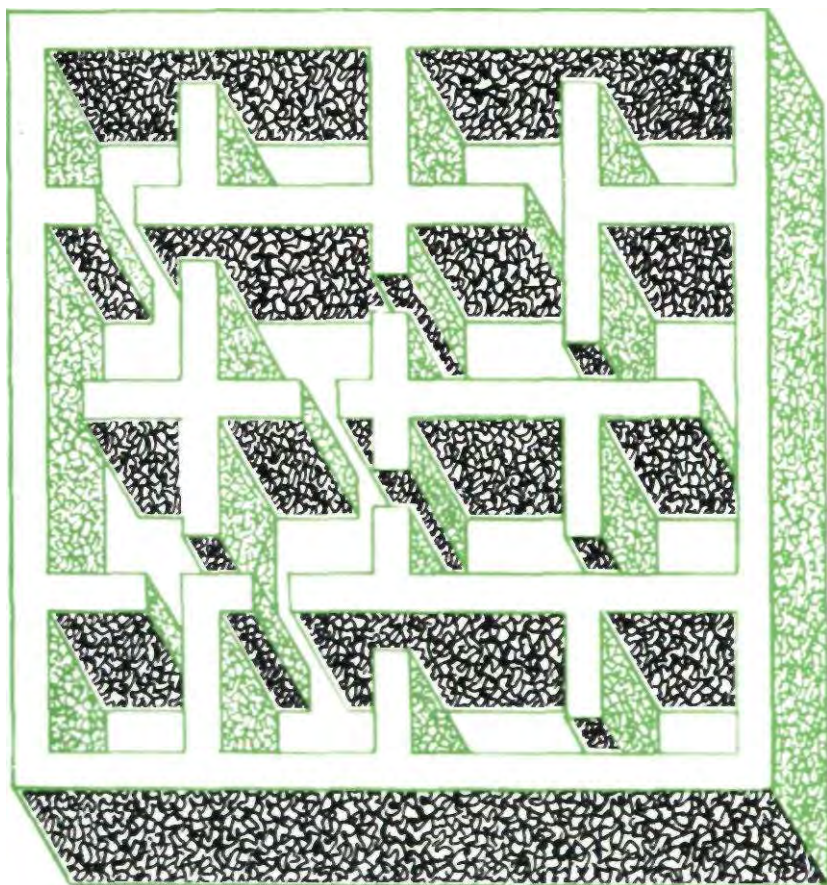


THE CASE OF TYLER KENT



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FOREWORD AND INTRODUCTION

THIS document is written in the interest of justice. In the words of the mother of Tyler Kent, "I have no wish to get bitter, because the question is so close to my heart, but I do think that as an American I have a right to plead due process of law—American law."

In many ways similar to, the Kent case has aspects that make it even bigger than, the Pearl Harbor scandal and disaster. When the blame for Pearl Harbor is finally fixed, those responsible for America's cataclysmic entry into the physical war will be named. When an aroused free people will have forced a full, impartial and complete revelation of the Kent affair, those responsible for all that *led up to* Pearl Harbor will be revealed.

Pearl Harbor, completely exposed, would determine the responsibility for Pearl Harbor, with its sudden global war. When our people force the solution of the mystery that had its drama in London, there *could* stand revealed those responsible for that series of events that were to plunge an entire Christian world into, not only war, but into the chaos, ruin, hopelessness and revolution which have resulted upon that war.

The case of Tyler Kent has been a case of contrasts, of violently opposite points of view. There has been a campaign of public accusation, of innuendo and of smear. His has been a treatment quite in keeping with the four years' procedure against Admiral Kimmel and General Short. Both these men have been publicly accused—both have waited patiently to be called.

The Kent case is as simple as can be. It is solely a question of secret messages, and solely one of the contents of those messages. It is a simple question of truth, nothing more.

"The correspondence to which your son's indiscretion has called attention will undoubtedly assume a large role in the history of the present war," writes Mr. Varian Fry, Executive Secretary of the American Labor Conference on International Affairs, to Mrs. Kent.

What, then, *is* the truth? We are entitled to know.

This document is written to help achieve that end.

* * *

THE Case of Tyler Kent begins in London; in a Britain already at war. Its ramifications extend around the globe.

Some eighteen months before Kent's arrest in May of 1940, there had been published, in Britain, a book entitled *Propaganda In the Next War*

Its author was an Englishman, Sidney Rogerson; it was edited by another Englishman, Captain Liddell Hart, widely known as the foremost military critic in the United Kingdom.

This book is somewhat difficult to find in America.

On page 148 of this volume, there occurs the following:

"It will need a definite threat to America, a threat, moreover, which will have to be brought home by propaganda to every citizen, before the republic will again take arms in an external quarrel.

"The position will naturally be considerably eased if Japan were involved and this might and probably would bring America in without further ado. At any rate, *it would be a natural and obvious objective of our propagandists to achieve this, just as during the Great War they succeeded in embroiling the United States with Germany.*"

That was in England, in 1938. The Japanese struck in 1941.

CITIZEN TYLER KENT — BIOGRAPHY

TYLER Gatewood Kent was born on March 24, 1911, at Newchang, Manchuria. His father was the late William Patton Kent, of Wytheville, Va., a man who had seen twenty years' service in the American diplomatic corps: a man whose grandfather was John Hendren, Treasurer of the Confederacy in the American Civil War. Among his ancestors was David Crockett. Appointed originally by President Theodore Roosevelt, the father had been Consul and Consul General abroad. He passed away in Washington, D. C. in 1936.

Kent's family came originally from England and Scotland, in 1644. To President Franklin Roosevelt, Mrs. Kent wrote in 1942 that the family had included "lawyers, doctors and preachers among those green hills" of Virginia's beautiful Valley of the Shenandoah. "The men of our family," she wrote, "died for the Confederacy during the Civil War."

Kent himself was educated at St. Albans, Washington, D. C. at Princeton, at the Paris Sorbonne, the University of Madrid, and at George Washington University here. He learned French, German, Greek, Italian and Russian.

In 1931, Kent was ready for the Foreign Service, and made his application. The depression intervened and it was not until 1933 that a post was offered. Kent accepted. The post offered, and accepted, was Moscow.

He remained six years in Moscow. Remember, he spoke Russian. Those six years' observation of Communism at its fount left a deep impression. Twenty-six months after his arrest, and seven and a half months after we were legally in the war, Mrs. Kent would write to the President and use her son's own words:

"The American worker wouldn't stand for a week the conditions under which the Russian worker exists."

In October, 1939, Kent was transferred to our Embassy in Grosvenor Square, London, and placed in a position of the highest trust and confidence—the code room. Almost immediately he encountered the amazing secret messages which are the key to the whole affair.

THE CASE BEGINS — THE FIRST MESSAGE

NOW, it doesn't need this historian to point out that appointment to a diplomatic code room is not given to just anyone. Messages of the utmost secrecy come almost daily in and out, messages that would be somewhat astonishing to an average citizen. Such communications are usually but simple routine to the inner circles of the diplomatic whispering galleries throughout the world.

Kent had scarcely taken over his London duties when he was given a message to be sent at once. This message was in code.

This message, in code, was from a subject of His Majesty's *British* government to the Chief Executive of the United States. The message was from Mr. Winston Churchill, then First Lord of the Admiralty in the cabinet of Neville Chamberlain. The message by-passed, it went over the head of, the legal chief of the British state. It was sent by the man who was later to assume the position held by Chamberlain, then his chief. This astounding behavior was from the man who was to say,

"I have not become the King's first minister to preside over the liquidation of the British Empire." (A statement somewhat open to question, by the way.)

The message that had been handed Kent to send, was to start a train of events the end of which is not yet. Five years and a million American casualties later it would be the subject of debate in Parliament. It would be raised in the Congress of the United States. It would be talked of from Auckland in New Zealand to Buenos Aires in the Argentine.

When that 1944 Parliamentary debate would be published, and passed by the British censor, Senator Henrik Shipstead, of Minnesota, would say on the floor of the Senate (June 19):

"A private citizen in Britain may negotiate with a foreign government, under the laws of Britain, for aught I know. But that of itself is not so important as the fact that this is an official debate, in the Parliament of an Allied government, and that it passed the censorship to the people of the United States. I think that is significant. It is not gossip, it is official, and therefore I feel it my duty to call it officially to the attention of the Congress of the United States, because it is a reflection on the integrity of the Government of the United States, whatever the British people may think of their present Prime Minister."

For the message that Kent had been obliged to send that day read, in effect:

"I am half American and the natural person to work with you. It is evident we see eye to eye. Were I to become Prime Minister of Britain we could control the world."

(Letter from Mrs. Kent to Senator Bridges, N. H., and to Members of the Lower House, March 15, 1943.)

Franklin Delano Roosevelt replied six weeks later in the "unbreakable code."

THE CASE IN ESSENCE

FOUR and a half years later, Senator Shipstead was to ask "how Mr. Churchill obtained possession of our code?" To this day we do not know. But we do know that this American code was made use of by a man who was to be head of the British government when, according to General Marshall's testimony before the Pearl Harbor committee, that government flatly refused to give our Government anything more than its "conclusions" from their de-coded enemy messages. To quote the General, the British were "afraid there'd be a leak."

But Franklin Roosevelt replied to Churchill, in that "unbreakable code," six weeks after that message. What was said, we do not know. We do know, however, two things. Both are important. One is *very* important.

(1) We know that Franklin Roosevelt was telling us "again, and again, and again" that American boys "will not be sent into any foreign wars," and

(2) We know that our American Chief Executive is the elected public *servant* of 140,000,000 citizens of a Republic (not subjects of an Empire); that he is responsible to you and me, through Congress, and is *not* a being superimposed in mighty eminence over and above the sovereign people of this Land.

The President is at all times responsible, through Congress, to our people. That is in our unique Constitution. Upon taking Office, our elected Chief of State voluntarily takes the following oath:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Events of recent years, we submit, call for a close accounting, full, complete and accurate, TO OUR PEOPLE, of this stewardship. Such accounting is ours of *right*. And the Roosevelt-Churchill cables are a part, a very vital part, of that accounting. In this game of death and war, they may prove even more vital than those other secret messages on the opposite side of the world, the Pacific side, that preceded the disgrace and disaster of Pearl Harbor. And, we permit ourselves the hope, these messages will not turn up "lost."

According to one account, there were 468 direct Roosevelt-Churchill messages. According to another (Churchill in Commons, April 16, 1945), there were 1,700 exchanges in all.

What was said, *both* ways, in those messages that may have spelt the tragic fate of a lost generation of men? Let us quote Mr. Joseph P.

Kennedy, then United States Ambassador to the Court of St. James':

"Churchill had given me a very frank and complete picture of England's unpreparedness, of her military and naval power and military placements, the status of her industries and week-by-week developments for forwarding to President Roosevelt."

So far, so good. That is one version. There is, however, another version.

On November 12, 1941 — twenty-five days before Pearl Harbor — a reputable Washington correspondent, Mr. Arthur Sears Henning, wrote in the *Washington Times-Herald* that, according to this second version, *the Lend-Lease Act, the Johnson (no foreign loans) Act, and the Neutrality Act* were all discussed in those cables. Further, that, according to this second version, there was the possibility that Franklin Roosevelt had encouraged William Bullitt and others to egg France and Poland to war.

This version has supporters. In the British Parliament itself, in June of 1944, independent Labourite John McGovern took the floor and stated that Franklin Roosevelt had promised Churchill even before Britain entered the war that America would come to her aid. "The Prime Minister (who was then not yet Prime Minister: Ed.) was soliciting military aid in the event this country was going to war." He, Churchill, "still was carrying on this campaign behind the back of his Prime Minister ... in order to find out the strength of American support and whether America could be depended upon to come into the war." These are direct quotations from this Member of Parliament, datelined London June 16 (1944), and passed by the British censors in time of war.

Now, if true, this second version is of supreme importance. A copy of the Henning article (Nov. 12, 1941), was finally gotten to Kent himself. It took two and a half years to do it. And Tyler Kent made two replies, one by cable and the other by letter. By cable dated May 15, 1944, Kent termed the Henning article "essentially correct." By letter dated May 20, 1944, Kent said the article "requires extension in detail."

Version No. 1 is a "week-by-week report." Version No. 2 takes in Lend-Lease, the Johnson Act and the Neutrality Act, together with the implications of Mr. McGovern, M.P.

Thus the die is cast, for, if the latter be the truth, these cables would have—as John O'Donnell said on May 21, 1945—"foreshadowed the part which Franklin Delano Roosevelt had already determined that this Nation should play in the European War." The European War, where 800,000 American men lost part, or all, of their lives.

There, in essence, is the Case of Tyler Kent.

KENT'S ARREST; HIS TRIAL

IF ANY person for any purpose prejudicial to the safety or interests of the State—obtains or communicates to any other person any sketch, plan, model, article or note, or other document or information which is calculated to be or might be, or is intended to be, directly or indirectly useful to an enemy; he shall be guilty of felony and shall be liable to penal servitude for any term not less than 3 years and not exceeding 7 years."

(Taken from Chitty's Annual Statutes of British Law, Vol. 17, Pt. 1, p. 78-9. British Criminal Law Offenses Against the State. Official Secrets Act of 1911, Subsec. 1C, Act 1911.)

So reads the British statute under which American citizen Kent was arrested, tried, convicted and sent to jail.

"Yet nowhere," writes Mrs. Kent in her petition to Congress, October 1, 1944, "has there been any allegation that my son ever handled a single British document." More. On July 21, 1942, in a letter to Franklin Delano Roosevelt, Mrs. Kent, stating she was quoting a responsible member of Britain's Embassy in Washington, repeated: "We did not particularly want to try this case, but under the circumstances there was nothing else to do."

In this same letter to Franklin Roosevelt, Mrs. Kent refers to Captain Ramsay, M.P. (who will appear later in this narrative). Of Capt. Ramsay she says: "Of course Mr. Churchill had to put this gentleman in solitary confinement as soon as he became Prime Minister at the same time he apprehended my son and some 600 British leaders opposed to his policies."

There was parallel here at home, in those citizens who were witch-hunted day and night, brought thousands of miles for a farce of a trial, or obliged to live 300 miles removed from military areas; in those citizens of this Republic only now being freed from confinement—without charge or trial—in the otherwise-beautiful Hawaiian Islands.

Back to Kent. To enable the British to arrest, then try, this American citizen, it was necessary for our own Department of State to waive his diplomatic immunity. This, Ambassador Kennedy did and under circumstances that will be described. If he had not done this, said the ex-Ambassador after three and a half years had passed, "It could have developed into a nasty mess." One can possibly discern a subtle meaning, now, in the words of the trial Justice, that Kent had discovered information that "neither the British nor the American governments would like to have divulged."

