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and
MORTALITY

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THE FABULOUS FINNS

THADDEUS ASHBY

FEBRUARY 1956



In our January issue, Thad Ashby told how the Finn twins, George and Charles, bought a surplus airplane from a Bakersfield school. Tom Devlin, veteran reporter for the Los Angeles *Examiner*, wrote, May 8, 1955:

"Hundreds of such planes had been disposed of through the War Assets Administration since the close of World War II, many finding their way, through devious channels, to foreign countries, reportedly including those behind the iron curtain."

About a year and a half after the Finns bought their plane from the school, the government filed suit against the Finns for \$198,000, and the plane. The government had already sold the plane; and "right, title and interest" had passed to the school for \$200.

The government, through the use of a false document sworn to by Federal Marshal David Hayden, seized the plane and secured an oral "order" from Federal Judge Westover, restraining the Finns from touching or flying their plane. The Finns knew the seizure was unlawful, so to test it they flew their plane to Nevada to an abandoned field which the press called Shangri-La.

The government charged the Finns with several crimes and Leila Bulgrin, assistant

U.S. attorney, swore out five arrests against the Finns. The FBI arrested George Finn without a warrant and put him in jail in Las Vegas. There we left him in our January issue. The complete story raises these questions:

The Finns plane is being held at Nellis Air Force Base, Nevada. When, if ever, may the military seize and hold private property?

Why did the government try to get the Finns' plane after "right, title and interest" had passed to the Bakersfield school?

Aren't we endorsing the harassment of the Finns by allowing (without protest) our money to be used against them?

Should we permit government officials to protect each other against citizen's arrests?

Do you see the protection a citizen's arrest gives you against high handed government officials? If you do, would you favor recognizing the right to make a citizen's arrest legal throughout the U.S.? (with proper provision for damages for false arrests—that is, arrests without probable cause.)

What would you do to regain your property if the government had seized it? How far should a man go fighting for property? Is this a matter of subjective strategy, or a matter of principle? We'd like to hear your answer.

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**William Johnson, Editor
Thaddeus Ashby, Associate Editor
Anne Ashby, Art Director**

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THE FABULOUS FINNS II

THADDEUS ASHBY

If you believe that a high government official has committed a serious crime, and none of his fellow officials will arrest him, what can you do about it? Here's what the Finn twins did. (The Finn story began in our January issue. See facing page for a recap.)

After the government threw George Finn in jail in Las Vegas, the FBI started a nationwide manhunt for Charlie. Charlie figured he better stay out of jail until he could raise \$5000 bail for George. So Charlie jumped over back fences, dodged the FBI for eight days, visited his friends, members of the fabulous Finn underground which bailed the twins out regularly.

Finally his friends scraped up \$375, to pay enough bail interest to let George out of jail. But then the FBI caught and jailed Charlie, so George Finn had to see the Finn underground and raise another \$375 to let Charlie out.

The Finns charge that these various arrests, five in all, were false. They reason from these facts.

On the 16th of September 1952, U.S. Attorney Walter Binns and Liela Bulgrin, his assistant, ordered U.S. Government Marshal Boyle to seize the Finns' plane, or go through the motions of seizing it. Marshal Boyle gave this job to Deputy Marshal David Hayden.

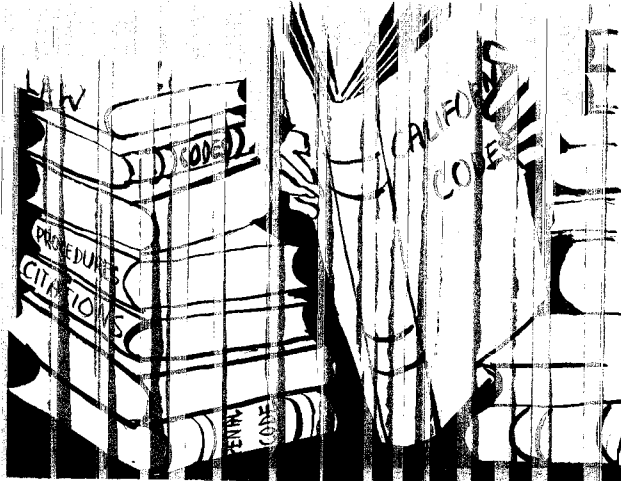
Two days later, on September 18, 1952, David Hayden signed an official affidavit,

swearing that he did these three things on September 18th: (1) that he legally seized the plane on September 18, (2) that he legally served the Finns on September 18, and (3) that he held the plane for five days and, on September 18th, turned the plane over to the government.

Later, Hayden testified that (1) he did not seize the plane legally, nor (2) serve papers on the Finns. How could he (3) seize the plane on September 18, hold it for five days, then turn it over to the government on that same September 18th? But that's what the marshal originally swore he did.

Later Liela Bulgrin swore out those five arrests against the Finns, charging them with stealing a government airplane. Did she know that Marshal Hayden had seized the plane unlawfully, and that he never turned it over to the government?

The Finns charge that she did know this. They charge that eleven days after the marshal signed the false affidavit, Liela Bulgrin wrote the marshal a letter. *If and when* the plane is turned over to the U.S. Government, Liela Bulgrin wrote, we will advise you of any



further arrangements involving storage.

So, the Finns charge, Liela Bulgrin knew that the marshal's affidavit claiming he had legally seized the plane was false. In other words, although she knew that the plane was not in the government's possession, she went ahead and swore out five arrests against the Finns for "stealing" a government airplane.

Why are the Finns sure of this? Because, later on, when the Finns were tried by Federal Judge Westover for criminal contempt (for moving a plane which had allegedly been seized by the government), Judge Westover asked Marshal Hayden why he had seized the plane unlawfully in the first place? Under oath, the marshal answered: "I had no instructions, Sir."

So the Finns charge, the government knew the plane hadn't been seized legally, and, in fact, ordered it seized unlawfully.

Why would the government do this? Because, the Finns charge, Claim and Delivery seizure has never before been used in a civil suit. This brings up the whole question of how the government can seize your property legally.

To seize property legally under Claim and Delivery, the government must do three things. Tom Devlin, veteran reporter on the Los Angeles *Examiner*, who knows more about the Finn case than anybody else, uses a baseball analogy to explain it.

"In baseball," says Devlin, "you must do more than just hit the ball in order to get a hit. You must do three things: 1. Hit the ball. 2. Hit it fair, between the base lines. 3. Run to first base safe. If you do all three things you have a hit. If not, not."

In Claim and Delivery action, the marshal must: 1. Serve papers on the defendants. 2. Put a guard on the property, or paste a sticker on it. 3. Hold it five days and then turn it over to the government.

Marshal Hayden testified later that he didn't do any of these three things. He said he "had his instructions." The Finns believe the government was afraid to seize their property legally because this would be the first case on record where the government used Claim and Delivery to seize a private citizen's property where no crime had been committed. If allowed to stand, it would set the precedent for permitting the government to seize your property any time, for any reason.

The Finns believe the U.S. Attorney was afraid to take this step. They believe the government instructed Hayden to seize their plane illegally, to tell the airport manager merely "the Finns' property has been seized." This would buffalo the ordinary citizen. He wouldn't dream of protesting it. The government would get the plane without having to set the dangerous precedent of seizing property in a civil suit. But the Finns weren't that easily buffaloeed.

So the Finns flew their plane away, and the government swore out five warrants against them; the Finns believe the government knew perfectly well that those warrants were false, for the government knew the plane had been seized illegally, and Marshal Hayden testified under oath to the effect that he had been instructed to seize the plane illegally.

The Judge Said "All Right"

The government charged the Finns with stealing their own airplane, charged them with violating the Dyer Act (flying a stolen airplane in interstate commerce); charged them with flying a stolen plane to Mexico; charged them with criminal contempt of court.

On the charge that the Finns had stolen their plane, a Bakersfield Federal Grand Jury deliberated for a few minutes and returned a "No Bill." The foreman of the grand jury said that the government had no case whatsoever against the Finns.

Receiving no satisfaction in Bakersfield, the

government transferred the Finn case to Los Angeles, and tried the Finns for the same crime: flying their plane away. This time the government called it criminal contempt of court. After Marshal Hayden seized the plane illegally, the U.S. Attorney had gone to Judge Westover and told him: the government has now seized the plane. Will you grant a court order restraining the Finns from flying it away or from touching it?

Judge Westover, believing the government had seized the plane legally, said: "All right." He did not sign any legal document. Judge Westover merely said: "All right."

