

HOKE NORRIS



Critic At-Large

TRIAL BY BLACKLIST

Today I present a horror story with a happy ending, of sorts. It is told by John Henry Faulk in "Fear on Trial" (Simon and Schuster, \$6.50), a book about his experiences after he was blacklisted out of radio and television by a combination of knavery and cowardice. It will, of course, be compared here and there to Kafka's "Trial." The comparison is apt. Kafka's hero never knew what the charges against him were; Faulk learned what the charges against him were only because he was determined to find out.

The story begins when Faulk, a popular radio and television entertainer from Texas, took the lead in his union, the American Federation of Television and Radio Artists, against an outfit called AWARE Inc., which specialized in informing the networks of the so-called Communist or pro-Communist bent of their performers, directors, producers, writers and technicians. In February, 1956, AWARE published a bulletin in which Faulk was accused of various symptoms of fidelity to the Communists and their line. Others had buckled beneath such an attack. Faulk chose to resist. With Louis Nizer as his counsel, he filed suit in June, 1956, against AWARE and two individuals.

The sorry story appears in the pre-trial examinations of witnesses and in the testimony at the trial, when it finally began in April, 1962. Faulk had meanwhile lost all his rather sizable television and radio income; he had gone home to Austin, Tex., and organized an advertising and public relations firm in an attempt to make a living (the firm never did prosper). It now appeared that there was a blacklist that operated in a rather odd way. The networks (including CBS, for which Faulk worked) submitted to AWARE the names of its prospective performers and program staffs; AWARE replied with either approval or disapproval, according as it professed to find or not to find what it judged to be Red taints; a veto by AWARE was all the networks needed to fire a performer or decline to employ him (and the victim was not told the reason). Even stagehands were included—even the members of crowd scenes—even children (one child of 8 was not employed because her father was judged risky).

Half-Truths And Innuendo

IN FAULK'S CASE, AWARE was not asked to approve or disapprove him for appearance on a program; it gratuitously issued its charges, obviously because of his opposition to its methods and practices. It turned out that the AWARE specifications were a compound of half-truth, untruth, innu-

endo and fabrication. They accused Faulk of being in places he was never in, of supporting causes he never supported, of committing acts he never committed. On such dismal "facts," it seemed, he was condemned, as others were on the same basis, to professional limbo.

The major fabricators of the charges and the furor were the two defendants in Faulk's suit, Vincent Harnett of AWARE and Laurence Johnson, a wealthy grocer from Syracuse, N.Y., who (with the help of his American Legion post) conducted a vendetta of harassment and boycott against the sponsors of Faulk's show. Johnson died just as Nizer was making his address to the jury, in June, but nevertheless the jury awarded Faulk \$1,000,000 in damages against Johnson's estate. It also gave him \$1,250,000 in damages against AWARE and \$1,250,000 against Harnett.

An appellate court reduced the total to \$550,000, and of this Faulk may collect only a small part. Johnson's estate turned out to be far less than expected; the miserable Harnett never did have money, and AWARE, Faulk reports, "has just about ceased to function." Faulk accomplished his purpose—a purpose the networks and the sponsors might have achieved years before with a display of the courage that they should have possessed, but obviously did not.

The System's Faults

FAULK DOES NOT—as he might have—question the system that gave the Harnetts and the Johnsons the power that they wielded with such un-American results. That system delivers into the sponsor's hands the complete control of the program he is "sponsoring." Its inequities are evident, its consequences often disastrous: The commercial should never hold such power over the arts; the Faulks are going to suffer over and over again unless there is radical reform in the broadcasting industry. In broadcasting, the division between advertising and content should be as sharp as it is in our periodicals: The advertiser buys only the advertising, not the editorial content. Let the advertiser have his "commercials," but keep the artist forever free from the timidities and the fears of the brewers, the bakers and the purveyors of petroleum and soap and cigarettes.

Perhaps Faulk did not attack the system because he supports it. That is his business. His final warning is the business of all of us: "We like to think that the heyday of McCarthyism is over. And it is true that the air is clearing somewhat. But despite this, and despite the decisive victory in my case, the poison of that dark era still runs through the land. It is embodied in the many superpatriots and the dozens of self-appointed vigilante outfits that still flourish. Indeed, the chief shield and sword of all such groups, the chief source of the poison they peddle, sits in Washington today, still tolerated by the American people and supported by their tax money. Herblock calls it the oldest floating crap game in the country, the House Un-American Activities Committee. So long as the HUAC and its coterie of camp followers have the power and the viciousness to destroy the reputation and careers of citizens who have done nothing more than exercise their rights to question and doubt, the poison will continue to plague and sicken our society. . . . The habit of keeping quiet is still on us. Blacklisting goes on."

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