The "governments" would not—but perhaps the *peoples* would.

A "ROBERTS REPORT" FROM THE ATLANTIC

WHEN the Japanese physically attacked a bewildered American command at Pearl Harbor, Franklin Roosevelt responded to popular demand by appointing Mr. Justice Roberts—an avowed internationalist—to head a Commission to report the facts. A doctored version from this "fact-finding" Commission was given to our (catapulted-into-war) people on January 25, 1942.

This version was published in *The New York Times* of that date. Synopses were carried in the press throughout the Country. From it, and before 140,000,000 self-respecting and stunned citizens, Admiral Kimmel and General Short stood convicted of "dereliction of duty"—with neither open hearing nor trial.

Such was the Roberts Report from the *Pacific*.

Now, to be completely fair to the Executive Branch of our Government—the elected and appointed public servants of our people—suppose we read, then examine, the State Department's report on the Kent affair.

This report, officially released to the press on September 2, 1944, follows, verbatim and in full:

Department of State,
September 2, 1944.

(For the press)

No.
405.

The Department of State has taken note of recent inquiries and newspaper reports regarding the case of Tyler Kent, formerly employee of the American Embassy at London, and the Office of Foreign Service Administration has been instructed to review the matter thoroughly and prepare a comprehensive report. The following is the text of the report:

Tyler Kent, American citizen, an employee of the American Foreign Service assigned to London, was tried and convicted under the Official Secrets Act (1911) of Great Britain before the Central Criminal Court at the Old Bailey, London, in October, 1940. The charges against him were the obtaining and delivering to an agent of a foreign country (Germany) copies or abstracts of documents which might have been directly or indirectly useful to the enemy, and which were, at the same time, prejudicial to the safety or interests of Great Britain. Incidental to the proceedings against him, it was brought out that he had violated the Larceny Act of 1916 of Great Britain by the theft of documents which were the property of the Government of the United States in the custody of the American Ambassador, London. The above mentioned were found proven by a jury on the basis of evidence produced during the trial. Kent had worked through a confederate *who* was allegedly anti-Jewish and pro-Nazi.

The background of the case and the circumstances leading up to Kent's arrest and trial were as follows: Kent, at the age of 22, had entered the Foreign Service as a clerk, his first assignment having been to the American Embassy at Moscow. He was later

transferred to the American Embassy, London, arriving there in October, 1939. He was assigned to the code room as a code clerk, where his duties were to encode and decode telegrams. Before entering the service he had attended Princeton University, the Sorbonne (Paris), the University of Madrid, and George Washington University. He had acquired several foreign languages, including Russian, French, German and Italian.

On May 18, 1940, a representative of the London Police Headquarters at Scotland Yard called at the Embassy to report that Kent had become the object of attention by Scotland Yard through his association with a group of persons suspected of conducting pro-German activities under the cloak of anti-Jewish propaganda. Prominent in this group was Anna Wolkoff, a naturalized British subject of Russian origin, the daughter of a former admiral of the Imperial Russian Navy. Miss Wolkoff had resided in Great Britain since emigrating, with her father, from Russia following the Bolshevik revolution, had been hospitably received and had made a considerable circle of friends among Londoners of standing, some of whom had assisted in setting up the Wolkoff family in a small business. After the outbreak of the present war the British police had become interested in Miss Wolkoff's activities, believing that she was in sympathy with certain of Germany's objectives, that she and some of her associates were hostile to Britain's war effort, that she was involved in pro-German propaganda, that she had a channel of communication with Germany, and that she was making use of that channel of communication.

Kent had been observed by Scotland Yard as having been in frequent contact with Anna Wolkoff and in touch with others of a group known to her. Among other things, it had been noted that Kent and Miss Wolkoff were sharing an automobile and that Miss Wolkoff frequently drove the car, using gasoline allegedly supplied by Kent. Scotland Yard was now convinced that Anna Wolkoff was receiving confidential information from Kent, and stated that she would be arrested on May 20. The police added that on the same day they considered it highly desirable to search the rooms occupied by Kent. In reply to an inquiry made by the British authorities, Ambassador Kennedy, with the approval of the Department, informed such authorities of the waiver by this Government of the privilege of diplomatic immunity. Scotland Yard thereupon indicated that a search warrant would be issued and that Kent's rooms would be searched on May 20, 1940.

The possibility that an employee of the Embassy, having access to the confidential codes, was making improper use of the material entrusted to him in the course of his work was of the utmost concern to Ambassador Kennedy and to the Government of the United States. Preservation of the secrecy of this Government's means of communication with its establishments abroad is a matter of fundamental importance to the conduct of our foreign relations. In the circumstances described it was imperative that Ambassador Kennedy ascertain, and ascertain immediately, whether Kent was guilty of a violation of trust. There was every reason, in the interest of the American Government, for the waiving of diplomatic immunity and for allowing the British authorities (who alone had the means of obtaining the evidence) to proceed in an effort to prove or disprove their suspicions. In this connection it may be noted that it is well established in international law that the so-called immunity of an employee of a diplomatic mission from criminal or civil processes may be renounced or waived by the sending state at any time.

The search of Kent's room was conducted according to plan, an officer of the Embassy being present throughout. It revealed that Kent had in his possession copies of Embassy material totaling more than 1,500 individual papers. He also had two newly made duplicate keys to the index bureau and the code room of the Embassy, these being unauthorized and in addition to the keys furnished him officially for his use as a code clerk. He explained that he had had these keys made so that in the event he should ever be

transferred from code work to another section of the Embassy he would still have access to the code room. Also found in his possession were two photographic plates of Embassy documents believed to have been made by confederates for the purpose of endeavoring to transmit prints thereof to Germany, and certain printed propoganda material which was prejudicial to the British conduct of the war. The police also established that some of the papers found had been transmitted to an agent of a foreign power.

An examination of the documents found in his room indicated that Kent had begun classifying the material by subject, but this work was far from completed. They covered practically every subject on which the Embassy was carrying on correspondence with the Department of State. As may be supposed, they included copies of telegrams embodying information collected by the Embassy which otherwise would not have been permitted to leave Great Britain without censorship. As may be likewise supposed, they contained information which would have been useful to Germany and which Great Britain would not have permitted to reach Germany. It is of interest to note, in this connection, that Kent had, during his service in London, written to the Charge d'Affaires of the American Embassy in Berlin asking his assistance in arranging for his (Kent's) transfer to Berlin. When questioned as to what he would have done with the documents in his possession had he been transferred to Germany, Kent replied that he could not state what he would have done with them; he regarded the question as a hypothetical one.

Regardless of the purpose for which Kent had taken the material from the Embassy, he had done so without authorization, in violation of the most elementary principles governing the rules for the preservation of the secrecy of the Government's correspondence. By his own showing he had, while occupying a very special position of confidence within the Embassy, displayed a shocking disregard for every principle of decency and honor so far as his obligations toward the United States were concerned. The removal of so large a number of documents from the Embassy premises compromised the whole confidential communications system of the United States, bringing into question the security of the secret ciphers. It was obviously impossible to continue his services, and Kent was dismissed from the Government service as of May 20, 1940. Thereafter the question of diplomatic immunity naturally did not arise.

So far as the British police were concerned, the evidence found in Kent's room was such as to convince them of the necessity of detaining him at Brixton prison pending investigation of the use he had made of the documents in his possession and the true implications of his connection with Anna Wolkoff. Ambassador Kennedy, with the consent of the Department of State, agreed to Kent's detention.

On May 28 a representative of Scotland Yard informed the Embassy that investigations were proceeding, that the case became progressively more complex, and that it could not be cleared up quickly. It was believed, however, that there would be a case for prosecution against Kent and Anna Wolkoff under the Official Secrets Act of the United Kingdom.

Kent's trial eventually commenced August 8, 1940, and was attended by the American Consul General. It was held in camera because of the harmful effects to British counter-espionage efforts which were to be anticipated if certain of the evidence became public. Prior to the trial the American Consul General in London had called upon Kent (July 31, 1940) at Brixton Prison. The Consul General informed him that he would be taken to court the following day and formally charged with offense under the Official Secrets Act of the United Kingdom, i.e., obtaining documents for a purpose prejudicial to the safety or interests of the United Kingdom which might be directly or indirectly useful to an enemy. The Consul General inquired whether Kent had a lawyer to represent him to which Kent replied that he had not, and that he had not given **the** matter any thought

The Consul General advised him that he should be represented by a lawyer and agreed to assist in getting in touch with a suitable solicitor. Kent was subsequently placed in touch with a lawyer, whom he engaged to represent him during the trial.

On October 28, 1940, the jury found Kent guilty of violating the Official Secrets Act. The sentence was postponed until completion of the trial of Anna Wolkoff. On November 7, 1940, Kent was sentenced to 7 years' penal servitude and Anna Wolkoff was sentenced to 10 years. Kent's attorneys applied for permission to appeal. On February 5 1941, this application was rejected by a panel of judges which included the Lord Chief Justice.

In reviewing the Kent case it is important to bear in mind the circumstances surrounding it. At the time of Kent's arrest and trial Great Britain was at war and the United States was not. The case involved a group of people suspected of subversive activities. The evidence relating to individuals of the group was inextricably mixed, and the activities of no single suspect could be separated from the activities of the others. The interest of Great Britain in such a case, at a time when it was fighting for its existence, was therefore preeminent. Deep as was the concern of the Government of the United States over a betrayal of trust by one of its employees, it is hardly conceivable that it would have been justified in asking the Government of Great Britain to waive jurisdiction over an American citizen in the circumstances described. Kent was within the jurisdiction of the British courts, and all the evidence, witnesses, etc., were available to the British courts. Moreover, it was, as has been mentioned, in the interest of the United States to have determined immediately on the spot, where the evidence was available, whether or not one of its employees in a position of trust was violating such trust. The question whether the United States will prefer additional charges against Kent will be decided after his release from imprisonment in Great Britain and he again comes under the jurisdiction of our courts.

(End of the State Department official press release)

This release might very well be called the "Roberts Report" from the *Atlantic*.

The 2,000-odd words of this release could be subjected to a very interesting analysis. Careful reading will make this apparent. Its very verbosity is suggestive; it juxtaposes a Mata Hari-like narrative, suspicions and beliefs with known and proven facts. It speaks of Embassy *material* in exact quantity to the allegedly stolen cables. It brings in decency and honor but it nowhere so much as remotely hints that Kent had sold his Country out for cash. By strong implication, Kent is made guilty of far more than the military "dereliction of duty" of Admiral Kimmel and General Short. Thus, the "Roberts Report" from the Atlantic.

Certain items, however, emerge as State Department sponsored facts. Briefly, these are:

(1) Kent "had violated the Larceny Act of 1916 of *Great Britain* by the theft of documents *which were the property of the Government of the United States*";

(2) "Scotland Yard *was now convinced* that Anna Wolkoff was receiving confidential information from Kent";

(3) Diplomatic immunity was waived "with the approval of the Department";

(4) "There was every reason . . . for allowing the *British* authorities ... to prove or disprove their suspicions";

(5) In searching Kent's rooms "an officer of the Embassy (was) present throughout";

(6) "Kent had in his possession copies of Embassy material totaling more than 1,500 papers." Kent publicly denied this on his return to America;

(6a) The 1,500 "official records," or Embassy "material," have been widely publicized, it being stated they were unearthed in a "strong box" in the rooms. Kent denies this;

(6b) Conspicuous by its absence is the widely reported telephone call, assertedly from the Italian Embassy, during the search of the rooms. This phone call "was enough to confirm their worst suspicions," writes C. S. McNulty in the Auckland (N. Z.) *Weekly News* of September 12, 1945. If true, the Italian Embassy would have stood revealed as curiously naive by such action. Embassies just don't call up spies over Embassy phones. In any case, Kent publicly denied this call on returning to the United States;

(7) "He also had two newly made duplicate keys . . . these being unauthorized and in addition to the keys furnished him officially." Kent, in a public interview upon his return, stated these keys were issued him legally and officially;

(8) "Also found in his possession were two photographic plates of Embassy documents." This possibly refers to the "two rolls of microfilm containing coded messages" which an allegedly convicted Nazi spy had left in a nearby photo studio. The Auckland article already cited states that Anna Wolkoff was seen to enter that studio. By implication, Anna Wolkoff was that spy. Kent flatly denies possession of such film;

(9) "The police also established that some of the papers found had been transmitted to an agent of a foreign power." Kent, on his return, denied sending documents to Germany or Italy in the diplomatic pouch;

(10) "... indicated Kent had begun classifying the material by subject, but this work was far from completed." One remarks that a system of espionage is singularly childlike to permit a source of information to do its own classifying. (And yet, according to Gen. Marshall's own testimony in December of 1945, that is precisely what our own top echelon permitted

the British to do after Pearl Harbor. Or was Kent, like the British later, "afraid there'd be a leak"?);

(11) That Kent sought transfer to the Berlin Embassy of the United States. The fact is that Kent had not wanted to go to London from Moscow, had specifically objected to such transfer, and the complete State Department files will so show. The first request for a Berlin transfer was made, by Kent, while he was at Moscow, not London. The implication "as to what he would have done with the documents had he been transferred to Germany" is an implication that simply does not state the full facts. At the time of his *original* request for the Berlin assignment he had, obviously, never even heard of "the documents";

(12) Kent "displayed a shocking disregard for every principle of decency and honor so far as his obligations *toward the United States* were concerned." But Mrs. Kent, in her letter to the 1944 Democratic Convention, suggests "the strange irregularity of a foreigner's (Churchill: Ed.) having use of our Country's confidential code." But again, "Tyler asks me to tell you to go to the Senate," writes Mr. F. Graham Maw, *British* attorney for Kent. Surely this is an odd request if a man is guilty as implied in this press release. Here again are those two diametrically opposite points of view;

(13) "Kent was dismissed from the Government service as of May 20, 1940" and

(14) "thereafter the question of diplomatic immunity naturally did not arise." This reads well, and is seemingly conclusive. However, thousands of members of the United States Foreign Service will read those words with some alarm. Just why, will be developed in this narrative;

(15) "Ambassador Kennedy, with the consent of the Department of State, agreed to Kent's detention" in Brixton prison. Same comment;

(16) "It was believed (by Scotland Yard? Ed.) that there would be a case for prosecution . . . under the Official Secrets Act *of the United Kingdom*";

(17) The trial was held in camera "because of the harmful effects to *British* counterespionage ... if certain of the evidence became public";

(18) The Consul General had seen Kent in Brixton prison and, inquiring if he had a lawyer for his defense, "Kent replied that he had not, and that he had not given the matter any thought." We will pass, as subjective, any comment on this remark;

(19) "*The interest of Great Britain . . . was therefore preeminent.*" We mildly observe that we had been led to believe that a diplomatic corps was maintained for the preeminent interest of its *own* country;

(20) "it is hardly conceivable that it (our own Government: Ed.) would have been justified in asking the government of Great Britain to *waive jurisdiction* over an American citizen *in the circumstances described.*" As for any jurisdiction the *British* government might have had to waive, a subsequent Chapter will discuss that briefly. As for the "circumstances described," we gently suggest the parallel with the Roberts Report on Pearl Harbor. There, "*in the circumstances described*" only the careful reader would conceive that Kimmel and Short were not guilty of the "dereliction of duty" therein stated. Further, now that we have Justice Roberts' own statement (Chicago, January 17, 1946) that three of the *original* five copies of his Commission's report *were burned*, we feel quite entitled to ask just how many of the original *Kent* documents have been consigned to the flames as well;

(21) The press release concludes with a hint of prosecution upon Kent's final return. Whether this would constitute double jeopardy we do not know.