Nevertheless, when the Finns flew the plane away, the government thought it had a pretty good case against them. They had violated the Westover "order," restraining them from touching or flying their airplane. To the government, it looked open and shut. The government was glad to get Judge Westover to try the case.

Judge Westover heard both sides, and on March 30, 1953, delivered this opinion:

"The facts are very evident. The plane was never in possession of the government . . . I don't think the marshal ever took this plane into his possession, and the statute says personal property must be taken into actual possession [in legal seizure].

"Relative to the removal of the property from the district while it was in possession of the Court . . . the Court never made any order relative to the plane at all.

" . . . when the government came into Court for the so-called order, it was represented to the Court that the plane was then in possession of the government. *If the Court had been told that the plane was not in possession of the government, the Court probably would not have made an order relative to interference with the property.* (Italics added.)

"I think there is reasonable doubt that there was an order . . . I will have to hold the defendants Finn not guilty of the contempt with which they have been charged."

With this decision in their favor the Finns hoped that the U.S. Attorney would return their plane. But he didn't.

What would you have done to get your

property back?

Most of us, with neither the gumption, courage, nor legal acumen of the Finns, would submit and say, "You've seized my property illegally. Well, there's nothing I can do about it."

The Finns had done something about it: first they had flown their plane away to Nevada to test the seizure.

Then they went to the U.S. Commissioner and asked him to take their sworn testimony, accept their complaint against Marshal David Hayden. The Commissioner said: "It's against policy to accept complaints unless they are initialed by the U.S. Attorney."

How About That "Change"?

The Finns went to the U.S. Attorney, asked him to initial their complaint, and he refused. Then they lodged the complaint themselves with the clerk of the court. When nothing happened, the Finns checked back, and they found that all record of the complaint had disappeared.

What could the Finns do next to get their airplane back? Back in 1952 they had hoped that, when the Republicans came in, they would see a "change" in the government's attitude toward them.

The change the Finns hoped for never came. Instead of giving them their airplane back, Laughlin Waters, the Republican U.S. Attorney, moved to postpone his suit to get the Finns' plane away from them. It looked to the Finns as if the government might hold their plane illegally in Las Vegas forever.

Since the Finns got nowhere with their complaint against Marshal Hayden, they tried filing suits against the government: a \$3000 suit in a state court, a \$3,000,000 suit in a Federal court, disbarment proceedings against the U.S. Attorney. Their suits were thrown out of court.

The Finns had exhausted their money. On two arrests alone (arrests which the Finns call false), the Finns had to pay \$750 interest on their two \$5000 bail bonds. The Finns were scraping bottom. They became their own lawyers because they had to, not because they believed they knew more than the best lawyers. Until their money ran out, they used Attorneys Bernard and Henry Cohen, and later,

Joseph Scott, one of the most distinguished and respected lawyers in the West. (At the Senate hearings, when Joseph Scott stepped down from the stand, Senator Langer remarked: "There goes a truly great man.")

But even great lawyers can't work on a case as complicated as the Finns' for no money. The Finns either had to study law themselves, or stop fighting.

The Finns now wanted to get the government back into court, on the charge that it was illegally holding the Finns' airplane. But how? Their other suits had been thrown out.

The Finns discovered that in California a person can sue a non-resident who has injured his property. And, pending the outcome, he can seize the California property of the non-resident by attaching it.

Who had injured the Finns' property? The government had, by seizing it.

But was the government a non-resident of California? The Finns discovered a law of 1789 which definitely fixed the government in Washington, and the government isn't a resident of any of the states; it pays no state taxes. So the Finns figured the government was a non-resident of California.

They went to a judge with their argument and showed him a copy of the law of 1789, and asked him to declare the government a non-resident. Perhaps the judge was amused by this. He permitted the Finns to sue the government and gave them a most extraordinary document. It permitted the Finns to seize all United States Government property located in the Los Angeles Judicial District.

Attorney Joseph Scott and Pat Lynn welcome the Finns to freedom.



That's quite a lot of property; the Finns had quite a document. They doubt whether any other citizen has ever had a document quite like it. Now they looked around to see what they would seize. The Finns said:

"Let's see. Shall we seize mail trucks? Any battleships in the harbor?"

They could have seized the 17-story Federal Building. They could have seized the Post Office and all its sub-stations. The sheriffs would have to obey the court order, and seize anything the Finns wanted seized: battleships, post offices, air fields . . .

The Finns didn't need a battleship or a post office, but they did need an airplane.

They climbed into their friend Jack Schuler's small plane and circled all the fields in the district.

"He Really Raised a Fuss"

At Lockheed Air Terminal they spotted a C-97 Stratocruiser, one of the biggest transport planes in the Air Force—new and beautiful—worth about \$2 million, the Finns figured. So it was satisfactory.

The Finns went out to Lockheed with a sheriff, walked up to the huge ship, slapped an attachment sticker on it, and stationed the sheriff there to guard it.

An Air Force captain was getting ready to fly the big silver ship away. "He really raised a fuss," the Finns reported, "but there was nothing he could do."

Further bedlam broke out when the Finns discovered that the C-97 was a top secret project. The FBI went into a tizzy of action.

"How did you find out about this top secret?" the FBI demanded.

"Maybe," said the Finns, "the government's secrets are so poorly guarded, anybody could stumble into one."

The Finns, with the sheriff backing them up, held the plane for three days. The newspapers plastered pictures of the Finns and the huge airplane all over page one. It was news. The audacious idea that a private citizen could seize government property had never occurred to anybody before. The worm had turned.

The U.S. Attorney removed the suit involving the C-97 from the municipal court to



**The Finns handcuff U.S. Attorney Laughlin Waters in famed citizen's arrest.
After Waters saw this picture he dropped the assault charge.**

the Federal Court. A Federal judge quickly dismissed the case.

Once more the Finns found themselves with no way to get their airplane back.

Back they went to the law library. There they studied for two more months, to find out whether one more legal channel existed through which they could get their plane back. They had tried every legal channel they could find. They believed the law was on their side, though its enforcers were not.

They found after two months of study:

"Hey, look at this."

"What is it?"

"In California one person may arrest another."

"How?"

"It's called a citizen's arrest."

By now the Finns were sure in their own minds that they couldn't get anywhere by appealing to the U.S. District Attorney. They decided to find out who was holding their plane and make him answer their charge that it was being held illegally.

They went to U.S. Attorney Laughlin Waters, and asked:

"Who is holding our airplane?"

He answered: "The government."

This sounded as if the government could do anything—and no individual would be responsible. So they asked:

"Who in the government? Is it you?"

And Laughlin Waters answered, not knowing what he was getting into:

"Well, yes, you might say I'm the one."

"Thank you," said the Finns, and they walked away.

To make a citizen's arrest of a highly placed government official takes delicacy and planning. If you jostle him, he might claim you had assaulted him.

The Finns didn't want to assault Laughlin Waters. They wanted to bring him into court, show their "probable cause" for arrest, present their evidence that he had committed a felony.

They looked up the law involving handcuffs. There is no law against handcuffs in California. Anybody can buy a pair.

Then, on January 21, 1954, in downtown Los Angeles, Laughlin Waters came up the steps out of the Biltmore Bowl where he had attended a Bar Association luncheon. The Finns were waiting for him with photographers, who didn't know what was going to happen. The Finns merely told them, "Come with us. We want you to record something important."

Waters reached the top of the steps. The Finns fell into step in front of him. Waters recognized the Finns. He slapped George on the back in a jovial way and said:

"Well, hello, Finns, what are you doing here?"

George turned and shook Waters' hand. Charlie Finn snapped on the handcuffs, one cuff on Waters' wrist, one on George's.

Waters froze, turned white as legal paper. The Finns believe he thought they had a gun.



"Calm down, Mr. Waters. This is a citizen's arrest. This complaint charges you with committing a felony. We're taking you to the police station."

Waters wanted to get off the street, into a car or taxi.

"No," said the Finns, "because then you could accuse us of kidnapping. We'll go in a police car."

Then George took Waters up the driveway. Charlie went to call the police. George said:

"We don't want to embarrass you, Mr. Waters. We'll get you off the street as soon as my brother can get a police car here."

When I Can Arrest You

George took out these laws and showed them to Waters: the penal code of California, section 837, authorizing the citizen's arrest is quoted here:

"A private person may arrest another:

"When a felony has in fact been committed, and he has reasonable cause for believing the person arrested has committed it."

