

UNDER FALSE COLOURS

*A report
on the character
of the
International Association
of Democratic Lawyers*

INTERNATIONAL COMMISSION OF JURISTS
THE HAGUE

Introduction

In publishing the present study on the history and character of a lawyers' organization, whose activities all too frequently do not correspond to its avowed aims, the International Commission deviates somewhat from its normal sphere of activity.

The Commission undertakes to defend the fundamental rights and freedoms of the individual and directs its activity against systems of law which violate those rights and freedoms. The International Association of Democratic Lawyers does not, strictly speaking, violate those freedoms. On the contrary, it sets itself up as the guardian and defender of the principles which the Commission supports.

This has resulted in some confusion.

For in essence the International Association of Democratic Lawyers and its subsidiaries proceed from a principle which is diametrically opposed to those which form the basis of the Commission's work. Although it is careful not to pronounce itself openly on the subject, the International Association of Democratic Lawyers defends and supports the principles of Soviet-Communism.

While speaking of freedom, the IADL propagates in fact legal theories which lead to the enslaving of law. Neither does the IADL confine itself to the field of law: in the name of law it concerns itself with politics.

It is for these reasons that the International Association of Democratic Lawyers sails under false colours. The Offices of the Commission have often received requests for information concerning the relationship between the Commission and the IADL. Sometimes the activities of the International Association of Democratic Lawyers have been confused with the activities of the International Commission. The Commission considers it desirable to put an end to this confusion.

The Commission firmly believes in the freedom of expression and raises no objections to the activity of the International Association of Democratic Lawyers.

The Commission does object, however, to the fact that the IADL pursues aims which it does not honestly and openly manifest. The Commission was therefore of the opinion that the study below would have a clarifying effect.

The Commission's deviation from its main tasks, by the publication of this pamphlet on the IADL, is only incidental.

The International Commission of Jurists returns to its task: the actual defence of the true banner of freedom and the fight for the Rule of Law.

A. J. M. v a n D a l

October 1955.

The International Association of Democratic Lawyers (IADL)

It is difficult indeed to piece together fragmentary information available on the International Association of Democratic Lawyers (IADL) in the last couple of years. The meetings of its executive bodies take place these days without the slightest ripple of publicity. Even the press of the satellite countries, which have been hosts to IADL sessions ever since 1949, does not pay them any more attention. Hardly do we know that Warsaw was the locale of the last meeting scheduled for the end of August 1955. And yet, seven short years ago, the Congresses, resolutions and publications of the IADL made news even in the Western press, while nine years ago the birth of the Association was greeted with high expectations and confident hopes by the most prominent lawyers and juridical reviews of the free world!

It is certainly interesting that this organization — originated in Paris and claiming world-wide membership — had to gather since 1949 exclusively in cities of the Communist orbit: Budapest, Warsaw, Berlin, Prague, Leipzig. Though the IADL's headquarters are still in Western Europe — in Brussels —, the governments of free countries take a dim view of its activities. It is no accident that the British (1948), French (1949), Danish (1953 and 1954), and Italian (1955) authorities felt compelled to refuse entry visas to various members of the Association's Council and that the Paris Government prohibited in 1950 further existence of the Secretariat General on French soil.

How did it happen that an organization, which was, at its inception, assured of a warm non-partisan support of prominent jurists throughout the world, degenerated into an instrument of international politics, devoid of juridical responsibility and disregarding the ethical code of the legal profession? What lawyers are they who accept at face value the claims and

protestations of one side while condemning without proof and proper examination of facts the motives and actions of the other?

The establishment of the International Association of Democratic Lawyers was applauded in 1946 by jurists horrified by their experience with genocide and general lawlessness practiced by the Axis regimes prior to and during the Second World War. To prevent once and for all such abuses of usurped power, to enact and to enforce an International Penal Code, to punish criminals whose plotting disturbs peace and incites national and racial hatred — these were the postulates which brought together communists and non-communists alike and enabled them to find a common language at a time when a “front organization” was still a little known definition from the all but forgotten textbook of international communist techniques.

Had the democratic lawyers, who subscribed to the lofty ideals of the IADL's Declaration of Aims, spent some time probing the basic communist approach to the legal profession and — more specifically — to its international organizations, they would have probably questioned the wisdom of entrusting the positions of General Secretaries to the French Communist Joe Nordmann and to the American left extremist Martin Popper, then Executive Secretary of the National Lawyers Guild. As it turned out, the control of these key positions sufficed to isolate and eventually remove the distinguished French first President of the IADL, Professor René Cassin, Vice President of the Conseil d'Etat, and to transform the organization gradually into a mouthpiece of official Soviet propaganda. ¹

¹ Professor Cassin resigned in 1949 in protest against the IADL's practical amalgamation with the openly Communist-sponsored World Peace Movement. His successor became the fellow-traveling British Socialist Dennis Nowell Pritt. Communists had ever since a firm control of the IADL executive: at present, out of six Vice-Presidents, three are from the Soviet orbit and one (Umberto Terracini of Italy) is a former member of the Presidium of the Third Internationale. One of the four Assistant Secretaries (Mme Hilde Neumann of East Germany) is a former Secretary of the International Juridical Association, an affiliate of MOPR.