"In the circumstances described," then, three years and ten months before this press release, sentence had been imposed on Tyler Kent. Behind locked doors, in a court room whose glass had been covered with heavy paper, the majesty of British law had sat enthroned throughout the trial. On November 7, 1940, at the famous Old Bailey, London, British Justice Sir Frederick James Tucker had faced the American accused to say, in part:

"Tyler Gatewood Kent, you have been found guilty by the jury of five offenses of obtaining *and communicating* documents which might be of use to the enemy for a purpose prejudicial to the safety and interests of the state. . . . You have also been found guilty on one count of stealing one of those documents. . . . The sentence upon you, on the five counts under the Official Secrets Act, is that on each count you be kept in penal servitude for 7 years, on the count of larceny the sentence is 1 to 12 months' imprisonment. All those sentences are to run concurrently."

(165 Law Times Reports, N.S. 382, Rex v. A.B.)

Thus was an American citizen, his diplomatic immunity waived by the Department of State, tried before a *British* judge, before a *British* jury, and in a *British* secret court. Thus was that citizen given the maximum penalty for a conviction under the laws of an alien land at war, a land whose "interest" "in the circumstances described" "was preeminent."

Such, in brief, were the circumstances of the trial. Kent was not charged with treason, or with misprision of treason. He was not even charged with a "treasonable offense" as our public have been widely led to believe.

Under these "circumstances described," perhaps one can understand the feelings with which Mrs. Kent was to write to the 1944 Democratic Convention:

"Details of this astounding British procedure are enough to make any decent American's blood boil."

JUST WHAT IS THE TRUTH?

KENT has admitted both knowledge and quondam possession of the Roosevelt-Churchill cables. We can easily go into the realm of conjecture, and entertain ourselves with hypothetical queries as to what he intended to do with them. We are not, however, in the realm of hypothetical conjecture. We are in the realm of cold fact, reality and chaos; of world imperialism and power-politics viciously attempting to retake their blood-soaked empires; and of world Communist civil war.

We are in the realm of tragic domestic strife. Our people, and peoples throughout the world, are realizing their disillusion, discontent and despair. Politicians, with their impassioned words of global peace, have failed us. We, the People, have paid the awful price of "victory," a victory that is never ours.

From this world of disillusion, discontent and despair, an aroused American People could lead humanity to the hope of a new-found peace. A peoples' peace. A peace through fearless courage and stern conviction that in them lies that *right*.

Let us examine the matter.

Messages of elected, and appointed, public servants should of right point toward the preservation of the "Life, Liberty and the pursuit of Happiness" of mankind. The world today shows failure in such assumed intent. It shows failure if, indeed, such has even been their intent. Of *right*, we the sovereign People, should examine every possible angle that may reveal the causes, personal or impersonal, of that colossal and ghastly failure.

In December, 1945, the greatest foreign correspondent of them all, Karl von Wiegand, reports from Madrid that certain documents, in possession of the Soviet, might prove embarrassing to other nations represented at the Nuremberg trials. Several Justices resign. Shortly thereafter, under circumstances not dissimilar, the entire staff of counsel at the Pearl Harbor

probe—resigns. These two events, strikingly similar, occur all but simultaneously, and three thousand miles apart.

Where, and what, are these secret messages of an elected Chief Executive? What are these documents that may embarrass a *State*? Are they more lethal than the weapons which dealt out death to millions of Christian men?

At the 1945 Pearl Harbor investigation, Ambassador Grew testified that the Japanese Konoye cabinet would fall (said Konoye) if Franklin Roosevelt were to refuse to meet the Japanese Premier in Honolulu. Roosevelt did not meet Konoye. The Konoye cabinet fell. Tojo took over. History records the ensuing Pearl Harbor, and war. But documents turn up "missing" and scores of pages are found "deleted" from reports.

Strikingly similar, again, is the case of Tyler Kent. Here, too, the contents of pre-war messages are still unknown. Here, too, questions arise in Parliament strikingly parallel with those in and around the Senate caucus room where an utter disgrace, Pearl Harbor, stood half-revealed, on trial.

At that Pearl Harbor investigation, General Marshall testified the British had refused to give the sources of, or the originals of, their top secret enemy information—fearing an American leak—but had confined themselves for months to (their own) analyses and deductions from same. And yet the First Lord of the British Admiralty had been using the "unbreakable" *American* diplomatic code.

While the incidents of the *American Legion*, the *Kearny* and the *Reuben James* were occurring in the Atlantic, attack suddenly came from the other side of the world. We are publicly told that Roosevelt "foresaw" that attack. And yet, in the *official* State Department book "Peace and War" (Government Printing Office, 1942), we read (pp. 119-120) that on July 24, 1941, Franklin Delano Roosevelt received the Japanese Ambassador, Nomura, and said to him—to quote this *official* document—that if Germany were to win in Europe "it was entirely possible that after some years the Navies of Japan and of the United States would be cooperating against Hitler as a common enemy." Thus did *Franklin* Roosevelt in 1941 parallel, in effect, the understanding *Theodore* Roosevelt had made thirty-seven years before. (Cf. p. 31.)

Yet, three weeks later, Franklin Roosevelt was to meet with Winston Churchill in what became known as the Atlantic Conference. Of that conference, Britain's Winston Churchill was to say in Commons, on January 28, 1942:

"It has been the policy of the Cabinet at almost all costs to avoid embroilment with Japan *until we were sure that the United States would also be engaged*. ... On the other hand, the probability since the Atlantic Conference, *at which I dis-*

cussed these matters with President Roosevelt, that the United States, even if not herself attacked, would come into the war in the Far East and thus make the final victory assured seemed to allay some of these anxieties, and that expectation has not been falsified by the events."

Thus did Britain's own Prime Minister refer to that event so candidly foreshadowed by author Sidney Rogerson and editor Liddell Hart, back in 1938. (*Propaganda In the Next War*)

Returning, now, to the State Department's "Peace and War," we have a public document purporting to acquaint its employer-master—the People of this Republic—with the American-Japanese negotiations that finally led to war. But at the Pearl Harbor investigation, three years later, it is brought out in testimony that document after document, message after message, had been completely left out. While, in that same year of 1945, General Jonathan Wainwright was to say:

"We were in a war for which we were no more prepared than a child is prepared to fight a cruel and seasoned pugilist."

Of the eventual physical victory—won entirely by our American men—he would say:

"That moment of surrender in Tokyo Bay was bought with the blood of more than a million Americans who died or were wounded in the struggle.

"Billions -of dollars and countless hours of work by Americans at home were required to bring that little band of Japs to the *Missouri's* deck."

Yes, that is true. Pertinent, to you and me—and to the loved ones of those who are gone—is the N. Y. *World-Telegram* headline after its interview with Tyler Kent on his return. (Front page, Dec. 4, 1945.) That headline reads:

"KENT HERE, SAYS HE CAN HELP ANSWER PEARL HARBOR RIDDLE."

Kent did not say precisely that. He *did* say that he could help solve the riddle of *the origin of this war*.

And *that* is more pertinent still.

Kent himself lost little time. After several days with his mother, he wrote to the Senate. He wrote to Senator Alben Barkley, chairman of the Pearl Harbor committee. He said, in this letter, that he had believed he

"had a moral right" to copy those secret messages; he said he "believed they contained information the Senate should know of, relating to foreign relations"; he said, "I shall gladly submit any of the facts with which I happened to become familiar in Europe, and because of which, to prevent my imparting them to the American Congress in 1940, I was secretly tried and imprisoned in England"; and, said Kent, these facts were offered "not on the Pearl Harbor phase but *as regards America's entry into the war.*"

Here is the way of courage, and of truth. This way, perhaps, through a People's knowledge of the truth, there would come again that "Life, Liberty and the pursuit of Happiness" that is our Constitution-given right.

It is a question we must ponder well—and answer.

INQUIRY

SOMEWHERE there is a very large fly in some very sticky ointment. No happiness has followed victory in this war. The Estonians, the Finns, the Latvians, Lithuanians, Bulgars, Serbs, Poles; the Chinese, the Javanese, the Thailanders. None of these is happy; NO ONE is happy.

This is not victory. This is defeat. It is defeat for everything for which we were told we were fighting. It is defeat for all our human, and American, traditions including, as Samuel Crowther observes in October of 1945, "the tradition that the United States is a Christian Nation."

It is time that we, and all the *freedom-seeking* peoples of this world, (and that includes, certainly, all of Western civilization), took that fly out of its ointment, and dissected it, piece by piece. Under a powerful microscope.

We, in America, can do this. We can begin by fearlessly reasserting the *right*—as, under our unique Constitution our forefathers fought for and then *retained* that right—of making our elected and appointed men the *public servants* of the free and sovereign citizens of this Republic. We must force the truth, and the whole truth, no matter where it lies. It is the way of courage. And courage is the way of people—*everywhere*.

Let us begin with reasoned inquiry.

Kent was convicted on a charge of larceny, not of espionage. "There were no grounds to prove he had communicated with the enemy so he was charged with stealing State documents . . . two of the secretaries (of the American Embassy) giving, under very evident pressure, testimony of

doubtful veracity and very unfavorable to Mr. Kent." Thus writes F. Graham Maw, attorney for Kent, and quoted in Mrs. Kent's letter to the Congress, March 15, 1943. Such comment is, to be sure, not unnatural from an attorney for the defense. But—bear in mind—this particular attorney is British and his country was at war.

Here, then, is a question we may ask: Who, if they exist, are these "two of the secretaries" who testified under such "very evident pressure"?

Senator Wheeler stated in the Upper House, June 19, 1944: "I cannot understand how an American citizen could be tried in a British secret court. I understand that our State Department paid a lawyer to help defend him. But our State Department, in so doing, was hiring someone to defend the boy against the charge of having done something against the American Embassy. . . . What would happen," asks the Senator, "if we should arrest a member of the British Embassy here and endeavor to try him in an American secret court? Of course, the British Government would immediately protest, and we would not try him in a secret or a public court."

A month later the *Chicago Tribune* was to editorialize (July 20, 1944): "The Roosevelt Administration not only turned him over to British jurisdiction but acquiesced in subjecting him to a trial in secret, a proceeding impossible under our Constitution. Whatever his offense may have been, the violation of his constitutional rights was clear and heinous."

Now, the Chairman of the Senate Foreign Relations Committee has for some time been Senator Tom Connally, of Texas. Senator Connally replied to Wheeler's speech of the 19th of June, 1944. He said: "The State Department says that the British government before prosecuting submitted the documents to the United States Government, and before the prosecution was begun our Government examined the documents and concluded that Kent ought to be prosecuted and waived his diplomatic immunity."

This is as may be. But we submit, for consideration, an extract from that "Roberts Report" of September 2, 1944 (two and a half months after Senator Connally spoke). It reads:

". . . Kent was dismissed from the Government service as of May 20, 1940. *Thereafter the question of diplomatic immunity naturally did not arise.*"

As that was the very date of Kent's arrest, Senator Connally's next succeeding sentence now becomes understandable. It reads:

"If *we had desired* we could have invoked diplomatic immunity in this case and perhaps have prevented it from being prosecuted in the British courts."

Quite apparently, "we" did not desire. Why not? Representative Hoffman, of Michigan, had already seen the point. On October 26, 1945, he had asked:

"Is the State Department more British than American?"

That was a very pertinent question.

You will recall Kent's statement, on his return, that he could help solve the riddle of the origin of this war. You will recall Mr. Pfenning's article suggesting that Lend-Lease, the Neutrality Act and the Johnson Act were discussed in the Roosevelt-Churchill messages, together with Kent's observation that this article merely "requires extension in detail." You will recall the charges in Parliament by Member John McGovern along the same identical lines, lines that would lead us unerringly into war.

If these hints and charges are true, if here at last is the fly in the ointment, then we, through our elected Representatives in Congress, should know.

And that is why, on October 1, 1944, Mrs. Kent wrote to Congress herself, saying to those men:

". . . therefore you should be fully cognizant of steps clearly provocative of war."

Surely we have the right to know what Kent has known since 1939.

That is why, in that same letter of October, 1944, Mrs. Kent has said:

"Tyler Kent was jailed to keep him silenced—jailed to keep him from imparting to you, Members of Congress, information which you had a right to know."

But Senator Tom Connally had felt that McGovern's remarks in the British Commons were just hearsay. "I am talking about the official records as disclosed by the Department of State," he said.

"If the Senator will pardon me," Senator Wheeler pointedly remarked, "that is what I should like to see—the official records."

IMPRISONMENT

FOR nine months Kent was confined in the British "gaol" at Wandsworth while awaiting trial at the Old Bailey. Nine months, for a citizen of the United States, whose Constitution guarantees one the right to a "speedy and public trial." (Art. VI, Bill of Rights.)

"So severe was his treatment at first that I made an hysterical appeal to the British Embassy here to alleviate his lot, and in the prison

my son's spirit broke and he refused food until he was finally placed in a hospital cell." So wrote Mrs. Kent, in Washington, to Franklin Delano Roosevelt in the White House, July 21, 1942.

Kent was ultimately transferred to Camp Hill Prison, Newport, Isle of Wight. He was at Camp Hill when his mother wrote to the Democratic National Convention, 1944, that he had been sentenced "not because he did anything criminal, but because of what he knew." He was at Camp Hill when in October of that same year, the British Home Office refused the Associated Press an interview with him in jail.