George Finn showed Laughlin Waters two signed complaints against him, alleging that Waters had "wilfully joined with others in the unlawful seizure and detention of a certain C-46A aircraft, from the rightful possession and use of George C. Finn," and that Waters did "conspire to injure, oppress and intimidate George C. Finn in the free exercise and enjoyment of his right and enjoyment of his privilege to fly his duly registered aircraft in order to earn a living."

Meanwhile Charlie Finn stepped into a phone booth and dialed MADison 5-7911. He

asked the police to send a car to the Biltmore Hotel.

The police cruiser arrived and the Finns led Waters into it. Immediately Waters said:

"I'm the United States Attorney. You'll have to let me go."

"Mister," said the cop, "I didn't arrest you. So I can't let you go."

"Where do you want to go?" the police asked the Finns.

"To the Metropolitan Police Station," George said.

"Will you take these handcuffs off?" Waters asked the police.

"Mister," said the cop, "I didn't put them on. I can't take them off."

The police station was all confusion.

With Waters in tow, George marched up to the watch commander, Lieutenant P. M. Vanderbogart and said:

"I want you to put this man in jail."

Vanderbogart, the newspapers said later, was "plainly startled."

Waters was complaining about the handcuffs and demanding to call his brother, who happened to be the police commissioner.

The lieutenant didn't know what to do so he called the inspector, then washed his hands of the matter and rushed out for a cup of coffee. The inspector didn't know what to do, so he called a captain. The captain called Los Angeles Police Chief Parker.

The Police Inspector Exploded

The police wouldn't take the handcuffs off Waters, even after they found out who he was.

But they asked the Finns:

"Would you mind taking off the handcuffs?" They wanted to save Waters the embarrassment of being photographed in handcuffs. The Finns said not until Waters was booked.

The Finns had never seen so many reporters outside the doors. All newspapers, wire services, radio stations, appeared to have sent over a crew to cover the sensation.

Police Inspector James Lawrence rushed over from City Hall in response to a frantic call from Waters' assistant, Manley Bolert, and ordered the Finns to release Waters.

"You have no right to arrest this man!" he

exploded.

"I beg your pardon," said George Finn. "We have copies of the law here."

"O.K., Finns," said one of the police officers in a friendly way, "you've had your publicity now and it's quite a stunt, so let him go, will you?"

The Finns said: "No, this is no stunt; we have preferred charges against him. We want you to book him as you'd book any citizen."

The officer said: "Well, we're not going to book him."

The Finns said: "Well, we're sorry, but we made a legal arrest, and we're not going to let him go."

Why didn't the police simply take the handcuffs off Waters and release him?

The Finns say that the police were too smart for that; they would have been subject to a \$5000 fine.

Finally, the police said, reluctantly:

"All right, we'll accept him."

"Just a minute," said Charlie Finn. "I want a receipt for him!"

Nothing Like This Ever Happened

So the Finns released U.S. Attorney Laughlin Waters into the custody of the Los Angeles police. Then the Finns went out with the inspector and Waters and got into Chief Police Parker's car. The Finns in the front—Waters and the inspector in the back.

The Finns thought:

"This is great. Now we're going to the U.S. Commissioner, and he'll listen to our testimony and we'll have Waters arraigned."

But instead of going to the commissioner's office, the police took the Finns and Waters to the L.A. County District Attorney's office. There Ernie Roll, the D.A., put Waters in a back room, and left the inspector to guard the Finns.

The Finns believe that Roll and Waters got in touch with every politician they could find. The chief of the FBI, Deputy Mayor John Erwin, the deputy district attorneys and their assistants held a conference for about two hours in the back room.

The Finns caught occasional glimpses of them running back and forth getting law

books, to find out what is the law on citizen's arrest, anyhow? Nothing like this had ever happened before.

Meanwhile Chief Police Parker asked his own legal department:

"Please find out: one: is a citizen's arrest legal in California? Two: Is a citizen's arrest for a Federal offense legal in California? Three: Is a citizen's arrest of a Federal officer for a Federal offense legal in California?"

A Prisoner Escapes

Chief Parker's legal researchers brought back the answers: Yes—yes—yes—to all three questions. Then Chief Parker asked the Finns:

"Did you request transportation from my men?"

"Yes," the Finns said.

"And did they give it to you?"

"They did," said the Finns.

"Did they drive you where you wanted to go?"

"They did," said the Finns.

"That's all I want to know about this," said Chief Parker, and he left. He was in the clear. His men had obeyed the law. Now it was up to the Federal officials to hold or release Waters. What did they do?

The Finns believe that the Federal marshal and other officials in the District Attorney's office let Mr. Waters escape out the back door. This, the Finns maintain, was a violation of the law.

The Finns point out that the law shows that any person arrested must be brought to justice, unless the complaint against him is withdrawn. The arrested person must be brought before a judge, or a Federal commissioner, who must listen to the charges and determine whether probable cause for arrest exists.

If it does exist, the prisoner goes to the Grand Jury, which decides whether to indict. To release a prisoner without any kind of hearing when a complaint has been sworn against him, constitutes dereliction of duty—a serious crime.

After the officials let Waters escape (technically he was in custody) they started through their law books again and went down the list of crimes to see which one they could nail the



Bearded, emaciated, but still full of fight, the Finns end their 23 day hunger strike.

Finns with. They found a section about impeding, threatening and assaulting a Federal officer. They held the Finns and charged them with this.

The Finns were then taken before U.S. Commissioner Howard B. Calverly, the man they had hoped to see arraigning Waters.

"This action is anarchy of a sort," Calverly told the Finns. "This encourages persons with grievances against public officials to take the law into their own hands and enforce it."

"But the law says any citizen can arrest any other citizen in California," the Finns pointed out. "Why don't you hear our charges against Waters?"

Calverly's answer was to order the Finns thrown in jail on \$10,000 bond, accusing them of assaulting Waters, among other things.

Why was Waters released? Why were the Finns thrown in jail?

In all their researches into California law the Finns have not been able to find any immunity for any government official which exempts him from a citizen's arrest. The only exceptions are the President and the Vice President. Nobody, except the Senate in impeachment proceedings, can arrest them in any State, for any crime.

What the Finns did was follow the law, arrest Waters, charge him with a crime and attempt to bring him before the Commissioner. In good conscience, they believed that all other doors had been closed to them. Whenever they tried to get justice through the courts, they point out that they were denied due process, and that officials arrogantly dismissed them, saying:

"These two screwballs are just looking for publicity."

The Finns believe, and the laws of California provide grounds for their belief, that Laughlin Waters is still a fugitive from justice *today*.

William Kenneally, CBS news analyst, broadcasting over KNX, Los Angeles, May 14, 1954, made this comment:

"Those who are disturbed over the Finn case point out that Waters was released prior to booking or arraignment and the Finns were put on trial for interfering with Waters . . . (this procedure) throws a profound cloud over just what protection a citizen has when he performs a citizen's arrest which is according to California law . . ."

The Finns weren't worried about being charged with assaulting, intimidating and interfering with Waters. A citizen's arrest is legal in California, and they could produce evidence which argued that Waters was holding their plane unlawfully.

The Finns were sure that the Westover decision (which found them not guilty of criminal contempt for flying their plane to Nevada) meant that the government had seized their plane unlawfully. Therefore, they argue, the government had no right to continue to hold their plane.

If they could present the Westover decision in court, making it their Exhibit One, they felt sure they would be acquitted of interfering

with Waters; then Waters could be brought to trial.

But to try the Finns on the criminal charge of assaulting, impeding and interfering with a Federal officer while in performance of his official duty, the government brought in Federal Judge Edward Murphy, whose method of conducting the case struck down the Finn's hopes like a lightning bolt.

Murphy admitted the government's evidence which showed that Judge Westover had once permitted an order recognizing the government's right to the plane and restraining the Finns from touching it. But Murphy refused to admit the Finns' Exhibit One which showed that Judge Westover had subsequently repudiated his own order by handing down a decision which declared that it was reasonable to believe that no such order had ever existed.

The Finns argued:

Westover's decision declared that the government had never legally seized the plane and that therefore the government could not rely on Westover's previous order (which he doubted was an order and which he admitted he made while ignorant of the true facts.)

Officials Can Escape the Law

When Murphy admitted Westover's first order, but refused to admit his subsequent decision which refuted it, the Finns lost their case. The jury was not permitted to hear what the Finns regarded as the keystone of their defense.

