over; but it does mean that the darkest days have passed. If I could sum up the situation briefly I should say that these last years have exposed a very

serious threat to vital freedoms in the United States. But there is at base in America a profound respect for free institutions and this, at no stage, has been eclipsed. America belongs to the free society but she still has a considerable way to go before she attains the measure of political tolerance which is perhaps the most striking of English contributions to democratic life.

It is perhaps relevant to ask how in American politics it is possible for a man like McCarthy to attain such national political prominence. After all, he was a relative newcomer to the national political scene. He was elected to the Senate first in 1946, and was only in the early stages of his second term. In the organisation of politics as we know it in the English-Australian sense, it would be extremely unlikely for a relatively newcomer, a back-bencher, to cut such a swathe and attain such national prominence.

To understand this, it has to be remembered that there are great differences between American and English-Australian political organisation. In the first place, the party systems are very different. The two great American parties, Republicans and Democrats, represent historical agglomerations, and in each party you will find the whole gamut of political opinion from extreme conservatism to radicalism. Now our parties are rather differently constructed: not all Conservatives or Liberals or Labour party men are, as we know, linked in precisely common belief, as is now apparent, but there is a far greater common bond between members of our parties than in America. With us party discipline has a meaning which, in the case of American parties, it is

impossible to attain. It is quite possible for a voter to support one party in national politics and another in state or municipal elections—because the complexion of party policy may vary considerably at different levels. The looseness of American party organisation makes it much easier for the individual member to attain personal prominence.

Furthermore, the relationship between the executive and the legislature is significantly different in the two systems of government. Whereas with us, as in the English system, the executive is drawn from the party commanding a majority in Parliament and depends for its continued existence upon its power to control that parliamentary majority, the American constitutional system requires the President to be separated from the legislature and separately elected. The result may be—it is at present the case—that the executive and legislature are of different political complexions: a situation which could not make sense to us. The American system makes for a much looser organisation and control of individual members of Congress both because of the nature of the party control and the character of the executive-legislature relationship. In these circumstances an individual Senator like McCarthy with a policy which commands wide appeal, and using such an instrument as the Congressional investigation, may attain great heights and may indeed represent a challenge to presidential policies. There is little doubt, I think, that President Eisenhower had considerable distaste for Senator McCarthy and his policies. For long, however, he hesitated to come out openly against the Senator, no doubt because the Republican

Party leaders regarded McCarthy as a powerful vote-winner and advised against internecine strife within the party. This in itself contributed not inconsiderably to McCarthy's strength.

IV.

IN May, 1954, the Supreme Court of the United States handed down its unanimous decision that segregation of white and coloured children in the public schools was unconstitutional and illegal. In the American terminology, which in this respect is rather more reasonable than our own, the public schools are those provided out of the public purse. The colour problem has been before the Supreme Court in various forms over the last two decades. The Court has upset convictions of negroes in circumstances in which confessions had been extorted by violence and other pressures, in which negroes had been excluded from juries in trials of other negroes, in which the atmosphere of mob violence had intimidated courts which were trying negroes. The courts had struck at legal devices designed to keep the negro away from the polling booths; it had refused to enforce provisions forbidding the transfer of land to coloured persons. It had also obliged state universities to accept negro students into their professional schools. But the greatest test came on the issue of elementary education in the public schools. Those who supported segregation at this level argued on the authority of earlier decisions that it was lawful to provide separate educational facilities provided that those facilities were equal. The court, in its 1954 decision, rejected this argument, pointing out that it was the very *separation* of children

in elementary schools that made for *inequality*: that here separation and equality could not coexist.

It would be shallow and foolish to say that colour has ceased to be a problem within the United States. Indeed, there are very ugly tensions still surviving, not only in the southern states, but also in northern cities, notably Chicago and Detroit, where the spread of negroes into white housing areas has set off some ugly race riots. But it is, I think, a matter of general consent that race relations have greatly improved in the course of the last two decades. The Supreme Court has played a great part in this.

V.

I HAVE heard it said, not infrequently, that America is "spoiling" for war; that there is a widely held belief that it would be good policy for the United States to lead the world into a "preventive war" while it still holds some weapon or strategic advantage over the Communist world. The picture of a mass of Americans spoiling for a new Armageddon is utterly absurd. I suppose there are few peoples on earth who are less militaristic and who have less to gain and more to lose from involvement in international conflict. In the first place, a new war would represent a physical threat to American cities and towns; it would mean abandoning the most comfortable and bountiful living standards in the world. I believe the American people are very reluctant to become embroiled in war. The Korean war became very unpopular indeed in the United States, and there is little doubt that Mr. Eisenhower's promise to bring the American boys home from Korea materially assisted his presidential

campaign in 1952. I believe that the debacle in American foreign policy in Indo-China in 1953-54—the threat of massive retaliation followed up by nothing—is to be explained in terms of a fear of the political consequences of committing American troops once more in Asia. I found nowhere—except in the bellicose pronouncements of some service chiefs and congressmen—any feeling that it would be desirable to take the Communists on at the present stage. There is an awareness of the danger of war—on many highways there are warnings that the roads will be closed in the event of enemy attack, and directions as to the procedure to be adopted in the event of enemy attack are to be found in hotel rooms and in repeated broadcast messages. But such a measure of preparation and awareness of possible danger would only be confused by the blind, the malevolent and the foolish with an active desire on the part of Americans generally to become involved in war.

It is an odd commentary on the structure of American government that policy is expressed by several voices, not always harmoniously. To one trained in our traditions, it is strange to hear service chiefs sounding off on major foreign policy issues; calling for war as a preventive measure without any apparent awareness that they are not policy makers but policy executants. I think that it is the multitude of uncontrolled voices which often makes America's allies extremely edgy and nervous about her international policies. Apart from the service chiefs, it is often difficult among the babel of voices in government to de-

termine governmental policy at any given time. At the moment of writing, it is far from clear what is the Administration's policy with respect to the Chinese off-shore islands. These uncertainties also serve to increase anxiety among America's friends and allies. This diversity of voices, and seeming uncertainty of direction, serve perhaps to underline the point made at the beginning of this article that the United States is a late-comer to world leadership, that her decisions on foreign policy may therefore sometimes lack clarity, experience and balance. It is perhaps appropriate to observe that this disturbs many thinking Americans just as it disturbs those outside the United States who feel, with very substantial justification, that they will be significantly affected by American foreign policy decisions.

VI.

THERE are many other facets of American life and opinion on which, were space available, I should like to offer comment. I must content myself only with saying that my experience was a rich and satisfying one. There were many things in America which pleased me greatly and, as I have indicated in this article, some that disturbed me. But when the balance is struck, I have no doubt that it comes down on the side of good. Despite the jeremiads of those who are, in general, poorly informed, I cannot believe that an Australian can have such an experience as I had in my year in the United States without coming home as a strong friend and supporter of the Alliance.