He was in prison when his British lawyer, F. Graham Maw, entered a plea with the Home Office to deduct from the 7-year term of sentence the nine months he had served before his trial; in prison when his solicitor cabled, March 1, 1945: "Regret inform you my efforts secure Tyler's earlier release unsuccessful."

On the 16th of May, 1945, Home Secretary Herbert Morrison revealed that all but one political prisoner of the war had been released, but Kent was still detained because convicted in a civil court.

By November 11, 1945—day of Armistice—Kent had already been confined ten months over his allotted time after deductions for "good behaviour." On the 16th of that November, Secretary of State James F. Byrnes wrote to Chairman Sol Bloom (N. Y.), of the House Foreign Affairs Committee, that his Department had made no protest against Kent's detention and added that it had no information that his citizenship had been revoked.

Perhaps this is understandable for, in October, both the State Department and the Department of Justice were reported in the press as having no further interest in Kent since he had been dismissed from the service.

DEPORTATION

WHEN Britain's new Prime Minister of national socialism took office, Mrs. Kent lost no time in making request for the release of her son. Here, and officially, is shown the *original* British intent in regard to Kent. Mrs. Kent received the following reply:

August 23, 1945

Under Secretary of State, Home Office, Whitehall

Madam,

No. 838,997/31

I am directed by the Secretary of State to inform you that your letter of the 1st of August, addressed to the Prime Minister on behalf of your son, Tyler Gatewood Kent, has been forwarded

to the Home Office for attention and to say that he has carefully considered your representations, but he regrets that he would not feel justified in recommending any interference with the normal course of the sentence which the Court thought it proper to impose.

Your son is subject to a Deportation Order made by the Secretary of State on the 23rd May, 1940, and it is proposed to enforce this Order by sending him back to the United States of America as soon as possible after he becomes eligible for release on licence on his sentence of penal servitude.

Mrs. A. H. P. Kent
2112 Wyoming Ave., N. W.
Washington 8, D. C.

I am, Madam,
Your obedient Servant,
Francis Graham Haines
(Signature illegible)

Here for the first time was revealed the issuance of a Deportation Order done exactly five years and five months before. Here, and officially, is shown the *original* British intent in regard to Kent.

Conjectural as it may seem, this phenomenon does lend a certain credence to the idea that "We did not particularly want to try this case"; that "neither the British nor the American governments would like to have had (the information) divulged"; that "the English courts could not have found firm ground to convict him had they not been helped by the American Embassy"; and that "high sources" had been influential in pressing for Kent's waiver, trial and imprisonment.

For a simple Deportation Order, in Britain, means no more than that someone is *persona non grata* to the British Crown.

This Order had been issued exactly three days after Kent's arrest, and nine months *before* his trial.

On November 21, 1945, Kent was escorted aboard the British freighter "Silver Oak" and on December 4 he docked at Hoboken, New Jersey. His sailing had been postponed four times. This was the British version of "as soon as possible after he becomes eligible for release."

Meanwhile, Britain's professor Harold J. Laski, of the London School of Economics, Executive Member of the Fabian Society, powerful voice in the Labour Party now in power, had come to New York to tell assorted thousands of peculiar "Americans" that our kind of government is finished and that we should all join hands in a World Soviet Republic.

This sanguinary Utopia of 1946 has an odd backing. President Truman, before Hiroshima was bombed, made an address in Kansas City. In that address, this successor to Franklin Roosevelt had said: "It will be just as

easy for nations to get along in a *republic of the world* as it is for us to get along in the Republic of the United States."

This *is* odd company, is it not? It is company somewhat carefully explained in "America—*Which Way?*" Such sanguinary Utopia is precisely what Pope Benedict XV referred to when, on July 25, 1920, he warned the world against

"The advent of a Universal Republic, *which is longed for by all the worst elements of disorder, and confidently expected by them.*"

At any rate, Britain's Harold J. Laski came to New York by plane.

Also meanwhile, that great ecclesiastical exponent of Communism, Dean Hewlitt Johnson of Canterbury, England, had come to America for a lecture tour—and proceeded to tell credulous segments of an American clergy about the honeyed paradise of the Communist creed. He was photographed, smiling, with an equally smiling President, Harry S. Truman, in the White House.

Britain's Hewlitt Johnson also came by plane.

Tyler Gatewood Kent arrived on a British cargo boat.

AMBASSADOR TO THE COURT OF ST. JAMES'

MR. Joseph P. Kennedy has distinguished himself, so far in this life, for many things. He has recently blasted Communism in our schools; he has taken a resounding crack at Britain's professor Harold J. Laski. As the United States Ambassador to the Court of St. James' he achieved, with his numerous family, a wide and immediate popularity among the subjects of the Crown.

Late in 1940, he was widely reported to favor American non-participation in the war. The Ambassador's newspaper popularity in Britain then took a sudden turn for the worse. He made a hurried trip to America. We were given to understand he had arranged to make a nation-wide broadcast, here, against our involvement in the war. Ambassador Kennedy, before that scheduled broadcast, spent some hours in close conference with FDR. When the broadcast was made, however, it was sufficiently pro-British to soften the ire of the London press and much of his British newspaper popularity was regained.

Just what did this Executive-appointed representative have to do with the case of Tyler Kent? To the limit of our knowledge, we shall report it here.

You have read what the State Department had to say in its "Roberts

Report" release. Mr. Kennedy has since, however, chosen to make certain public statements regarding Kent. Kent has categorically denied some of those statements. Here, then, are versions so at variance that public interest should demand a showdown. And again, no matter whom or where it may reach.

Let us pass over the intervening years—while Kent was in the British "gaol"—and come to September 5, 1944. This was, recall, just three days after the State Department release. On that date, from Hyannis, Massachusetts, the ex-Ambassador gave a telephoned interview to the Associated Press. (The A.P. could interview Joseph P. Kennedy; it could not interview Tyler Kent.) In this interview, the A.P. directly quotes Mr. Kennedy, as follows (excerpts):

"Italy, you remember, did not go to war until after Kent's arrest." Kent "was no intermediary between Roosevelt and Churchill," he is quoted, but "Kent had seen all the messages between Roosevelt and Churchill," which came in "the unbreakable code." "After Kent's arrest, we could only assume that the same despatches had been sent to the Germans." (Fifteen months later, General George Marshall was to testify before the Pearl Harbor Committee that the Germans had tapped our wires!) Nonetheless, the Washington *Times-Herald* quotes Kennedy as having immediately phoned to Franklin Roosevelt saying our top secret code was out. "Our top secret code is no good, anywhere—any more" are the words attributed to him in the Auckland *Weekly News*.

"If we had been at war, I wouldn't have favored turning Kent over to Scotland Yard or have sanctioned his imprisonment in England. I would have recommended that he be brought back to the United States and shot," the A.P. quotes Mr. Kennedy, adding that he presumed Germany, Italy and also Japan now had the unbreakable code. If he had not waived diplomatic immunity, "It could have developed into a nasty mess."

Kennedy went on dramatically, says this special article, and quotes him: "The British sentence that put him on the Isle of Wight for 7 years was mild beyond measure." "The only thing that saved Kent's life was that he was an American citizen and that we were not yet at war."

Now, there are a number of things that we could discuss about this interview. We could, for instance, point out with equal truth that Japan did not attack Pearl Harbor until after Kent's arrest; we could point out that to "assume" that enemies of the British had received these despatches is scarcely a tenable legal position upon which to send a man to penal servitude; we could suggest that whereas the State Department's own press release claims immunity "may be renounced or waived by the sending state at any time," Mr. Kennedy's use of the word "sanctioned" opens an entirely different view; and we might observe that if the offense were so

great as to have justified shooting (which means treason), surely the State Department and the Department of Justice have taken a curious position, late 1945, in expressing "no further interest" in the case.

We will pass those points over. Pertinent, however, to those who would demand the whole truth from their failure-laden public servants (global war global civil war, global chaos, tragedy and despair), is the reply of Kent himself.

Kennedy's interview was sent to Kent. Kent, from prison—and through the British censorship—cabled his mother:

"Kennedy's statements false."

This cable was sent on September 14, 1944, and those three words were included in Mrs. Kent's petition to Congress on the 25th of that month. Here, as you see, are two positions, each diametrically opposed to the other.

Kent, from prison, now cabled his mother authorizing a suit for libel against the ex-Ambassador, who had reportedly called him a "traitor." From prison he, Kent, now applied to the British Home Office for the permission to sign such action required under British law. This permission was not granted by the British Home Office. (What that same Home Office did when the position was, so to speak, reversed, will become apparent further on.)

Kent amplified his cable later, and wrote on December 8, 1944, to his mother, stating: "Kennedy's statements are arrant lies. The Department of State (press release of September 2: Ed.) is a bit more careful and states only half-truths and insinuations. . . ."

Mrs. Kent herself is more lenient with the ex-Ambassador. She states that Mr. Kennedy would very likely have acted differently had he known the contents of the cables. On the other hand, in her petition to Congress, October 1, she says: "Actually, it was the duty of Ambassador Joseph P. Kennedy far more than that of my son, a subordinate employe, to report to the American Congress any such secret arrangements as are stated in Mr. Henning's article." The "secret arrangements" referred to are the possible modifications of the Johnson Act, the Neutrality Act and the asserted outlining of Lend-Lease, already reported herein.

In contrast to this public interview is Mr. Kennedy's reaction to a letter from Senator Wheeler to Secretary of State Cordell Hull, copy of which was sent to him. In referring to this on the floor of the Senate, June 19, 1944, Senator Wheeler said:

"I received no reply from Mr. Kennedy although he did call me on the telephone."

On December 4, 1945, Kent arrived in Hoboken. In a brief interview published in the N. Y. *World-Telegram* of that date, Kent stated that the British charges had been based largely on incidents of "pure invention," most of which he attributed to the former Ambassador.

On the following day, the N. Y. *Times* quoted Mr. Kennedy's reply: "If Kent has anything to say that would interest the people of the United States . . . now is the time for him to speak out, because the restrictions that he alleges existed certainly do not exist now that he is back in the United States."

So here, as elsewhere, we have two statements, each in violent contrast to the other, with 140,000,000 questioning people in between the two. For Kent's written offer to Senator Barkley does exactly what Kennedy suggests, and—to the proper public servants. Now, if these public servants will not give us a full and complete report, *it is up to us to elect men and women who will.*

Whisky Rebellion — 1945

On June 9, 1945, citizen Nagene Campbell Bethune sent a series of questions to Members of both Houses of Congress. We list some of these questions, without prejudice and without comment:

What, if anything, was the "whisky import clause" of Lend-Lease and the "secret phase" of Lend-Lease "to use Sir Arthur Creech Jones' own expression?"

"Under what agency of the Administration is it working?"

"Who are the principal officers of any company connected with the reception and distribution of this liquor?"

What part, if any, did Joseph P. Kennedy and whisky play in "reverse Lend-Lease?"

What quantities of whisky, if any, were imported under the "secret clause" referred to by Sir Arthur Creech Jones? *{Editor's note: Sir Arthur Creech Jones, M.P. since 1935; Parliamentary Private Secretary to Ernest Bevin; very active in labor, educational and union affairs; Executive Member of the Fabian Society; Chairman of the Fabian Colonial Bureau, etc. Source: British Who's Who, 1945.}*

Is there a monopoly and, if so, by whom is it controlled?

"What part, if any, would the 'Somerset Importing Corporation' have had in any negotiations whose purpose was the import of whisky into the United States under any Lend-Lease transaction?"

Mrs. Kent, in her reply to editor Georges Seldes dated January 26, 1945, has made the statement that James Roosevelt is interested in the Somerset company.

Such are the murmurings of a possible Whisky Rebellion today.

THE STATE DEPARTMENT

THE growing power of the Executive Branch of our Government and its increasing independence from Congress are all too apparent for more than passing reference here. When the arrogance of such power, however, reaches the point where the elected Representatives (Congress) of a sovereign people increasingly face *faits accomplis* (whether a pipeline project into Saudi Arabia or some fantastic gift of billions of our people's money); when the constitutionally-mandatory powers of legislation progressively dwindle to those of merely investigating that which has already been done, it is, in the pertinent title words of Samuel Crowther's book, *Time To Inquire*.

It is time to inquire into the case of Tyler Kent. It is high time, we think, when citizen Ann H. P. Kent can write to Congress, as she did on March 15, 1943, and state that "I was hampered and misled in every possible way by the State Department officials"; it is high time, we submit, when Senator Kenneth Wherry of Nebraska offers a Resolution to investigate that State Department, and the United Press can directly quote Senator Tom Connally as saying, about that Resolution, "It is lying calmly on my desk"; and it is more than that time when the situation has reached the point where a representative of the *People*, the Hon. Alvin F. Weichel of Ohio, introduces a Bill that bluntly says:

"Be it enacted, etc., That the Department of State and the President cease negotiations, activities, and attempts to give away the rights of the people. . . ." (December 20, 1945.)

A month before that Bill was introduced (to lie dormant for lack of public knowledge and support), yet another Resolution was quashed, this one on November 16, 1945. On that date, the House Foreign Affairs Committee (Chairman, Sol Bloom, N. Y.) reported as follows:

"The Committee on Foreign Affairs, to whom was referred the resolution (H. Res. 382) requesting information from the Secretary of State with reference to Tyler Kent, having considered the same, report thereon without amendment and recommend that the resolution do not pass."

It is time to inquire when Secretary of State James F. Byrnes, November

6, 1945, writes to Chairman Sol Bloom in reference to the 8 questions embodied in that resolution, and says:

"My dear Mr. Bloom:

I have received your letter of October 30, 1945, transmitting for such comment *as I may desire*. . . ."

To just what state, one asks, has the master, Congress, arrived when it *requests* such comment "as I may desire" from its own servant, the Executive Branch of the Government of this Republic?

One year and five months before this letter, on June 19, 1944, Burton K. Wheeler told the Senate he had written to another Secretary, Mr. Cordell Hull, and asked the why and the wherefore of an American citizen being tried in camera before a British court. (This was the letter, copy of which went to Mr. J. P. Kennedy and brought the latter's phone call.) Mr. Hull, as well, did not directly reply, but sent the Department's Mr. Shaw. He, says Senator Wheeler, "told me that they were very much worried because of the fact that the Russian woman had obtained the information which the boy had decoded . . . there is still no answer to the question as to why he should have been tried in a British secret court," continued Wheeler.