But the Finns still hoped the citizen's arrest was on their side. They said that they had not assaulted nor intimidated Waters; they had made a valid arrest under California law. (After Waters saw the picture (See Page 7) of the citizen's arrest, he discreetly dropped the assault charge.)

But Judge Murphy in effect ignored the citizen's arrest law, and told the jury that the Finns had impeded and interfered with a Federal officer in the performance of his official duty.

The Finns answered: (A) Waters wasn't performing any official duty by holding their airplane illegally; and (B) he wasn't performing an official duty when they arrested him;

he was eating lunch.

Murphy refused to admit the evidence which argued in favor of point A. And as for point B, Murphy gave this argument, saying in effect:

I will assume that Waters was not actually performing an official duty at the time you arrested him, on his lunch hour. That is not the point. The point is, that a high government official is on duty all the time, liable to be called in an emergency which would require him to perform some urgent duty. Thus he is assumed to be on duty all the time, even while at home, asleep,—or at lunch.

Then, the Finns asked: Suppose you suspect a high government official of committing a felony—when could you use a citizen's arrest to arrest him?

Murphy's reasoning answered: *never*.

Here we come to a vital philosophical point in the Finn story. If Murphy's reasoning is allowed to stand, then no citizen can ever arrest any high official; all high officials can be presumed to be "on call" doing their duty 24 hours a day—no matter how guilty they might be of felony.

Suppose you suspected that an official had committed a crime. And you swore out a complaint against him. And his fellow officials refused to accept your complaint, brushing you off as a mere screwball seeking publicity. What could you do then? Nothing—if Judge Murphy's reasoning stands.

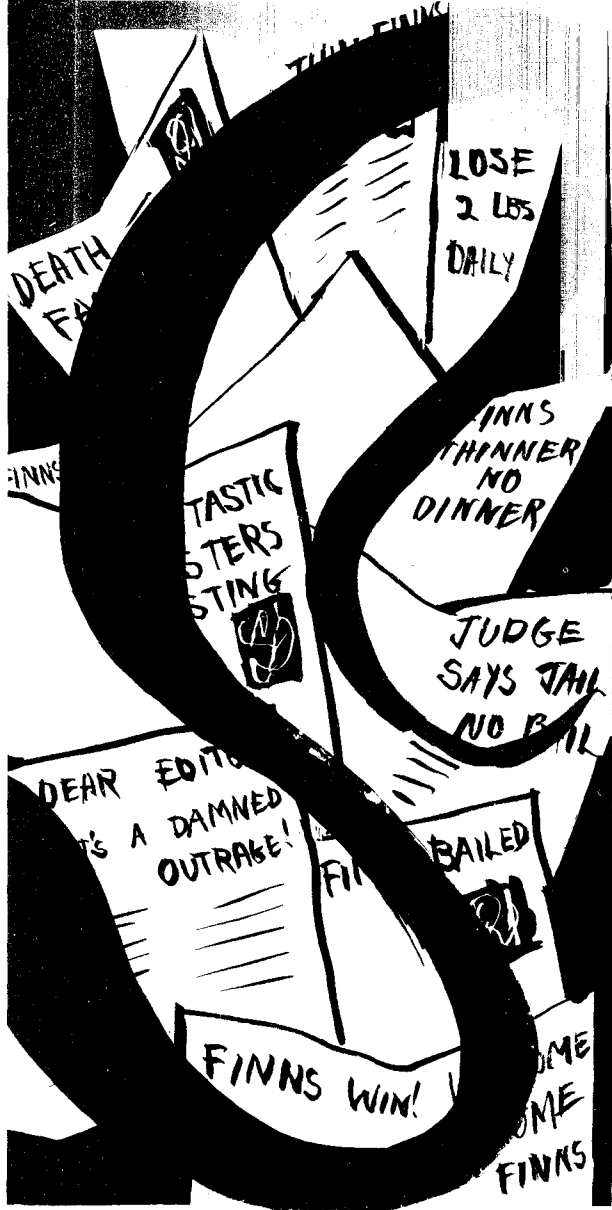
When the jury filed in, the Finns watched them tensely. The jurors refused to look at the Finns. The Finns thought they saw evidence of a fight.

The foreman said: "We find the defendants guilty on both counts."

The press reported that suddenly two women on the jury began openly weeping.

The jury found the Finns guilty of (Count one) interfering with Waters while he was performing his official duty, and (Count two) conspiring to do this. Judge Murphy offered the Finns probation. The Finns refused to accept probation, on what was to them, a point of principle.

"Your honor, if we accept your offer of probation, that might look like a tacit admission



of guilt. We cannot accept it. We do not believe we are guilty of any crime."

Judge Murphy sentenced the Finns to one year in jail, and denied them bail pending appeal of their case. They were promptly jailed. The Finns felt that they had been railroaded. They felt, too, they had been falsely arrested: that they should have been the plaintiffs against Waters, not the defendants. They believed they had but one weapon left.

The Finns now began their first hunger strike. In the following 23 days they nearly starved themselves to death.

The newspapers thought that the Finns were on hunger strike in order to get out of jail on

bail pending appeal. Sure, the Finns would have taken bail, but this wasn't their reason for protesting. They went on hunger strike to protest against the injustice they felt they had received.

The newspapers came to their defense. Los Angeles contains newspapers of many shades of political opinion, rightist, leftist, Republican, Democrat. All defended the Finns.

John Grover, feature writer of the *Mirror-News* told me that at first many reporters looked into the Finn case half believing the rumor that the Finns were only seeking publicity. "But," said Grover, "every reporter who has looked into this case deeply believes that the Finns are right."

The editor of the *Hollywood Citizen-News* wrote this editorial:

"To many people the sentence seems exceedingly severe. The twins were acting in good faith, they had read of the authority which the law apparently gives to citizens to make arrests and they sought to act in accord with the law.

"Only the dignity of the U.S. Attorney was hurt and that for only a few minutes. . . . Officers of the law often make mistakes in arresting persons. They aren't sentenced to jail for one-year terms for sincerely endeavoring to follow the law."

The inference was clear: the Finns received such a severe sentence, not because a citizen's arrest is illegal, but because they used it on a high government official.

As evidence of the contempt high officials show "ordinary" citizens, the Finns point to Judge Murphy's recommendations: Murphy recommended, first, that the Finns be taught a trade.

If Judge Murphy had looked at the Finns' records he would have found that:

Charles Finn has a college degree in psychology, two years of medical school, at McGill University, plus ten years in the Air Force, as a general's personal pilot, and then as a highly decorated bomber pilot holding the rank of captain, with 68 missions to his credit.

George Finn has a college degree in psychology and three and a half years of medical school at McGill, plus eight years in the Air

Force as a flight instructor, experimental and development engineer, assistant project engineer on the ejection seat, and test pilot.

Why would Judge Murphy recommend that the Finns be taught a trade? He is a sober, responsible judge—perhaps he merely forgot to look at their records before sentencing them.

Judge Murphy's second recommendation was even more startling, considering the facts: Murphy recommended that George and Charles Finn receive psychiatric treatment.

What medical facts did Murphy have to go on? For the record, and at the request of the Finns, the Finns' doctor had them examined by two well-known psychiatrists who gave them a clear bill of mental health.

But Judge Murphy recommended psychiatric treatment without even having them examined by court psychiatrists. There was no medical testimony before Judge Murphy to indicate that the Finns were mental cases.

This is not to imply that Judge Murphy was part of any conspiracy trying to "get" the Finns. Let us suppose that everything which happened to the Finns consisted merely of bureaucratic mistakes. The false affidavits to which Marshal David Hayden swore when he unlawfully seized the Finns' plane; Waters' refusal to initial the complaint against Hayden; Calverly's refusal to put a docket number on it; Liela Bulgrin's letter to Hayden saying substantially that she knew that the government did not have lawful possession of the plane; Waters' refusal to permit the Finns to testify against Marshal Hayden—let us say that all these people believed they were right.

Let us assume that all of these officials were motivated by the highest, soberest, most noble purposes. What does it prove? *It proves that the best, most honorable government officials, defending government seizure of property and protecting each other, can permit two men to be crushed to death—by the usual, accepted grinding wheels of government.*

Those most closely connected to the Finn case tend to see it as a conspiracy. . . . Throw the rascals out and put in good men, they say, and this could never happen again.