On September 2, 1944, came the "Roberts Report." As the release itself admitted, "The Department of State has taken note of recent inquiries and newspaper reports regarding the case of Tyler Kent . . . and the Office of Foreign Service Administration has been instructed to review the matter thoroughly and prepare a comprehensive report."

Two days after this report was made public, Mrs. Kent wrote directly to Secretary Hull: "Very few persons besides his mother are interested in Tyler Kent *per se*," she wrote, "but 130 odd million Americans are vitally concerned to learn whether or not it is true that in time of peace, one year before the Lend-Lease bill and other measures were put before the Senate, they had been planned 'between the American President and the British navy head'."

A pertinent question. In the same letter, Mrs. Kent quotes the words of her son, brought to her from England by the man she had employed to go there, Mr. Ian Ross MacFarlane. These words, quoted from Kent, said: "At times I was almost nauseated at the part I had to play." Subjective evidence, yes, but Hull did not reply, and the State Department is now "no longer interested" in the case.

Still quoting from her emissary in this letter to Hull, Mrs. Kent says that American Consul Roy W. Baker, stationed at Bristol, England, referred to "Our boy whom they crucified." Subjective evidence again, but Consuls just do not say such things unless they feel pretty sure of their ground.

Mr. Baker further stated, she wrote, that he would be unable to visit Kent, as Kent was outside his consular district. Mrs. Kent, who for twenty years had been the wife of a member of the diplomatic corps, now bluntly asks Secretary Hull: "*Is this a new regulation in foreign countries to which we must bow?*"

WAR AND POLITICS — 1904-1946

BACK in 1904 a little known commitment was made on behalf of our American people. Russia and Japan were then at war. Our President at the time was Theodore Roosevelt. Mr. Theodore Roosevelt secretly committed us to that war in the event certain things took place. Our Nation, committed by Theodore Roosevelt, would then have fought (after the proper publicity buildup)—on the side of the Japanese.

Following 1904 and the Portsmouth Treaty between Russia and Japan, even to this day few people know of the commitment—in time of American peace—that Theodore Roosevelt had made. *Why?*

It wasn't long before the Old World was at it again. This time, people were more alert. Even so, thirteen years were to pass after the "peace" of 1919 before C. Hartley Grattan, in *The Nation* of July 27, 1932, revealed to the citizens of this Republic that another President, Mr. Woodrow Wilson, had secretly committed us to fight in Europe's wars. *Date* of the commitment, March, 1916. *Source*: Intimate Papers of Wilson's Col. House, Vol. II, p. 175. *Text*: "The solution I suggested was that at regular intervals I would cable Sir Edward Grey, *in our private code*, offering intervention."

That is the sort of lie and deceit that was going on behind the "Atlantic Charter" of 1916 which read: "Make the world safe for *democracy*."

Eight months after that March commitment, Wilson was reelected on another slogan: "He kept us out of war." And less than a half a year from then, a hundred and thirty millions of us learned that the "*M*" of that March commitment was a small "*m*." General John J. Pershing, and two million of our best, were on their way to France. Such was the *march* commitment of early 1916. *Why?*

Following 1918 and the Armistice, propaganda (including the film "Wilson") has largely succeeded in covering up this second peacetime commitment to put our Nation into foreign war. While, buried deep in the *Intimate Papers of Colonel House* (Vol. I, p. 249) is his wire to Wilson, May 29, 1914:

"Whenever *England* consents, France and Russia will close in on Germany and Austria."

Why?

Then, in 1932, Mr. Grattan would speak prophetically of the use of a President's power. He would say:

"There is no reason on earth why the power could not be used again, . . . Years later they (the People) would discover that they had really fought because they had previously been committed to such a course by a President who took full advantage of the terrifying powers available to him."

This time, 1946, the question was being discussed even before the war was over. This time, 1946, much evidence has *already* been brought out. This time, 1946, on that "*Why?*", our Nation is *already* divided into two sharply conflicting camps.

Camp 1 says: "Roosevelt and his cabal were not responsible for getting us into war."

Camp 2 says: "Roosevelt and his cabal were *directly* responsible."

In the hearings on S.275 (Lend-Lease), back in February of 1941, (pp. 388-90) we find interesting testimony before the Senate Committee. General Robert Wood quotes Winston Churchill. There was no one else present when these words were assertedly said, so, says the American General Wood, "all I could give the Senators is my word as a gentleman." Wood, according to his testimony, had been a luncheon guest at Churchill's London flat, and Churchill had made the following remark:

"Germany is getting too strong—we must *smash Germany*."

That is as may be. Perhaps it was the beginning of the "four freedoms." But certain it is that Churchill, upon American entry in this war, publicly stated:

"That is what I have dreamed of, aimed at, and worked for, and now it has come to pass."

Certain, too, it is that Britain's eminent biologist and birth-controllist, Julian Huxley, landed in New York—for another British lecture tour—on December 5, 1941. Certain it is that he gave a front-page interview to the N. Y. *Journal-American*, with picture. Here are Mr. Julian Huxley's own directly-quoted words:

"I *hope Japan will not back down and that you will be at war with her next week*."

Japan attacked Pearl Harbor just 36 hours later.

Where there is so much smoke, we submit, there is very apt to be some fire. Perhaps those Roosevelt-Churchill cables will reveal it. We do not know. And that is just the point—we do *not* know.

A part of Kent's defense was the counter-allegation that Roosevelt was helping to overthrow the Neville Chamberlain government, install Churchill, and lay a chain of events inevitably drawing us into war. True or not, it very closely parallels the course of events in the Pacific when Roosevelt did not meet with Konoye. (Grew testimony, Pearl Harbor.)

Mrs. Kent herself, writing to Franklin Roosevelt on July 21, 1942, directly refers to events "prior to your reorganizing the British government by making Mr. Churchill Prime Minister in the spring of 1940." The recipient of this letter, FDR, did not reply. A copy was sent to Mrs. Roosevelt. Mrs. Roosevelt did not reply. This was the letter in which Mrs. Kent appealed to an elected President "even as in ancient times the ordinary citizen was permitted to reach Caesar."

Continuing in this same letter, Mrs. Kent expressed her son's wish "that we in the New World let the whole nasty, fighting mess of the Old World wear itself out, while from Hudson Bay to Patagonia we would guard jealously against the spread of the disease to these shores."

And here, in July of 1942, we find a citizen of this Republic (Mrs. Ann H. P. Kent) writing to the elected Chief of State (Commander-in-Chief) that her son hadn't known "that you have the power to bring any war to a victorious conclusion, to police and then evangelize the world along the Anglo-American plan."

Even though, says this letter, "one third of our people are ill-fed, ill-clothed and ill-housed." He, her son, hadn't known that "To have our own easy-going people behind you, you had to explain gradually and patiently, by fireside chats, by press and radio and film, our God-imposed World Mission."

That is what Mrs. Kent wrote to Franklin Roosevelt on July 21, 1942. She told him, in that letter, that she was sending a copy to Mrs. Roosevelt, "hoping that in the kindness of her heart she may call the matter to your attention."

There was no reply.

But almost two years later, Senator Connally would say (June 19, 1944), "I strike hands with the leaders of all the other United Nations., God bless them" in their purpose to "set up a rule of law and rectitude, as against the cruel and mighty forces of tyranny and military despotism." Thus, the man who later represented the Senate and People of this Christian Nation at San Francisco.

Again, the Balkan peoples, the Baltic peoples, the Poles, and all the other 1946-oppressed peoples of the world, including the Javanese, the Thai and the legitimate inhabitants of the East, look reproachfully at those on high.

Do these matters seem removed from the case of Tyler Kent? Do they seem removed from an "Atlantic charter" that was, then wasn't, then was? Or are you inclined to believe, as does this writer, that some pairs of good clear American eyes are needed to search out the too often "missing" documents of our recent strange regimes? We might just find out why so many millions of human beings, speaking scores of languages and yearning for Homelands as dear to them as is ours to us, *why* they are where they are.

"After all," writes John O'Donnell on November 7, 1945, "the betrayal of Teapot Dome was a matter of cold cash; Franklin Roosevelt's part in Pearl Harbor was paid off in American blood." O'Donnell emphasizes "the demand in Congress for publication of Roosevelt-Churchill correspondence before Pearl Harbor. And this is an even hotter topic than the immediate Pearl Harbor data." That data "may well fix the blame" for the "war-making blow that FDR secretly desired—the attack that would put this Nation into the European war as an out-and-out belligerent, a possibility which the great majority of the citizens of the Republic opposed from the bottom of their hearts."

In the "interchange of messages between the late President Roosevelt and the politically deceased ex-Premier of Britain," concludes O'Donnell, "and what those coded messages secretly pledged back in the days of Europe's 'phony war' of 1939 and early 1940—*lies the story* of how this Republic was, in the bitter words of Representative Clare Boothe Luce, 'lied into war'."

SMEAR

IT IS a sad commentary on the times when, in a document devoted to affairs of state, a chapter must be given to such a subject. Smear, that spares neither the private citizen who attends the "wrong" meeting, **nor** a Douglas MacArthur attending to a war with minimum American casualties in the East. The Army War College Library, bulletin of February 10, 1944, p. 16, gives all too ample testimony of smear in this highest of official quarters, and on one of its highest Generals. And smear has been at work on Kent.

Kent has been called "culprit," "traitor" and "renegade." He has been treated artfully by a State Department (release of September 2, 1944) and brutally by a national detective magazine. This latter has referred to Mrs. Kent as "the criminal's mother." (*True Detective*. May, 1945.)

Mr. Walter Winchell refers to Kent in his own inimitable style.

Kent has been called a "spy" and guilty of "espionage"—he was tried **for**, and convicted of, larceny. Some papers would have the G.O.P. using

the case to besmirch the untouchable reputation of FDR. The N. Y. *Herald-Tribune* editorializes on a "weak young fellow named Tyler Kent," whose sentence was "about as light . . . about as forbearing, as (it) could possibly have been without encouraging other young simpletons to go and do likewise." This "infatuated simpleton" has been accused of liaison with the Russian, Anna Wolkoff, who herself has been termed the "Mata Hari" in the case. The British solicitor refutes any thought of such a liaison in one of his letters to Mrs. Kent. Anna Wolkoff, writes Maw, was known about town as the "ugliest and wittiest woman in London." She was 45. Briefly, the lady does not appear to be exactly like the "Russian girl," or the "beautiful Russian" that our more sensational press has described. Even Ambassador Kennedy, quoted by Mrs. Kent, says "I never heard a word to that effect."

When columnist John O'Donnell wrote on Kent, Marshall Field's *PM* headlined that O'Donnell "LEAPS TO TRAITOR'S AID," and went on to describe what "impelled him (Kent) to send to the Wilhelmstrasse complete information on British military and naval affairs." We forebear to remark that such "sending" apparently was never proven, but confine ourselves to the simple words of the trial Justice, Sir Frederick Tucker, who said:

"the documents, highly confidential as they were, *did not relate to naval or military movements.*"

George Seldes, that eminent editor of "In Fact," states that Kennedy's interview "describing how Kent had betrayed American secretly coded messages to the Nazis," and the thought that Kent should be shot, appeared in more than 1,000 papers. That assertion was made in Seldes' issue of December 25, 1944. It was editor Seldes' Christmas gift to Mrs. Kent.

So much for what we will call *destructive* smear.

The smearors have a second kind. We might call it *constructive* smear—from the smearors' point of view. Upton Close (hated by the smearors), writes in his weekly "Closer-Ups," November 26, 1945, that it was his own public reference to the Kent case that got him off the air. It "brought the heaviest crackdown on N.B.C.," he writes, though such crackdown was "against the protest of the sponsor." Simple protest means just nothing to the smearors. They wanted Close off the air, and they got him off the air.

Anyway, that is *constructive* smear—from the smearors point of view. And when our people hear from Kent, they will find this smear, again, at work.

In preparation for this coming campaign, we cite the following in rebuttal:

"Tyler asks me to tell you to go to the Senate," writes his British attorney, Maw. (An odd place to go, we repeat, if one is afraid of the truth.)

"After many long talks with Mr. Kent, I am convinced that he never intended any harm to England." Same source, and quoted by Mrs. Kent in her letter to Franklin Roosevelt.

"It is a case nothing short of tragic," writes this same British lawyer.

"I wanted to inform the people of the United States, who, I considered, should know. . . .": Kent, interview on his return.

"Tyler did nothing reprehensible but he went at it the wrong way." Thus is quoted Mr. Consul General Erhardt, stationed at London at the time. This quote appears in Mrs. Kent's letter to Franklin Roosevelt. *And Consul General Erhardt certainly attended all the hearings before the trial.*

CAPT. ARCHIBALD HENRY MAULE RAMSAY, M.P.

CAPTAIN Ramsay was graduated from Sandhurst, the British equivalent of West Point. He was severely wounded while serving in the Coldstream Guards in 1916, and was decorated for gallantry in action. He married the daughter of the 14th Viscount of Gormanston and his home is at Kellie Castle, Angus, Scotland. In 1931, he was elected to Parliament. His place in this narrative is his connection with the case of Kent.

He is connected. Rightly or wrongly, Kent discussed those cables with Ramsay. Ramsay was arrested by the British police and clapped into jail. He was never charged or tried in any way. His government simply put him into jail.

Ramsay was a member of both the Link and the Right Club. Kent belonged only to the latter. The name, "Right," had a political meaning; it was opposed to the leftist tendencies of those in political power. The stated objective of both organizations was peace and friendship with Germany. Rightly or wrongly, whether "front" organizations or no, Ramsay belonged to both and Kent belonged to the one. The Right Club's insignia was an eagle carrying a viper in its beak.

Before Sandhurst, Ramsay was a graduate of Eton—a school on whose playing fields, said Wellington, Britain's battles were won. Ramsay fought his own concept of those battles. He fought against what he conceived to be the gradual abolition of the human rights for which his ancestors had fought when they wrested the Magna Carta from an unwilling king. That had been at Runnymede, back in 1215. He fought the Political Economic

Planning group. Of this group, American citizen Nagene Bethune was to petition Congress, June 9, 1945, asking:

"What ties, if any, existed and still exist between the Political Economic Planning group known as the P.E.P. of Britain, with at its head Israel Moses Sieff and Leonard Elmhirst and the New Dealers of the Roosevelt Administration?"

What, indeed? Mr. Steff, of Britain, was prominent here (behind the scenes) in that remarkable agency known as the O.P.A. (Those with time are directed to the hearings before the Subcommittee of the Committee on Interstate and Foreign Commerce, Pt. 1, statement by the Hon. Leon H. Gavin of Pennsylvania, p. 485; and to the statement of Mr. Israel Moses Sieff before the same Committee, Pt. 2, p. 628.)

So Captain Ramsay, M.P., who had fought such people in his own country, was arrested under Sec. 18b of the Defense of the Realm Act. This deals with persons "recently concerned with acts prejudicial to the public safety and the security of the realm." The so-far American counterpart of this law is S.805, about which we shall have something to say.

After Ramsay was put in jail, a N. Y. *Times* article referred to him in a way he did not like. Ramsay sued for libel. Ramsay, bear in mind, was in jail, just as was Kent when the latter wanted to sue Joseph P. Kennedy on a similar charge. Ramsay had to, by law, make the same application to the Home Office as did Kent. He made it. There was one difference. The British Home Office granted his request. Ramsay sued, and he won his case, against the N. Y. *Times*, in the British courts. That was in the summer of 1941.

We will pass over this sample of British justice. It was all, perhaps, just a part of reverse Lend-Lease.

The news article that gave rise to this suit had been based on a series of articles by Col. (world espionage force) William J. Donovan and Edgar Mowrer. The series had been released, *as part of the national defense program*, by Secretary of the Navy Frank Knox.

Ramsay's suit is of interest to us here for two reasons. These reasons are: (1) the fact that the British Home Secretary would give Ramsay permission to file, but would not give that same permission to Kent, and (2) the following sidelight on the trial:

In spite of Ramsay's birth, his publicly fine career, and the position of both his wife and family, the British judge openly called him a "traitor" and an "associate of thieves and felons." Without prejudice, we report the quiet retort of this friend and confidant of Kent:

"I would not doubt, your Honor, but that I am a better English patriot than you are."

Captain A. H. M. Ramsay, M.P., was freed one full year before citizen Tyler Kent.

DEATH

THERE had been a second American living in London at the time of Kent's arrest. Oddly enough, he was engaged in research on the trial of Mary Queen of Scots. He became interested in the case of Tyler Kent. For a long time he tried to secure an interview with the prisoner. In this he failed.

Like Kent, this man was put in a British jail. Like Kent, he was made subject to a Deportation Order. But unlike Kent, this man was freed. His family, we are informed, did not agree with his views but would get him out of the country. At any rate, he was released from jail in order to *board a plane* for the U. S. A. (Kent, upon release, could not.)

The plane was grounded in Nova Scotia. This man, together with several of the passengers, went to a nearby restaurant. He was broke, but his fellow-passengers bought him four cups of coffee. (The British—possibly under reverse Lend-Lease—allowed you just 10/-, or \$2.00 at the pegged rate of the Pound, when you left their Islands.)

Transportation was arranged, and two of the men found themselves on the same ship. They talked. They were interested in the same case, the case of Tyler Kent. In due course their ship docked at New York. One man proceeded to his home in Baltimore, later to report his findings to Mrs. Kent. He had been sent to England to interview the prisoner and report on what he found. He had seen the prisoner. He now reported to Mrs. Kent. He reported, says Mrs. Kent, that the second man had said, "I am going to make my life's work the exposure of the Kent case." The name of the emissary who made the report was Ian Ross MacFarlane.

Meanwhile, the second of these two men had gone directly to his New York apartment, at 23 West 9th Street. That was in November, 1942.

Less than two months later he was found dead.

This man had been born in Denver. He was a graduate of the University of Wisconsin on a scholarship, won at writing, from the University of Virginia. Following that, he had been on the stage and was modestly known as an artist and a writer.

At 3:10 on the morning of January 3, 1943, his next door neighbor in New York's Greenwich Village heard what she described as a loud thud. She investigated, and called (he police. Dr. William Carr, of St. Vincent's Hospital, was called and established the fact of death. But, says the N. Y.

Times of that date, "Because of bruises on his head and face and fresh blood, Detective John Maguire listed death as suspicious and (ordered) an immediate autopsy performed."

Assistant Medical Examiner Milton Helpern duly performed the autopsy. He pronounced death to have been due to natural causes and "general congestion of the viscera." The body was formally identified, and claimed, by Mr. and Mrs. Robert Lehman, of Park Avenue, N. Y. C. Both the *Times* and the *Herald-Tribune* carried the story.

On the other hand, the N. Y. *Journal-American* recounted that the N. Y. police said the man had died of "an extremely large dose of veronol," and that death was officially listed as "suicide."

Be that as it may, on July 20, 1944, the same paper carried an interview with Upton Close, famous commentator and historian. The dead man, Close is directly quoted, "did some talking about the Kent case around town, apparently trying to get it printed, but everybody was afraid of him . . . (and) before he could be brought to Washington he was found dead on January 2 (3), 1943."

The deceased's name was John Bryan Owen. He was born John Bryan Leavitt; his father was William Homer Leavitt; his mother later married Reginald Owen, who died in 1927; the lady's full name today is Mrs. Ruth Bryan Owen Rohde.

Mrs. Rohde was born in Illinois. She was a Member of Congress from Florida, 1928-32, and was on the House Foreign Affairs Committee during that time. She was U. S. Minister to Denmark, 1933-36. She is widely traveled and active in social work. Among her degrees, Mrs. Rohde numbers an L.H.D. from the Russell Sage University, New York.

On August 10, 1945, Mrs. Ruth Bryan Owen Rohde's name was proposed, by Representative Hendricks of Florida, for appointment as the United States women's representative to the U.N.O. As of the same date her name was submitted, by letter to President Truman, for this appointment.

Mrs. Robert Lehman, of New York's Park Avenue, sister of the deceased, was the wife of the late adopted son of former Governor Herbert Lehman of New York. Ex-Governor Lehman is presently Director General of U.N.R.R.A., that international body about which there has been, is, and will be, such violent discussion both in and out of Congress.

Grandfather of the deceased was William Jennings Bryan, former Secretary of State.

According to the press, Owen had been writing a letter when he died at 3:10 that early morning. (Do you write letters *after* taking "an extremely large dose of veronol"?) He was, say the press accounts, actually in the middle of a phrase describing a minor taxi accident in which he had been involved some weeks before in the New York dimout. His injuries, he was writing, were not regarded as serious.

But Owen died, a "suicide," of an "overdose of veronol." There was talk, and the talk grew. Then, on July 17, 1944, the N. Y. *Journal-American* again quoted Upton Close, this time his nation-wide broadcast of the 9th of that month: Would Mr. Thomas E. Dewey inquire into the Owen death, "ascertain as true or false" the rumors that were spreading throughout the Country? "Did the mysterious death," asks Close, ". . . have a connection with all this? Will the former fighting district attorney of New York pick up the thread of that death in Greenwich Village and try to untangle the snarl of this international scheme?"

We find no record of any reply. Perhaps it was just an unhappy coincidence. "But death," concluded the N. Y. *Journal-American*, "sealed Owen's lips a few days after he arrived."

On September 22, 1945, Kenneth Dann Magruder of Pittsburgh wrote a letter to Secretary of State Byrnes. In this letter, Mr. Magruder refers to comment widely circulated both at the time of Owen's death and later, saying the "subsequent conduct of the New York Police Department contributed to the suspicions."

Continuing, Mr. Magruder calls the Secretary's attention to the "strange 'suicide' " of a former (unidentified) Foreign Service man from London. This man, according to Magruder's letter to Byrnes, had resigned immediately following Kent's arrest in Britain and died, a "suicide," in Eire.

Under the circumstances, we can perhaps understand the insistence with which attorney Maw has constantly warned of Kent's physical jeopardy whenever the latter should return to the United States. We can also understand Baltimore's Ian Ross MacFarlane, who is reported "very nervous" when approached about the case.

Kent himself arrived on December 4, 1945.

THE CASE IN THE AMERICAN COURTS

Diplomatic Immunity

THE legal position is as peculiar as it is interesting. Two questions are of major interest:

(1) Is or is not a member of the diplomatic corps—any member—

entitled to an immunity acknowledged for centuries?

(2) Is or is not an employe—any employe—in that Service entitled to a full hearing before dismissal and consequent loss of his accumulated rights and privileges?

This is no more the place to argue these matters than it is to argue the guilt or innocence, in whole or in part, of Kent. It is, however, the purpose of this document to give the facts as they are known to the citizens of this Republic, for such action as they deem fit.

Let us look at the legal position.

Widely held is the belief that the Supreme Court of the United States has taken action that confirms the guilt of Kent. That is simply not true.

What the Court did, in effect, was to deny the Constitution itself. This denial took the form of a refusal to hear a plea for writ of mandamus prayed for by Don Mahone Harlan, of Detroit, attorney on behalf of Mrs. Kent. The Supreme Court *simply refused jurisdiction*. It refused in just 27 words. That was on October 16, 1944. This action of the Court effectively removed FDR's 4th-term fears, wrote Willard Edwards at the time.

The Constitution of this Republic says, Art. III, Sec. 2:

"In all cases affecting ambassadors, other public ministers, and consuls ... the Supreme Court shall have original jurisdiction."

That clause becomes the subject of legal argument, and it is an argument that affects every one of some thousands of employes in our diplomatic service. Does or does not that clause give to the United States Supreme Court original jurisdiction in cases concerning *all diplomatic officers*?

That it does is argued by Mr. Harlan. He cites the decision of John Marshall in *Marbury v. Madison*,* which states that this provision of our Constitution "contains no negative or restrictive words," so "a negative or exclusive sense must be given them *or they have no operation at all*." This seems eminently reasonable to us. Yet the Supreme Court *refused jurisdiction*.

Now just how, we ask, can a court—any court—refuse a jurisdiction that is constitutionally *mandatory* upon it? The answer appears very simple: just change the meaning of "mandatory." How change it? Again simple: *change the rules of the court*. And that is what the Supreme Court of the United States has done.

*(1 Cranch 137, p. 174)

The "Big Five"

Rule V of the Revised Rules of the Supreme Court, effective February 27, 1939, now reads (and here are the Court's own words):

"The initial pleading in any such case *may* be accompanied by a brief and shall be prefaced by a motion for *leave to file*. . . . Additional pleadings shall be filed *as the court directs*."

(Italics supplied)

This, we submit, decrees an arbitrary right to do or not to do. In two instances the Rule is *permissive*, in the third instance it is *directive*. It is, we submit, *judicial tyranny*.

This clause, on the face of its reading, reverts the *right of a free citizen* to the *privilege* formerly accorded to a *subject*; it arrogates to the Court the power to decline to hear; and it reduces the dignity of a free citizen—any citizen—to the cringing of a "humble petitioner to the Crown."

This Rule of the "Big Five," we observe, brings *judicial* tyranny by enabling its own creator—the Supreme Court—to refuse a jurisdiction for a hundred and fifty years mandatory under our Constitution. Effective in 1939, the Rule was ready—and it was used—in 1944.

This *judicial* tyranny is in parallel, we further observe, with an *executive* tyranny which enabled the Department of State to say (September 2, 1944) that immunity "may be waived by the sending state at any time." This *executive* tyranny was itself based upon a decree issued by one of the former "Big Three." We refer to Executive Order 8181, again apparently in flagrant violation of the law of the Land, and we are going to have something to say about it later on herein.

Now continuing, Justice Marshall went on to state that such exclusive sense of the Constitution's clause must include foreign courts under the Law of Nations which, says Mr. Harlan, is "expressly designed to *preserve the sovereign status* of such ministers, *not* to barter that sovereignty away."

Justice Marshall further argued, in the *Schooner Exchange v. McFaddon* (1812) case*, that the Constitution and the Law of Nations "completely establishes the independency of a public minister."

Harlan himself argues that original jurisdiction always remains with the "sending" state, i.e., with the state from which the representative was sent. That is *original* jurisdiction under the Law of Nations, and vested *here* in the Supreme Court, under our Constitution.

Concurrent jurisdiction is jurisdiction co-equal between the highest court of the sending state and the highest court of the state concerned in

*(7 Cranch 116)

the offense. This, and this alone (it is argued) arises out of any waiver of immunity by the sending state, *with the consent of the sovereign*. Such concurrent jurisdiction is limited to offenses which are offenses under the law of the country or state of *original* jurisdiction.

For offenses *malum in se*, jurisdiction would be the same for both states. (Murder would be an example.)

Such offenses, reasons Mr. Harlan, differ from those provisions of the British Official Secrets Act, which are *malum prohibitum* (offenses because so declared by law), under the laws, in the instant case, of Britain.

As for the larceny charge: At the time of the alleged larceny, no American statute was on the books which made the taking of "copies" an offense. On the other hand, the so-called Logan Act made "aiding or assisting" a possible criminal correspondent "looking toward the defeat of measures of the government of the United States," or toward a change in the administration of the foreign state, a criminal offense.

The conclusion is simple: Kent was, by his position, obliged to handle the messages. If the messages were as alleged, Kent's official duties would, under the Logan Act, have made him liable to prosecution. He would have assisted in the establishment of his own crime. By making copies, *and then submitting them to the proper authorities*, Kent would have accomplished two things:

- (1) He would have protected himself, and
- (2) He would have materially assisted in the eventual exposure of those who might be guilty.

A second conclusion is also simple: If the cables are as alleged (Version No. 2), it would be Franklin Roosevelt, not Kent, who would be shown criminally guilty under the 1799 Logan Act.

The very seizure of the documents is challenged. "Instructions to Diplomatic Officers of the United States," issued March 8, 1927 and published in Feller & Hudson's *Diplomatic and Consular Laws and Regulations*, Vol. II, Ch. VII, Sec. 4 (p. 1264), states:

"Immunity from local jurisdiction extends to a diplomatic representative's dwelling house and goods and the archives of his mission. These cannot be entered, searched, or detained under process of local laws or by the local authorities."

The regulations of 1941 continue to hold such premises "inviolable."

It would seem that—legally—the Law of Nations had not changed since

the 1812 decision of Justice Marshall. Yet Kent's premises were searched, "an officer of the Embassy being present throughout"; his immunity was waived "with the consent of the Department of State"; and in the court decision confirming the waiver, British Justice Caldecote upheld the British conviction, itself based upon the waiver by an Ambassador and a Secretary of State and *not* by an American citizen with the consent of the sovereign.

Mrs. Kent apparently held to the old American belief. In her petition to Congress, October 1, 1944, she refers to her prayer for writ of mandamus from the Supreme Court, citing Art. III, Sec. 2 of our Constitution. This writ, had it been granted, would have ordered the President to carry out the provisions of R.S. 2001, 8USCA14, as follows:

"Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it *shall* be the duty of the President *forthwith* to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of American citizenship, and if the release so demanded is unreasonably delayed or refused, the President *shall* use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings thereto *shall* as soon as practicable be communicated by the President to Congress."