We don't see it this way. We don't blame Laughlin Waters, everything considered, or

Liela Bulgrin, or Marshal Hayden, that poor man at the bottom of the totem pole. Surely, these are honorable people.

Liela Bulgrin can't be judged too harshly. She graduated from Southern California Law School, skipped private practice and went directly to work for the U.S. Government, getting all her experience under government attorneys, as she testified to Senator Langer. Tom Devlin points out the Finn case was her first criminal case. She can't be blamed for all those mistakes, "clerical" errors, arrests which later had to be dismissed. She was, as she testified, merely protecting the government's interest in the plane, which the government had once sold, but which it now wanted back.

Marshal Hayden can't be blamed. He is a good man, with many, many years experience as a U.S. marshal. His record is good. He is the holder of the Congressional Medal of Honor from the First World War. He knows his job. He knows how to seize private property. He is an honorable man. But he "had his instructions."

Laughlin Waters can't be blamed, considering. . . . He too is an honorable man, and he received a personal recommendation for government employment from Governor Earl Warren, now Chief Justice of the Supreme Court. With distinguished and honorable friends like that, Waters was considered a man of exceptional qualifications for his job.

Furthermore, Waters possesses an exceptionally likeable personality. Close personal friends such as attorney Walter Ely of Los Angeles, say that Waters is a very friendly, amiable, charming fellow, a good host, a family man who is kind to his friends. Perhaps these qualifications weighed with Judge Burns, when Waters' sister, an attorney herself, appeared before Burns and moved that Waters be admitted to the bar. Judge Burns admitted him. Good Christians can't judge him too harshly considering everything.

Considering all factors—Waters' qualifications and his newness to his job—we can understand his willingness to hold the Finns' airplane which had been seized unlawfully, his willingness to send them to prison when they tried the only way they knew to get their plane



Attorney Walter Ely listens to Liela Bulgrin explaining all the arrests to Senator Langer.

back, to defend the false documents his office had manufactured against the Finns, while their hunger strike continued for 23 days, and the prison doctor had said that George and Charles Finn might die.

We don't blame individual government officials. They are honorable men, and they are doing their job, trying to protect the government's interest in taking property.

We aren't primarily concerned with the issue of due process. For the government now has on its books income tax laws which can permit the government to seize all your land, all your personal property, all your salary and income—and by due process.

What primarily concerns us is this: that the wheels of government, when operating normally, can dispense injustice as easily as justice. As long as government is too big, over-extended, as long as we accept the idea that the government should take property away from one man to give it to another, then the government will seize our property—by due process or not.

The Finns fought for principle. But most people regard any man with the courage to put principle above comfort, stand alone, swim against the stream—as a screwball. As long as the ordinary citizen feels this way, the government will continue to get away with murder—due process or not.

So the Finns starved and lost a pound of flesh a day.

Many people who felt that the Finns were getting a "raw deal," now came to the Finns'

support.

A pilot wrote in white smoke in the sky over Los Angeles: "*Help Finns, New Trial.*"

As the Finns grew weaker, support for them grew stronger—and moved to page one:

"*Not a Nibble for the Finns.* The Finns, George and Charles, today completed a week without food, protesting their harassment, through time-tested means, the hunger strike."

For 23 days, the headlines grew bigger, until the Los Angeles papers ran war headlines on their first page.

Los Angeles citizens, now that they thought the Finns were dying, took them to their hearts.

"Bearded Twins Protesting Sentence; Turn Up Noses at County's Tastiest Tidbit."

"Finn Twins' Fund Started Here by Businessman, Floyd Bircham. Chester Avenue businessman is out to help raise \$4000 to see that some little men get a fair deal. The little men are George and Charles Finn in Los Angeles County Jail. \$50 contributed by Bircham is being added to a reported \$1200 already put in the kitty by Pat Lynn, a television actress . . ." [She has since put in much more.]

"First warning to Finn twins—forceable feeding may be in order for George and Charles Finn, if they persist in the hunger strike."

"Fasting Shaves Ten Pounds From Finns."

"Eighth Day, But Finns Still Holding Fast."

Finns Show Effects of Jail Fast

"Fast to Death Pledged by Jailed Finn Twins. Rather than compromise principles, the Finn twins have pledged a fast to death."

"Federal censorship on news regarding the fasting Finn Twins was cracked by the *Examiner* yesterday . . . after the *Examiner's* Washington Bureau demanded of the U.S. Bureau of Prisons that a four-day blackout on news of the Flying Finn twins be ended."

"16th Day. Finns Weaker."

"Attorneys Begin Race with Death."

"Death Watch Set Up As Finn Twins Near Starvation in Hunger Strike. The Superintendent of the Medical Facility said yesterday when told that the Finns appeal for bond was being considered, 'See if you can't expedite

it; they might die by then,' he said, 'both brothers are very weak—dehydrated, their blood has thickened. . . . Charles can't even drink water, without getting severe cramps,' Field stated, 'and George can manage to swallow about a half pint of water a day.'"

"I dreamed last night I was in a cake factory,' George Finn said. 'There was a three-by-five foot cake with frosting four inches thick in front of me. Just as I scooped up a handful of that frosting I woke up. Charles dreams of gigantic cream puffs.'"

"Despite their weakened condition, the brothers attended Mass in the prison chapel."

Then after 23 days:

"FASTING WINS TWINS' PLEA FOR BAIL FREEDOM."

"FINNS EAT TONIGHT."

The Los Angeles Examiner had rounded up three Federal judges who were willing to sit and listen to the Finns' plea for bail, pending appeal. After 23 days the Finns were finally released pending appeal on bail of \$1000 each.

"Bearded and emaciated, but still full of fight, the flying twins ended a 23-day hunger strike tonight. Small glasses of milk broke the Finns' fast at La Brea hospital."

When free, Charles weighed only 112 of his original 138 pounds; George tipped the scale at 111, down from 135.

George Finn's first words were:

"God bless the free press. If it hadn't been for the press we couldn't have made it. . . . This isn't just for the Finns," George said. "This is for everybody, everywhere."

* * *

Then came the best piece of news for the Finns throughout their whole story.

Federal Judge William Mathes tried the civil suit which the government had brought against the Finns for \$198,000 and their plane.

Mathes differed from Murphy.

He admitted the Westover decision as evidence. After a month of study, Judge Mathes ruled that the airplane belonged to the Finns.

Mathes ruled that the plane had always belonged to the Finns, that the government had unlawfully seized the Finns' plane, that the government must either return the plane or pay the Finns \$50,000 cash, and either way,

pay \$15 per day rental fee for every day the government had illegally held the plane.

"We don't want the \$50,000," the Finns sighed gratefully: "We just want our airplane back."

It looked as if the Finns had finally won.

Threw Them in The Insane Ward

I wish I could end the story here, saying that that the Finns now have their plane plus enough rental fees to go into business and make up for all those lost years. But I can't.

Shortly after the good news of their victory in the civil suit, came bad news on the criminal case: the Appellate court turned down the Finns' appeal of their criminal conviction for interfering with Waters. The U.S. Supreme Court refused to hear their case.

When the news came, several Federal marshals rushed the Finns to the Federal Medical Facility at Springfield, Missouri. The Finns were thrown into the insane ward.

The Finns wrote a letter to one of their sympathizers, Los Angeles Municipal Judge Charles M. McCoy:

"With a criminal record, life holds no honorable future for us."

With nothing to look forward to but a year in an insane ward, the Finns decided, "We will go out of this prison—either with our Constitutional rights restored, or in a box."

Thus, they began another hunger strike. When this hunger strike lasted longer than the first one, running over 23 days, thousands of people in California wrote letters to President Eisenhower asking him to review the case. The President wrote back that the Justice Department had already reviewed it and that the Finns were in the wrong.

Rebuffed by the President, the Finns' unknown friends, now numbering in the thousands, began to write letters to the newspapers. The editor of *The Los Angeles Examiner* sat down and wrote this editorial, April 29, 1955:

"The Finns [made their citizen's arrest] in the belief that the government was wrongfully holding their property, and thus they sought to force a hearing of their cause.

"One Federal court later ruled that the twins



were right, and [ordered the return] of the r property plus substantial compensation.

"But another court sentenced the twins to prison for their arrest of the U.S. Attorney.

"If one court ruled the Finns were right in contending that the government illegally held their property, then they surely were committing no heinous crime in making a citizen's arrest of a government official for the illegal act.

"There is widespread suspicion among the public that it smacks of judicial revenge to send the Finns to prison for ruffling the dignity, or composure, of a Federal official.

"Doubts over the administration of justice are more damaging than any temporary damage to the self-esteem of any official."

The Finns hunger strike continued; three weeks, one month, 35 days, in the insane ward where Judge Murphy put them.

The government asked the public to respect the Murphy decision which sent the Finns to prison. But the government did not want the public to respect Federal Judge Westover's decision which declared, in effect, that the government was holding the plane unlawfully—prefers that you not respect Federal Judge Mathes decision which ordered the government to give the plane back to the Finns.

In their appeal, the government used Harry Truman's steel seizure argument: that it has an *inherent power* to seize property.

Note to lawyers: The Bill of Rights forbids any seizure without just compensation. Shephard's Citations shows that the Finn case is the first case on record where the government

has used a Claim and Delivery seizure in a civil case. There is no law (yet) by which the government can seize property where there has been no crime committed.

After the Finns had been on hunger strike for 35 days, Judge Murphy wrote this now-famous refusal to vacate their sentence:

"Of course it would be an easy thing to fall prey to the idiocy of the moment and give regard to the public clamor that seems to have gripped a segment of the people . . .

"The Finns' offense is not against the person of the United States Attorney as an individual. These defendants' actions are an affront to, and an attack upon the whole body politic, the United States as a whole . . ."

The editor of *The Los Angeles Examiner* picked up Judge Murphy on his phrase "idiocy of the moment" and wrote an editorial called: *Momentary Idiots.*

"The momentary idiots who differ with Judge Murphy feel that the government was wrong in seizing the Finns' private property.

"Two Federal judges have so held."

The editorial listed among those whom Murphy called momentary idiots: Senators Kuchel of California and Bricker of Ohio, as well as most of the congressmen from California and Joseph Scott, famed G.O.P. leader.

Judge Murphy, in his dismissal of the Finns' motion to vacate, introduced the European concept of treason when he said: "The offense is not against the person of the U.S. Attorney as an individual, (but) an attack upon the whole body politic, the United States as a whole . . ."

In Germany and Russia, they speak of "crimes against the people." Judge Murphy used the words: "a crime against the whole body politic." The concept is no longer confined to Russia and Germany.

After the Finns had starved themselves for 35 days, Senator Langer appeared at the insane ward, demanding to see them.

He said he would ask the Senate to investigate the Finns' charges.

With this promise, the Finns ended their hunger strike. They said: "We regard Senator Langer's arrival as a promise that our Constitutional rights will be restored."

Meanwhile Joseph Scott, famed attorney who nominated Herbert Hoover for President, and widely known Catholic lay leader on the West Coast, wrote a letter to the Warden, telling him he was coming to see the Finns.

The Warden wrote back telling Scott he wouldn't be allowed to see them.

Scott went to Washington and raised Cain.

The Finns found out things had changed in this way: The guards originally had been force feeding the Finns. They tied the Finns to their beds, stuffed rubber hoses down their noses and blew malt into their stomachs.

After Senator Langer's arrival, and Joe Scott's Cain raising, the big bruisers on the force feeding squad became very polite.

"What would you like for your dessert?"

"Ice cream," the Finns said.

"We have strawberry and vanilla. Which would you prefer?"

"Chocolate," the Finns said, and they got it.

How It Stands Now

After a fight, Attorney Joseph Scott succeeded in getting the Finns paroled. They returned to Los Angeles and the newspapers treated them as if they were visiting royalty. Every paper in town used banner headlines:

"FINNS FREE, IN LA TODAY."

The Finns signed their parole papers, under protest, pointing out to the parole officials that if they accepted parole that would be the same as admitting guilt. So they refused to accept any of the conditions of parole.

In October of 1955 Senator Langer held a Senate Subcommittee hearing in Los Angeles, inquiring into whether the Finns' rights are being violated. Langer was afraid to make public most of the Finns' photostats and records, which were admitted only in executive session.

For some reason the Subcommittee had chosen for its chief counsel (the man who asks the questions) Los Angeles attorney Walter Ely, who is a friend of Laughlin Waters.

Most of the public hearings were taken up by wrangling. Lawyer Ely wanted to keep out most of the Finns' documents.

Ely studied the documents overnight. The next morning, asked if he intended to admit

them, Ely said:

"They're all irrelevant." Senator Langer disagreed with Ely.

During one of the disagreements between Senator Langer and Ely, Ely said: "I am serving this subcommittee without pay because I owe it to my country." Said Senator Langer with a smile: "And you're worth every cent we're paying you."

The Senator promised the Finns to hold a full-dress hearing in Washington. Asked if they would come back and testify, the Finns said: "We're ready to go today, Senator."

Whether Senator Langer will be able to persuade the other members of the subcommittee on constitutional rights to hold any further Finn hearings is a moot point. Committee Chairman is Thomas C. Hennings.

Even if the Finns get their airplane back, at least one vital question will still bother libertarians: Should high officials be allowed to hold themselves above the law by declaring themselves immune from citizen's arrests?

Suppose a U.S. Attorney, or other high official, had lost his temper, pulled out a gun and shot some one. Suppose you arrested him. Legally, a citizen's arrest is just as binding, final and official as an officer's arrest.

If Waters is never brought to justice on the Finns' felony complaint, the precedent will permit federal officials to hold themselves above state law, no matter what the crime.

As things stand now, the Finns are out on parole. The government is still holding their airplane unlawfully, pending appeal. The government has had the appeal put off.

The Finns now live at the home of Teresa Adams, who has not charged them a cent of rent for two years. They are manufacturing and selling candelabra as a means of earning stop-gap money.

Occasionally total strangers send them money. Recently the Finns got off an elevator in a downtown office building. A stranger asked them: "Are you the Finns?"

"Yes," they said.

"Boys," he said, "you're fighting my battle, too. Here!" He pressed \$30 into their hands.

"Wait a minute!" said the Finns. But the stranger was gone.

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PAUSE FOR REFLECTION

JAMES C. INGEBRETSEN

When Herbert Hoover appeared recently on *Meet the Press*, Lawrence Spivak asked him: "Mr. Hoover, if Congress accepted only one of the Hoover Commission's 19 recommendations and you had to choose just one, which one would you want Congress to act upon?"

Mr. Hoover answered: "... the investigation of the Surplus Property Administration."

Like Mr. Hoover, the Finn twins also believe that this investigation should come first.

Having bought a surplus war plane for a price determined in subsequent legal proceedings to have been higher than its fair market value, the Finns suddenly found themselves in a wild series of adventures, not yet ended.

One Federal judge has found that the plane was legally sold to the Finns and has rightfully been theirs during the whole struggle. This the government has now appealed.

Of all the imaginative, and, to a lawyer like myself, often unorthodox, means conceived of by the Finns in their courageous efforts to preserve their rights, only one, has been found illegal. What the Finns called a citizen's arrest, Federal Judge Murphy called interfering with a federal official.

They are still appealing their conviction. The right of a citizen when he knows a crime has been committed to make an arrest is in every respect as binding as an arrest made by an officer, and California law makes no exemption in favor of Federal or other officials. The Finns further believe that a case can be made against those officials who ignored their citizen's arrest, holding themselves above the law.

But whatever the legal outcome of the case, the strictly legal side of it can only be of passing interest to us. The story, as concluded by Thad Ashby in this issue, seemed significant to us because, whatever the outcome, it raises in an exciting and thrilling fashion fundamental questions of life, property, citizens' checks on government, which can only be

answered in terms of deep philosophical and spiritual convictions.

Some of these questions lie hidden deep beneath the surface and have formed the basis of challenging discussions among us. From my point of view, the most vital questions concern the extent to which a man should resist evil, the extent to which a man should fight, resisting with his life if necessary, to protect his rights, family, property against aggression.

In this case the Finns had bought the plane without putting much money of their own into it; they could have got out of it with small loss. But the Finns believe today that even if they had known at the time all that was to befall them, they would still have felt that moral and Constitutional principles were at stake—rather than their own convenience. They felt they had to account to God and to stand up for what they believed to be right, regardless of the cost.

This story of the Finn twins has been part of a series, each dealing with vastly different personalities. There was the story of Charlie Hawkins who defied the "Fair Trade" laws which told him how much he could charge for items he sold in his store. The story of Ellis Poole showed the personal tragedy of a man involved in a conflict with a labor union. *Portrait of Patric* showed what it takes to lead a life entirely independent of government subsidies. The *Lucille Miller Story* showed how the draft law suppresses free speech by forbidding anyone to speak against it. *Mary Turner's Classroom* told how one mother was forced to live in the wilderness because she refused to send her children to public school. The Finn twins story shows how high public officials can hold themselves above the law. In our April issue we plan to tell the story of Governor Bracken Lee of Utah who is refusing to pay his income tax.