(Italics supplied)

"*Communicated by the President to Congress.*" Nothing is mentioned about "press releases."

But the Supreme Court refused to consider jurisdiction and in the meantime we had been given a new Secretary of State. His name was Stettinius. Mr. Stettinius went to San Francisco. He is now helping to bring global love, light, laughter and happiness through the 1946 Holy Alliance, the U.N.O. (Testimony may be had from any of the peoples of this world—our own included.)

Stettinius confirmed. December 8, 1944, that diplomatic immunity had been waived "by consent of the Secretary of State " (i.e., Hull, his Nobel peace prize predecessor), and cited as authority for such action Franklin Roosevelt's Executive Order No. 8181. This Order, issued June 22, 1939, made it appear that the British had the legal right to try Kent. Executive Order No. 8181 reads:

"III-I. *Diplomatic Immunity.* The immunity from the jurisdiction of the country to which the diplomatic representative is accredited, which is accorded under the law of nations to said

diplomatic representative, his official staff and household, and the exemption of premises occupied in an official capacity, shall not be waived *except by consent of the Secretary of State.*"

(Italics supplied)

Thus would Franklin Roosevelt, by Executive decree, change the Law of Nations. The Constitution which he had sworn to uphold, reads:

"The Congress shall have power to define and punish . . . offenses against the law of nations."

(Art. II, Sec. 8 (10))

Certainly the Order appears in direct violation of Sec. 1752 of the Revised Statutes of the United States. Vol. 22, U. S. Code, Par. 132 *proscribes* the President from making regulations for diplomatic and consular officers inconsistent with the Constitution or any law of the United States. Effective in 1939, this Order was ready—and it was used—in 1940

Such, then, are the new, and the old, concepts of the Law of Nations. In the old days, the "Constitution followed the Flag." In the old days, diplomatic immunity could only be waived by the individual concerned, with the consent of his sovereign. In the old days, Art. VI of a living Bill of Rights meant just what it said:

"In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. . . ."

But those were the old days, days before the advent of a man named Franklin Delano Roosevelt. This man would say you could "drive a team of horses" through the provisions of the Constitution that once sprang from the mind of a free people; this man would say, in writing, to Representative Hill of Washington:

"I hope that your committee will not permit doubts as to constitutionality, *however reasonable*, to block the suggested legislation";

and this man would say that that Constitution belonged to the "horse and buggy" days.

At that, they were days of relative peace, and not of global war.

So, on the 22nd of June, 1939, Franklin Roosevelt by Executive Order 8181, would once again remove the state from the control of the people; would once again set up an all-powerful Executive Branch; would ignore our Constitution, and would once again set apart that Branch to the untouchable majesty of ancient monarchs and kings.

Here, from its old-new throne, it could play with the *rights of individuals*, rights for which whole peoples had fought since the days of the Pharaohs, and which our American ancestors had won from the tyranny of a George **III**.

Thus would Franklin Roosevelt interpret the rights of a free citizen under a twentieth century Law of Nations.

DECISION OF THE COURT OF CLAIMS

KENT tried legally to get out of jail. On prison stationery he wrote instructions to his attorney to invoke habeas corpus, under Magna Carta, and under the laws of Britain. He invoked the good offices of the American Embassy. He expressed himself as convinced the Department of State was urging his detention. It was of no avail.

Meanwhile, in America, a committee of sixteen prominent citizens was formed in the interest of the case. On September 11, 1945, Attorney Harlan, acting under Sec. 145 of the Judicial Code, filed suit in the U. S. Court of Claims for back salary and return travel expenses amounting to \$11,215.36. Docket No. 46446. The court ruled negatively on January 7, 1946.

As in the proposed libel action against ex-Ambassador Kennedy, British law required Kent to obtain Home Office permission to authorize this action. Kent was, therefore, obliged to apply for permission, from a Secretary in the Churchill cabinet, to execute the necessary power of attorney. On April 28, 1945, Kent had wired his mother: "Permission applied for."

This suit is of real interest to the thousands of employes of our Foreign Service. Such employes have the right of hearing before dismissal. In the instant case, although Mr. Kennedy did talk with Kent, the latter was "dismissed" by simple letter, one day after his verbal dismissal by the Ambassador.

To this suit for salary the Government, as defendant, filed a demurrer. Mr. Harlan, replying to the demurrer, set forth that Kent's imprisonment had "resulted directly from acts of the Defendant, its officers and agents, in violation of the Statutes of the United States and in violation of the Law of Nations." (Here the attorney, in effect, challenges Executive Order 8181 and commits legal lose majeste.) The demurrer, continues Harlan's reply, constitutes "Denial by Defendant, its officers and agents, of Plaintiff's rights, privileges and immunities guaranteed him by the Constitution of the United States and particularly Art **III** (2), and Arts. IV, V and VI of Amendments."

This brief, simple and clear to read, is like many others offered in court

in those "horse and buggy" days before a Mr. Justice Felix Frankfurter would say:

"The notion that because the words of a statute are plain, its meaning also is plain, is merely pernicious oversimplification."

The brief continues: Kent was not recalled for malfeasance in office. At his salary (\$2250 p.a. plus living allowance), Kent was unclassified as to grade so, under 22USC23 (1), Sec. 33 (Act of February 23, 1931), dismissal must be "confirmed by the Secretary of State *after a hearing accorded to the officer . . .*" Kent, continues Mr. Harlan, was never notified of any charges, he was not given the bonus of 1 year's salary, and he received no benefits of any Statute explicitly enacted by Congress to preserve the rights of such diplomatic officers.

Stress is laid, in the brief, on Congress having passed these numerous Acts for the express purpose of legislatively guaranteeing and protecting all those rights, privileges and immunities explicit and implicit in our Constitution. These, together with the provisions of R.S. 1740, specifically require the *recall of the accused*, from his post abroad, for hearing. There are no provisions, it is argued, for "summary dismissal" or "surrender to a foreign government" under any of the provisions of such Acts.

America, of course, was not then legally at war. The Act of May 24, 1924, 22USC9, Sec. 9, while it does provide a method for suspension of Consuls and Consuls General, omits any reference to members of staffs of Embassies. Thus, says Mr. Harlan, the intent of Congress is clear. (In fact, reading of the pertinent law constantly impresses one with the concern of Congress for the rights and welfare of our diplomatic representatives abroad: JHS.)

There now follows, in Mr. Harlan's brief, the argument on waiver of immunity. For the sake of continuity herein, we have taken the liberty of transposition. Now, with apologies to the attorney, we will conclude our summation by again slightly altering the sequence he employed.

The Defendant's demurrer (the Government's, that is), says Mr. Harlan, is tantamount to allowing Defendant to "write the petition for and on behalf of the Plaintiff," as it allows "no petition to be filed which disagrees with the status alleged to exist by the Defendant, though contrary to the express averments of the Plaintiff's petition."

In other words, the Defendant is to write the case for the Plaintiff.

Then comes, in legal language, the statement **that is the key to the** entire case:

Silence in regard to the cables, concludes the attorney, might permit Defendant to benefit from his own wrongs.

(The brief is written and signed, Don Mahone Harlan)

RULE OF SILENCE; RULE OF GAG

SILENCE and gag are not easy to factually report upon. Much is subjective; we simply do not know. Indeed, that is the very purpose of the rule of silence and of gag.

Some things, however, we *do* know.

Capt. Ramsay was arrested under clause 18b of the Defense of the Realm Act. He was imprisoned without trial by his government and has not been permitted to speak since. It has been hinted (Bethune memorandum to Congress, June 9, 1945) that in the British Emergency Powers Act there was a "secret clause" which deprived subjects of the Crown of freedom in a manner long unknown. It would, perhaps, be in bad taste to inquire too closely into this as it affects Capt. Archibald Ramsay, M.P. After all, he is a British subject and we in America have not yet *officially* adopted Winston Churchill's offer of dual citizenship (which would mean official "union now").

But where this British law may have affected an American citizen we may, of right, inquire. And Kent, on arrival here in December of 1945, was directly quoted that that British law had been "framed in such a way that you could almost charge anybody with anything." Be this as it may, 18b certainly makes it appear legal for the British minister of home security to detain in prison, without trial, any person he suspects of being dangerous to the war effort. And Kent was so suspected.

Was he dangerous in the manner so implied? Rule of silence says so, and the rule of gag has so confirmed.

Once again, there is another point of view.

That point of view—correctly or not—can be best expressed by the man's mother. She has steadfastly maintained that Kent copied those messages for the purpose of bringing them before the Foreign Relations Committee of the United States Senate; that the Henning article, and her son's major confirmation thereof, is true—that the messages revealed those steps that would drag our Nation and people unconstitutionally and unwillingly into war; and she flatly asserts that someone did not want those cables known.

"Tyler Kent was jailed to keep him silenced," she states in her Oct. 1, 1944, petition to Congress, "—jailed to keep him from imparting to you, Members of Congress, information which you had a right to know." "Did any Members of Congress know at that time of the existence of these communications?" the mother asks in this petition. And then she makes this assertion: "I charge that politics jailed my son."

Now, such an assertion is very understandable from a mother whose son has been over four years in a foreign jail. It is highly subjective; it is "hearsay", as Senator Connally might aver. But the point persists, and the point is—*is this assertion true?*

When Senator Connally termed the quite similar charges of M. P. Mc-Govern as "hearsay", Montana's Senator Wheeler was quick to point out that "When the Senator from Texas says the President of the United States could not give away anything until the Congress of the United States voted it, I wish to call attention to the fact that he did. He gave away the destroyers. Congress did not pass any act to that effect. All that," Wheeler remarked, "is water over the dam; it has been done".

It certainly has. It has been a pretty expensive water for the American payer of taxes. We might add the words of Minnesota's Senator Shipstead: "I may say that about three years ago Lord Woolton, Minister of Food in England, made a very frank report on how Britain had received \$800,000,000 worth of food from the United States, sold it to the people for \$500,000,000, and put the money into the (British) treasury".

We might add a further \$400,000,000 in cash that (the press now reports at the end of 1945) Franklin Roosevelt gave to the British before we were catapulted into war. We might add a lot of things. The point is that our people knew nothing of them at the time—and very little now.

While we are on this subject, we would like to mention the quaint proposition negotiated by Messrs. Keynes and Halifax late in 1945. According to the terms for which American citizens are to be taxed, and asked to buy bonds, another five *billion* dollars is handed to the British—and the British do not even have to pay "interest" if in any given year it proves inconvenient for them to make an asserted attempt. At one and the same time, according to a table inserted in the Congressional Record by Senator Moore of Oklahoma (December 6, 1945; pp. 11714-5), these same unable-to-pay British hold, directly or individually, securities in "American" companies to the tune of \$775,000,000.

According to some authorities, these same unable-to-pay British—as government or as subjects—own a further five to six *billions* in dollar assets in this, our Country. *Why are not our people told?* This observer thinks we should take those assets, sell them to bona fide *American* citizens, and credit the proceeds to the account of the various "loans". This observer thinks it is just about time we in America made it pretty plain that the honeymoon days of *any* foreign milking of our resources, are over. And he would include in that the milking of dividends from all former investments as well.

Further present and, we think, illegal (but oh, how sweet and charitable) loads on our payers of taxes include New York's ex-Governor Lehman's

outfit, UNRRA. This one of the new, autonomous, international agencies — of which Lehman is Director General—has recently asked for, and got, a second contribution of \$1,350,000,000 from us. The Hon. Jessie Sumner, of Illinois, foresaw precisely that back in January, 1944. She said then, in reference to America's first contribution of similar sum: "nobody pretends this will be the last." "As usual", said the Hon. Fred Bradley, of Michigan, at the time, "this forerunner of what I predict will be many more similar requests for American largesse, is presented to us not only as a necessity of war but also as a great humanitarian measure. . . ." It is, said the Hon. Stephen A. Day, of Illinois, "a vicious attempt to edge us into a world government."

Were we told that? Or was that another illustration of the rule of silence and of gag?

Further, and in regard to this stupendous financial load being mill-stoned onto the backs of our own people, listen again to the words of Representative Jessie Sumner:

"Congress has no constitutional authority to force Americans of *this or any other generation* to give money to peoples outside of America".

(January, 1944)

Have we been told that? No. But it does sound like a voice from those olden days that were so strongly American, and ours.

Are we a little far afield from the case of Tyler Kent? We do not think so. Not, we think, when General Hurley, flatly charging an Imperialist-Communist sabotage of "policy" in the Far East, is refused further open hearing before a so-called committee to investigate. Not when Upton Close asks ("Closer-Ups", December 17, 1945): "Who is there to tell the simple, well-meaning people that actually Hurley is a veteran of far more experience—trusted by more presidents of both parties—than Judge Byrnes? That he was at the Cairo Conference with Roosevelt and Churchill before Byrnes became a 'statesman' ". And, we might add, who was a Secretary of War long before James F. Byrnes was ever heard of.

Who is to tell, we ask with Upton Close, just *why* Senator Wherry's resolution is "lying calmly on my desk"? And now that Kent is back, the Roosevelt-Churchill messages, and their alleged contents, are buried. They have not been shown to either House; not to the House of Representatives (that appropriates our money), nor to the Senate (that gives sanction to our treaties) While a House resolution (H.R. 382), asking a few mild questions on the case, is reported back with the recommendation that it "do not pass".

The question that arises is obvious: Just what has been, is being, and

is intended to be, done to the formerly sovereign people of this Republic— behind this Rule of Silence and of Gag?

We have mentioned a bill, S.805, as the so-far American counterpart of Britain's 18b. Let us look at it briefly.

This bill was introduced in the 79th Congress, 1st Session, on June 22, 1945, and again on Sept. 27 of that year. Its reference is S.805, Union Calendar No. 313. It is called "AN ACT To insure further the military security of the United States by preventing disclosures of information secured through official sources".

This sounds just fine. It fits a very laudable purpose. Indeed, one wonders why such a bill were still necessary after the 170 years of independent existence of this Republic.

"There is absolutely nothing in this legislation designed to cover up anything or to enable anybody to avoid inquiry", said Administration spokesmen in introducing the bill. (We reserve comment on such an odd *introductory* remark).

We read the bill and we find the bill itself is odd. It deals with codes, and with information derived directly or indirectly from codes. It provides penalties, heavy ones. And it provides silence. It provides that "Authorizations shall be granted only in accordance with regulations prescribed by the President", and it provides also for the "joint authorization of the Secretary of State, the Secretary of War and the Secretary of the Navy."