A common thread runs through all these stories. The heroes and heroines of each have

shown great personal courage, even a willingness to risk going to jail, or to die.

We find it easier to be more sympathetic to some than to others, but in all stories we were stirred by principles for which they fought.

It is becoming increasingly difficult to find fighters for liberty who base their stand on consistent principles. Instead of looking for them, it may be more important for us to reason out the principles, to define and manifest an inspiring religion, to achieve, and to set an example of positive love, than to fight the negative battle of resisting government.

Suppose a man devoted his whole life to fighting evil—would he find time to save his own soul, to develop spiritually to his highest capacity? How much time should you spend fighting evil, and how much should you spend setting your own soul straight? That is the question Leonard Read explored in *Tidings from the Lord (Faith and Freedom, October, 1955)*. Perhaps each man should spend more time preparing himself to set a good example, which will inspire others to be like him. Can you help us answer this question?

The AFL-CIO merger is now an accomplished fact. Editorial writers have produced thousands of words of comment upon what they conceive to be its implications. Here are several thoughts which I have not seen expressed elsewhere.

In his address to the convention which climaxed the merging of the two big labor organizations, Governor Harriman of New York, according to news accounts, said, "...we must always make clear to everyone in the world that self determination of nations is the basic principle of our foreign policy everywhere in the free world." Certainly this is sound.

But Governor Harriman did *not* go on and say, as I would have wished, that "self determination of individuals ought also to be the basic principle of our domestic policy everywhere in America, subject only to the limitation of no aggression against others."

Unhappily, most present-day labor leaders

seem to believe the basic principle of our domestic policy should be legalized compulsory union membership with aggression against anyone who stands in their way.

In neither Governor Harriman's speech nor Secretary of Labor Mitchell's address (same meeting, same day) was there a single word to indicate that either of them believes a workingman in America has a basic right to be a free man un beholden to any organization—labor union or anything else—except through his own free choice. If self determination is right for nations, why is it wrong for individuals within our nation?

Log Cabins Lack Morals?

Adlai Stevenson, addressing the merger convention, reportedly said:

"A full dinner pail is a necessity. But Americans have never lived by bread alone. We have lived by ideals and by moral values. And in your new constitution, you list among your goals the 'strengthening and extension of our way of life' and increasing the 'dignity of the human individual.'

"What do these phrases really mean?"

Mr. Stevenson answered this question by saying, in effect, that they mean public housing, Federal aid to education, socialized medicine and expanded social security.

However worthy, these objectives are not "ideals and moral values" in a spiritual sense but are purely materialistic.


Does government housing have "moral values" that "ramshackle country shacks" lack? The "open front" log cabin in which Abraham Lincoln spent part of his boyhood was certainly an "unfit" place to rear a child.

But the people who lived in that cabin had ideals which "security bred" modern housing dwellers don't have.

This concerns me deeply. Have we arrived at the place where "our way of life" and the "dignity of the common individual" are definable in terms of merely material things? If we have, then I do not see anything standing between us and a complete program of Marxism. Is materialism our destiny—or is there still, as Lincoln maintained, a mission "under God" for America?

scribbling on the margin

by Gerald Heard



I believe that few subjects will fill more pages in future history books than "Missions." Of course, most historians, today, wouldn't agree. But look at the new turn the study of History has taken.

Stepping only as far back as the 18th century, we find Gibbon remarking: "History is a catalogue of the crimes, the follies and the misfortunes of mankind." This slant is what Green, the late 19th century British historian, calls "drum and trumpet history."

But later historians concluded that wars didn't decide things after all. Buckle and the economic historians turned from militarism to money—declared it was the bigger bank balances that tipped the scales of fortune.

Today we come to a third explanation of history—the psychological. We now know that it is ideas alone which can alter man's story. And, of course, that means that missions matter more than militias, more than machines.

Consider Christianity, Buddhism and Islam—all active "missionary" faiths. Some of Islam's victories were won by the sword, true, but even these were held secure largely by the power of a faith that believed what it preached.

From the study of this kind of history we will come to recognize that missions make more difference to mankind than any other human activity. And so it seems sufficiently worthwhile to ask ourselves at this point, "what is the future of the mission?"

In the first decade of this century, when I was at my University, those who went into the ministry divided themselves into three levels of I.Q. The top layer stayed on at the University, became pensioned specialists who spent their comfortable lives feeding out research data to class two.

Class two was but moderately intelligent and worked in the home field. They were provided parishes and "livings."

The third level, the lowest I.Q.s, went forth

as missionaries—chiefly to China and Africa. The simpler the mind, the stronger the faith.

At that time, I talked with a devoted clergyman, just returned to England, after 17 years in China. He had managed to preserve a sense of that humor, which is, so often, the "assay" mark of true humility and the raw material of holiness.

He told me: "At the very last service I preached, the Mandarin of the province came to hear me, and bid me farewell. As we left the church together, he took my hand and said: 'A truly remarkable performance. Time and again, I nearly understood you.'"

Missions entered into their second phase when the medical missions began to multiply. Of course, your power to ease the body should argue for your claim to save the soul. But it soon became evident that medicine reacted, not only on the preached-to, but also on the preachers. In order to preserve his own health, the missionary began to observe himself.

Rocks Rumble Down

An autobiographical classic of this period, now neglected, was *Thinking Black*, published about 1910. Its missionary author for years endured complete isolation in Central Africa—surrounded by negroes, no white company whatsoever. It never occurred to him to question either civilized religion or civilized science—at least for the first few years. Then he noticed a change. Religion stood firm, but science grew shadowy. The rock that came rumbling down the hill-trail—was that natural and automatic? Or was it purposive, supernatural?

His mind gradually began to share the black man's "animism." He was losing his scientific convictions—that simple automatic laws rule all natural phenomena. This, of course, bridged the gap between him and his negro companions.

Now he could understand their souls and help them to a higher animism.

Bridges between minds carry two-way traffic. But sometimes the traffic is thicker on one side. Now a missionary to Africa usually had more to give than to get. However, a missionary in China had nothing like the same ascendancy in spiritual commerce.

A Cabin Boy Bolted

China could counter question with question, and often did with telling effect. Take Dwight Goddard, who went to convert the Chinese. Naturally, he wanted to understand their point of view on spiritual matters and took to studying the Buddhist texts. He ended up by editing a book called "The Buddhist Bible," a collection of Buddhist scriptures which he came to believe we needed quite as much as the Mongols needed Moses.

Stepping from the days of these early medical missionaries into our own world today, we find medicine becoming increasingly psychosomatic. The medical missionary grew out of the man whose convictions were stronger than his reasons. Now, he, in turn, is growing into the missionary psychiatrist.

This has increased, not only his understanding of his alien audiences, but also his power to appeal to them. At the same time, it makes him more open to their objections to his appeals. To communicate, you must listen.

Shortly after I came across *Thinking Black*, I read another autobiography that was quite a contrast—the story of Father Tyrrell, the modernist Jesuit.

Father Tyrrell died struggling to get the Roman Church to accept its dogmas as psychological symbols, rather than historical facts—a most un-anthropological approach. Naturally he failed.

Father Tyrrell had about as much chance of success as a cabin boy on board an ocean liner, trying to reverse the ship's direction by running toward its stern. His hopes of altering the course of an institution with two thousand years of momentum behind it were vain. But he does make a conjecture about the future of religion as a whole that seems increasingly possible, and certainly encouraging.

Speculating on a church which is capable of diagnostically distinguishing between eter-

nal essentials and temporary peculiarities, he wonders how that church would regard fellow faiths. And he comes to the conclusion that we shall attempt to proselytise, less and less. He surmises we shall influence other communions to come to a higher standard of community by the quality of the life that our own religion not only advocates for others, but inculcates in ourselves.

Thus I think that missions are not at the end of their history, but rather at the beginning of another inevitable phase. And this new beginning, it seems to me, is due to two present day forces—one negative, the other positive.

First—the non-Christian world does not want Christianity to try to sell it Utopian materialism. Indeed if any of the Asiatics and African groups still believe that the West holds the secret of an earthly paradise simply because it is so rich, then they will try to buy the formula from an avowed materialist, not a Christian.