Right there we stop. Wasn't that somewhat familiar? It was. It called immediately to mind Mr, Attorney Harlan's reply to the Government's demurrer to his action filed in the Court of Claims. He wrote, in that reply, that the Government's position was tantamount to allowing the Defendant to "write the petition" for nnd on behalf of the Plaintiff. He wrote that it allows "no petition to be filed which disagrees with the status alleged to exist by the Defendant, though contrary to the expressed averments of the Plaintiff's petition". Here was that exact same thing again.

Now, though S.805 was debated with a pending Pearl Harbor inquiry in mind, we read that debate in the light of an obvious pertinency to the Kent affair. "Bear in mind", said the proponents, that S. 805 "deals entirely with the code and not with other types of communications in Government files". And the Kent case is *almost exclusively one of codes*.

The limitless scope of this measure can perhaps be suggested by the fact that the word "any" occurs no less than 33 times in the 76 short lines of the bill.

"This is one of the most far-reaching limitations ever attempted by the Congress," Representative Michener of Michigan says. "Why all this effort under spur and whip to pass inadequately considered legislation?" he asks. "I cannot conceive," we hear him say, "of a single Member voting against any measure which in clear, understandable language protects the security and safety of our Government. Does this bill do that? I am not satisfied that it does, and it would be very unwise for this House to place upon the statute books so far-reaching, all-inclusive, yet *indefinite and uncertain* a law."

Mr. Michener would like to know "Why all this sudden solicitude for the adoption of this legislation which is so broad and far-reaching?" Says he, "I would like to hear the people who have written this legislation. I would like to have the department or the draftsman describe, sentence by sentence, paragraph by paragraph, the necessity for all of this particular legislation at this particular time".

That debate, centered around Pearl Harbor, has pertinence here. But S.805 would, for instance, have put General Jonathan Wainwright where he "shall be fined not more than \$10,000, or imprisoned not more than ten years, or both" unless, of course, he got the requisite permissions to write "My Story". And the bill was curiously applicable to the Roosevelt-Churchill messages in the case of Tyler Kent.

"Is the State Department and the administration trying to cover up the responsibility for Pearl Harbor?" asks Representative Clare E. Hoffman the following day (October 26, 1945). "Was that its purpose in rushing through the Senate and attempting to jam through the House yesterday the bill making it an offense to reveal the contents of decoded messages? (A further attempt was made, December 21, 1945, on the very last afternoon of the Session. The attempt was blocked by the quick and alert action of several Members: Ed.)

"In this connection, one of the strangest incidents that ever occurred on the floor of the House since I have been here arose during the roll call of the vote on the adoption of the rule to make this suppression bill in order.

"On a voice vote, the rule had been defeated by 111 noes to 49 ayes. When a record vote was demanded, it was at once apparent that the vote would be close. After two Democratic Members had voted, they were seen to go to the Speaker's desk and, thereafter, from the well of the House, one of them changed his vote from 'yea' to 'nay', and then, when it was apparent that the rule would be adopted without their votes; that is, that the administration would win, one of them again changed his vote from the 'nay' to the 'yea' column, while another changed his 'nay' to 'yea'.

"A parliamentary inquiry was put to the Speaker and was answered by

him, but that parliamentary inquiry *does not this morning appear in the Congressional Record*".

Messages missing, pages of reports missing, documents missing. And now "one of the strangest incidents that ever occurred on the floor of the House" is reported missing.

Back in September 1944, Kent had sent three cables, two to his mother and one to a then unnamed Senator. The Senator was later identified as Burton K. Wheeler. The cables to Mrs. Kent were delivered. The cable to Senator Wheeler was "missing".

"The American people fought and won this war", says Representative Hoffman, "They were told that it was necessary to go into it because only by winning it could the 'four freedoms' be preserved here and carried throughout the world.

"Freedom of speech was emphasized by the late President, but all through the war—yes, and prior to our entry into the war—the activities of officials high in the administration, their sayings and their writings, were successfully suppressed.

"Now that the war has been won, here at home there is a deliberate attempt to keep the American people from learning the truth as to the facts preceding the war, as to the part played by high Government officials in the events which preceded the war.

"The case of Tyler Kent has become historic. Future generation", if the present attempt at concealment succeeds, will never know the true facts, the deciding factors, which may have involved us in this war".

Toward the middle of 1945, letters began to arrive from our American men still stationed overseas. Pleading letters, angry letters, tragic letters. They began in hundreds and grew to thousands. They were received in homes all over this Land. And in the House of Representatives, the Hon. A. L. Miller (Nebraska) demanded that Congress and/or the President legally terminate this war—*bring those men back home*. The Administration-controlled Congress, and the President of that Administration himself, failed to act.

Other reasons, good reasons, have been advanced to legally terminate the war. Among other things, it would terminate the Rule of Silence that has been so universally imposed. And that Rule of Silence includes the messages in the case of Tyler Kent.

Again it is in the Congress that we find—in so many words—the key question in this entire case:

"As long ago as 1812, we fought a war with Great Britain when it endeavored to assert the right to search American ships and seize seamen on the high seas. But in the Tyler Kent case the United States did not assert itself but failed to protect its own citizen; permitted him to be seized and thrown in a British prison where he still remains. Why?

"Is it because if he were released we would learn this war was deliberately planned?"

(The Hon. Clare E. Hoffman, June 8, 1945)

Kent is back. He is, at writing, safe at home. But on Capitol Hill, the Administration of our rulers proposes an S.805, and a continued Rule of Silence and of Gag.

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You have now read the available evidence in the case. Where factual, it has been so stated; where subjective, that has been made clear.

We now bring you, for frank appraisal, Section II of the law under which the American citizen, Tyler Kent, was seized, then tried and convicted in a British secret court:

Official Secrets Act — 1911 ARTICLE 2:

On a prosecution under this section, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case, or his conduct, or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State. . . .

Thus did the British, in these few legal words, anticipate by nearly thirty years the "thought-police" of the Japanese.

For that, we fought a war.

WE, THE PEOPLE

FROM the very hour of Kent's arrest, the issues involved in this case have been bigger than any temporary personal interest, or reputation, of any public man or men. In both the Branches of our Congress, especially in the Lower House, voices have been raised—strong, individual voices—on behalf of a justice they have felt denied. These voices, though strong, have been drowned in the hysteria of a war, and by the sycophantic silence of the operators of that political powerhouse known so regrettably as the "New" Deal.

"New"? It is as old as Diocletian; it is as old as his *Edictum de pretiis rerum venalium*, 301 A.D., which fixed maximum prices, wages and fees, and provided death or deportation for its violation.

Among the voices that rose in protest at the 1940 treatment of citizen Tyler Kent, a few personal friends of Mrs. Kent spoke up. And here, we may say, was determined the eventual strength or failure of their position. Had they made their appeal one of sympathy for the accused they might, and probably would, have failed.

They did not.

They took a position consistently followed to this day. It may, perhaps, be best expressed in the words of Mrs. Kent herself:

"Much more is involved in this case of Tyler Kent than the life and liberty of one American citizen", she wrote to Congress on October 1, 1944.

That is the theme that pervades every available document in the case. Petition after petition, memorial after memorial, has come in from individuals, from groups and from organizations all over the Country.

Tyler Kent? These people do not know Tyler Kent. But thousands of people have sensed the issues that are involved. On September 25, 1945, when Kent's departure from Britain had been postponed four times by the British, after expiration of his (good behavior commuted) sentence, citizens representing thousands tramped the halls of the Senate Office Building in Washington, voicing their indignation to Members of the Upper House. The petition they presented cried Shame, "that this American boy, or any other American boy" should be so treated. These calls were repeated on November 19th and whether from this cause is not known, but Kent sailed from England on the 21st, on the British freighter *Silver Oak*.

The significance of this case is indicated in the Senate debates. No small affair, this, that brings forth the following words:

"But we must remain silent, although we are the people who

have made it possible for the Russian government to survive . . . there is not a more ruthless dictator in the world than Mr. Stalin. I think of him as a ruthless dictator. . . ." That was said during the war.

Later: "The British press has criticized us, but we in America must not say anything. If we do, we are looked upon as unpatriotic. We must not criticize anyone. We must not criticize the waste and extravagance of Government. If we do, we are not patriotic". That was said during the war.

Later: "I resent criticism by persons who have been in this Country only a short time of the patriotism of those whose people have lived here for generations. I resent the activities of those who are hired to smear Members of Congress because they do not vote 100 percent with any President of the United States, no matter who he may be." Senator Wheeler was speaking, on the 19th of June, 1944.

And, to those millions of our citizens who have been deliberately led to believe it is some sort of catastrophic sin to love this Country of ours, its traditions and all that its honored future can be, we bring you these thundering words from Capitol Hill:

"I say those who love Russia more than they love the United States and those who love England more than they love the United States, and to those who love Germany or Italy more than they love the United States, 'for God's sake, go back and live there'."

Thus, Burton K. Wheeler, on the Senate floor. And what can be said there, can be said in every section of this Land.

On the same 19th day of June, 1944—that day of global war—there arose the voice of another much-smearred, much-hated—but also much beloved—American, the Hon. Clare E. Hoffman, of the sovereign State of Michigan:

"It is time," he said, on the floor of the House of Representatives, "that we had a little lend-lease of refugees. It might not be such a bad idea, if those who want to establish here in America a new Russia, were sent back to Russia, to the land from which they came".

That was just 18 months before Britain's professor Harold J. Laski *flew* over here, talked at Madison Square Garden, New York, and advocated a World Soviet Republic. (Sc. "America—Which Way?," Sec. 5). It was just

18 months before the *Gripsholm* again arrived, with some 1,500 "repatriates"—many of whom couldn't speak a word of our language.

All this has a very great deal to do with the case of Tyler Kent, for, precisely as the above words were uttered in Congress in time of global war, and were scarcely conducive to that "unity" of which we hear so much, so, precisely, did the mother of Tyler Kent conclude:

"I answer that if truth causes dissension, *then the unity so advocated must be founded on lies*".

(Petition to Congress, Oct. 1, 1944)

Nowhere in the available documents of this case do we find an appeal for Tyler Kent *per se*. But we do find appeals, and petitions, and memorials — for revelation, truth and honor.

We find "that the Democratic National Convention of 1944 is honor bound to help provide the American people with the full facts of this case"; those are Mrs. Kent's words in her memorial to that body.

We find Kent described "As a loyal American, *fearlessly* patriotic in 1939 and fearlessly so now, (that) he will cooperate fully with all the information that he possesses".

We find that this is our *people's* case, a case by which our people, by forcing it into the open, may ultimately prove world statesmanship to have been right—but tragically so—or to have been criminally, bestially wrong.

Of the key figure in the case we say, in his mother's words to Franklin Roosevelt: "God grant that he may be saved for some good purpose".

To sum up, Mrs. Kent herself shall charge you—jury of our sovereign American people—in the spirit of this case:

"To the American people I leave all questions as to whether or not there existed unconstitutional secret agreements between our government and any other foreign statesmen. Their decision will be final and right if given the facts and not mere propaganda versions".

(Letter to Seldes, January 26, 1945)

While to Congress she wrote on the first of October, '44: "*Let our honor be as great as our opportunity*".

CHALLENGE

THIS document is intended to be informative. We trust that *it* has been so, as clearly as a complex matter permits, as impartially as a study of the pertinent data has made possible to this historian.

The question arises: "What are we going to do about it?" We offer a suggestion, in reply.

As we all know, our Nation is sharply divided into two camps on the responsibility for this war. All thought, and all query, boil down to this one plain issue. Stated simply and bluntly, this issue is: "Were or were not Roosevelt and his cabal responsible for America's entry into the war?"

Both camps cannot be right. Nor, we think, can the answer "lie in between". That is an old dodge, and we are tired of it. It never prevented war.

The Kent case itself poses many questions, but the main question is—and so remains—"*What were the contents of those cables?*"

"The Constitution of the United States requires the President from time to time to give to the Congress information concerning the state of the Union. In the beginning of our government a practice obtained according to which the President communicates this information on the assembling of Congress in a full and comprehensive annual speech or message, to which are appended all the important reports and documents which have been placed by the heads of Departments before the President as the sources and evidences of the information, to be by him submitted to Congress

"Our foreign affairs have, ever since the war began, been a subject of anxiety as deep as that which is felt in regard to military and naval events. The government continually depends upon the support of Congress and the people, and that support can *only* be expected on the condition of keeping them thoroughly *and truthfully* informed of the manner in which the powers *derived from them* are executed. *Mutual confidence in the people and the government is a condition of our national life*

"Congress and the country . . . had the same right . . . to see any other portion of the executive correspondence concerning foreign affairs. This history would be incomplete without that account....."

"... to withhold so important a portion of the executive correspondence *would have seemed to imply a confession that it was improper in itself*, while to practice reserve on so great a question would be liable to be deemed *an abuse of the confidence which Congress and the people had so freely reposed in the government. . . .*"

Thus does an *honest* Government converse with the people whom it serves. The above is from a letter of Secretary of State James Seward to our minister to the Court of St. James', Adams. The date, March 23, 1864.

People are *entitled to the truth*. We will not refer to casualties. We will simply state that people—that ALL people—have paid dearly enough, over the centuries, for a "victory" that is never theirs.

This time, it must be REAL.

Haven't we had enough of *little* men with BIG names? Haven't we had enough of lies, of deceit, of what are called "commitments" made in secret by "diplomats", acting allegedly in our behalf?

Haven't we had just about enough, this 1946, of the *communism and corpses* they have wrought?

Who are these *little* men with BIG names who presume to speak for us? Are they as big as the BIG men with the *little* names who now lie in countless, futile graves?

1946 happens to be election year. We can—if we will—demand of our public servants, *before we cast a vote*, the promise to go to work and reveal to us, the PEOPLES of this earth, just what took place that caused this awful war. That, we know, is dangerous ground. *What ground is not?*

We can—if we will—*organize*. Our BIG citizens with the present *little* names: our artisans, our labor, our clerks, our smaller businessmen, our farmers; those who *make* our Homes—and those who would *keep* our Homes. *People*—just like these—did it once before; they organized in 1775; they were successful. They were successful for a hundred and fifty years.

We can—if we will—organize in village and town, in township and county, in State and Nation-wide. In associations for the truth—in living, deathless *demand* for *truth*.

Truth, from the men and women whom we shall elect to represent us; *truth* from those who shall be our public servants once again; *truth* from those who will sit on high.

Through fearless courage—born of mankind's ancient heritage of strife —let us fix our gaze again upon the stars.

That way, through truth and truth alone, can man once more be *free*.