Secondly: when and as Asia and Africa reach the psychological crisis that we have reached, they will need the help of those who have gone through it and come out on the top.

Jungle Drums Boom Strong

Once in South Africa, Dr. Loran, Commissioner of the Bantus, told me a most interesting thing. It seems that the telepathic powers and practices of native "witch doctors" were so sure-fire and reliable that the Catholics of the vicinity consulted them to find out what was going on hundreds of miles away in Cape-town. Dr. Loran felt, and surely he was right, that a religion which wishes to proselytise the negroes by teaching its own supernaturalism, was immensely weakening its argument by leading the "blacks" to believe that the "white" religion had lesser powers than their own Christian religion did.

All mankind is entering the psychological epoch. And if our own religion can produce real and intense spirituality in modern terms, as it has in earlier times, there will be a demand as never before for the modern missionary. He will not make converts with the sword, nor with the pen; but by example. ≡≡

ALONG PENNSYLVANIA AVENUE

AUBREY HERBERT

Depressions are a thing of the past . . . the old boom-and-bust cycle is as dead as the dodo . . . the future faces us chock-full of permanent prosperity. That's what everyone is saying today.

The bitter blight of depression disappears from the horizon? What is changed? From Left to Right, the chorus answers: "nowadays things work differently." Economists have developed the "tools" to tame the business cycle.

The "tools"—a homely metaphor of workshop and factory, that's a favorite with the economists. President of the Council of Economic Advisers, Dr. Arthur F. Burns, fondly compares economy with carpentry. And few realize that Dr. Burns' lumber is the American people, and his "tools" just a policeman's club and handcuffs, when stripped of their fancy packaging.

Depression cures don't come easily; the economy must be planned carefully. The economic planner must be always on the alert, ready to turn on a little steam here, to apply the brakes there.

But the life of the planner is busy and rewarding, too. In the lower ranks, armies of statisticians gather the data and route it to Washington. On the upper levels, Dr. Burns and Dr. Hauge, top economic solons, confer with the President first thing on Monday morning, and plot the nation's course.

Just what kind of magical weapons do these economists forge? They doctor interest rates, expand public works (roads, schools, etc.), widen unemployment insurance, encourage unions to demand wage increases, continue high taxes, and offer new creations such as Dr. Burns' "domestic Point 4 program" for depressed areas. Both Left and Right Wing sing hosannas for this last program—from Miss Sylvia Porter (financial writer for the left-wing *New York Post*), to Murray Shields (corporation economist and director of Burns' National Bureau of Economic Research), to the conser-

vative *U.S. News and World Report*.

Libertarians, like most people, are often unfamiliar with economics, and helpless in the face of this barrage. They may protest that all these economic tools set government dictation over the individual. But they fail to convince the host of citizens, who prefer a so-called "sound" economy to the blessings of liberty.

But the libertarian should rest easy. The great portion of the "economics" served up today is not scientific economics at all—only apologetics for statism, all dressed up in gobbledegook. Look closely at the "anti-depression remedies" offered. All add up to fancy schemes for government spending via inflation of the currency.

Inflation means an economic jag when we all delude ourselves that we are getting prosperous. The analogy—a system where one group may counterfeit to their heart's content.

Naturally, the "counterfeiters" spend the new money, and if the injections are large enough, the new money circulates throughout the economy; it raises prices and incomes. Everyone feels prosperous then. But the only ones who really benefit are the "counterfeiters" and the early receivers of the counterfeit money. They benefit at the expense of the late receivers—the "fixed income" groups: teachers, ministers and pensioners.

Thus inflation is simply legalized counterfeiting, performed by the government and its virtually nationalized banking system. Inflation takes income from the unorganized and gives it to the favored.

Inflation has another fatal result: when pumped into new business loans, it causes a later depression. How? It affects the rate of interest—that vital area of the free market understood by few, and manipulated by government. In a free economy, the rate of interest reflects the proportion people want to spend on consumption now, compared to how much they want to invest in producing goods

for consumption later. As people's "time preference" for the present over the future lowers, the more they save and invest in plant and equipment, and the less they consume at present. Finally the rate of interest drops, because the interest rate expresses the people's time preference.

The interest rate, therefore, serves as a signal to businessmen; it tells them how much savings is available for investment in plant and machinery.

No Brake! Look Out

Inflation tampers with the signal, and tragedy results. Inflation lowers the interest rate below the free-market level; it makes businessmen think that more savings are available than are. Then, when the counterfeit money leaves the arena of business credit and spreads through the economy, the old consumption-investment proportion re-appears.

Businessmen are lured by the flood of cheap credit. They invest in countless projects that are really unprofitable and unjustified. When the credit inflation stops, depression occurs. Then business and the people wake up. They find that their investments were wrong, that they had best liquidate the unsound projects and salvage what they can. The depression is actually this painful, but necessary adjustment period that follows the inflationary credit boom. Finally, unemployment results when unions prevent wages from adjusting to the new conditions.

Thus we see that depressions are the consequence of credit inflation. Inflation, in turn, is generated by the government. If the government tries to bolster shaky firms or step up consumer spending in a depression, it only prolongs the distress—as in the 1929-39 period. The distress requires unhampered adjustment and increased savings for relief.

So depressions begin when the credit inflation ends. And the bigger the inflation, the longer the depression. The new "tools" simply try to stave off depression by prolonging inflation indefinitely. Hardly new, modern, or magical! All this was known for years. But when we were on the gold standard, we had a brake on governmental inflation, which had to stop

when gold reserves were low.

Now the brake is off, and the sky's the limit. Are the economists right? Are depressions avoidable? For a time, sure, but only at the terrible price of something much worse—runaway inflation. Runaway inflation takes place when the people finally realize that the government means to inflate permanently. Thus begins the "flight from the dollar"—into stocks, real estate, gold, anything! In the final stages, people stop working and spend their time in a frenzy to get rid of their money as fast as possible.

Runaway inflation not only brings unemployment, it also wipes out the middle classes, washes away savings, kills the currency. Runaway inflation paved the way for Hitler in the 1920's, and did more to ruin Chiang-Kai-shek's regime than all the Red agitators.

Our planners know this; they only inflate a "little bit" each year, just a few billion dollars. This only postpones the day of the runaway.

Of course, the planners are always warning us about inflation, too. They don't criticize the government increase of money supply. Not a word about that. But they do attack the public for spending the new counterfeit dollars the government pumped in. So more "tools" of government spending and dictation are forged. The planners impose high taxes to "sop up excess purchasing power," put restrictions on real estate credit, installment purchases, the stock exchange—anything and anyone except the government itself.

"It's a Hold-Up"

Picture what your reaction would be if a group of counterfeiters printed new money, spent it, and then denounced the general public for causing inflation by spending too much! Picture your reaction if the gang used this as a reason for confiscating more of the public's money, and forced the people at gunpoint to spend their money in the ways the counterfeiters think best. But let's strip the present situation of the legalisms and the glitter, and ask ourselves: What's the difference?

The answer is plain: one is authorized by law. But that's the only difference; the results are the same.

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The future cannot be taken for granted. At various points in history people have taken it for granted, to their sorrow and sometimes, to the destruction of their civilization itself.

Those of us who have been trying to arouse sentiment for saving Freedom under God and our voluntaristic society have, as our most formidable foe and our greatest difficulty, inertia. A year ago, I asked a man to contribute to a temperance organization. He refused to make a donation.

Recently, he inquired how we were getting along. His interest is now real because he has a son who has become a drunkard.

Any Suggestions?

When problems are coming up the highway, they do not seem to interest or challenge—but when they turn in at our own front gate, everything is different.

I wish someone who reads this page would come forth with a suggestion—or several—as to how the problem of diminishing freedom can be dramatized or emphasized so as to actually capture the attention and dynamic interest of the clergy who read *Faith and Freedom*, and others to whom they would then pass it on.

We're Losing Ground

Without any mandate from the people and, we are told, within the framework of our Constitution, our political structure and our whole pattern of life are being changed. Without any vote of the electorate, many of the principles for which our Founding Fathers resolutely stood are being destroyed or discarded. Without any widespread awareness, concern, or opposition, the genius of America is being sacrificed. There appear to be a few new voices raised in protest.

There is a glorious fellowship among those who wage this fight. But we are still losing ground. Who has a suggestion as to how the day can be won and the trends reversed?

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