An international organization of lawyers controlled by Communists and hueing the strict party line is not a new post-war phenomenon. Here again, a closer study of past events would have helped to put many seemingly innocuous items into proper focus. An indiscreet remark of the late veteran Czechoslovak lawyer, Dr. Theodor Bartosek (1877—1954), was in itself revealing enough: While addressing the Third IADL Congress in Prague in September 1948, Dr. Bartosek reminisced about "the first meeting of (this) association . . . held in Moscow in 1927".² This inadvertent reference connected the IADL directly with the Third Communist Internationale, the infamous Soviet tool of infiltration and subversion which operated from 1925 through its militant subsidiary MOPR (International Organization for Aid to the Fighters of the Revolution, also called International Red Aid), an International Association of Red Jurists (also called Democratic Jurists). This Association convened in Moscow, 13-14 November 1927, the above-mentioned "International Conference of Lawyers-Workers of MOPR",³ and was attended among others by Dr. Bartosek.⁴ His identification of MOPR activities with the purportedly democratic IADL represents a startling admission from an aging veteran unable to differentiate among the many subtle stages of the international communist movement.

It is certainly difficult for a faithful Party member to conceive of an organization of lawyers as a scientific society lacking immediate "activist" tasks. What other purpose can a lawyer in a Communist country serve except to be a militant

² *Lidove Noviny*, Prague, 7 September 1948.

³ A complete report on the conference appeared under the title "International Juridical Conference of MOPR" in *Revolutssia Prava*, published by the Communist Academy, Section of the Theory of Law and Government, No. 1, 1928, pp. 134—139.

⁴ Dr. Bartosek's obituary in *Pravnik*, Prague, October 1954, pp. 538—539, recalls his activities which evidently qualified him for a prominent role in the Czechoslovak section of the IADL: "He was the member of the first delegation that visited Moscow and Leningrad in 1925. He went later repeatedly to the USSR on invitations of the Congresses of MOPR and of the Association of Democratic Jurists, where he reported."

agitator-propagandist? The "apolitical", "objective" jurists, as evolved by centuries of Western legal tradition and training, got the following rating from Lenin:

"Lawyers should be strictly restrained. They should be constantly watched, for this intelligent scum is dangerous."⁵

The Soviet jurist — a basically new product of the Socialist State — acquired his present position of acceptability in the community only after he was painfully developed into an unerring executor of government policies:

"The law of the Soviet State is a political directive and a judge's work is not to apply the law according to the requirements of bourgeois legal logic, but to execute the law unwaveringly as an expression of the policy of the Party and of the Government . . . We openly require our judges to carry out the policy of the proletarian dictatorship . . ."⁶

To encourage and patronize an international organization of lawyers, which would not at least strive to promote such principles, would be obviously suicidal for a communist lawyer. The Soviet and satellite representatives put into control of the IADL could hardly be expected to endorse Professor Cassin's compromising approach:

"It is necessary . . . to stage periodical exchanges of ideas between men and women who are, the one, Marxists, the other, democrats without adjectives, but all devoted to one common ideal of peace based on human dignity."⁷

The missionary zeal of Mr. Pritt is more to their liking:

"We can win over the masses for the camp of friends

⁵ Vladimir I. Lenin, *Collected Works*, Vol. 8, pp. 50—51.

⁶ A. Y. Vyshinsky and V. S. Undrevich, *Course in Criminal Procedure*, 1936, quoted by the *Report of the Ad Hoc Committee of the United Nations on Forced Labor*, E/2431, Geneva 1953, p. 487.

⁷ *La Tribune des Nations*, Paris, 24 September 1948, No. 153.

of peace and we must accomplish it if we are to fight for peace successfully. The support of the lawyers in winning over the masses is particularly important. Those of us who work in Western Europe have to face great difficulties. The governments of these countries, all more or less reactionary, have adopted toward us a hostile attitude. We must be often very cautious, we have many difficulties, but I can assure you, colleagues from the countries of people's democracy: You may count on us. We shall not withdraw from the fight before we have secured victory." ⁸

These two quotations reflect the difference between the bona fide approach of the original democratic backers of the IADL and the later undisguised aims of its new communist management. For the Communists, the support of the IADL was justified only by its acquisition of a militant political character. Thus it is easy to understand why the aggressive French Communist lawyer Joe Nordmann, previously Secretary General of the French resistance organization of jurists "Mouvement National Judiciaire", was selected to play the key role in the IADL. It was under the auspices of his Mouvement National Judiciaire that the First Congress convened in Paris in October 1946, thus facilitating Mr. Nordmann's election as Secretary General. A personal testimony of the Czechoslovak fellow-traveller and prominent figure at the Nuremberg trials, Dr. Bohuslav Ecer, reveals clearly the identity of the behind-the-scene organizers of the IADL's "spontaneous" emergence:

"When I was visited, during the international trial at Nuremberg, by Professor Trainin, ⁹ we discussed the

⁸ Quoted by W. J. Tomorowicz from the Council meeting in Budapest, April 1950, *Demokratyczny Przegląd Prawniczy*, Warsaw, No. 5, May 1950, p. 42 ff.

⁹ Both Professor Aron N. Trainin, Soviet representative in Nuremberg, and Dr. Ecer became Vice Presidents of the IADL in 1946 and 1947, respectively.

question whether such an organization is necessary. We quickly agreed in the affirmative." ¹⁰

Yet it was impossible to create an international organization of jurists without effective support of genuinely democratic lawyers. It seems that elements following the Soviet line were actively promoting the idea as early as during the San Francisco Conference of May 1945. ¹¹ The good will of the friendly Western lawyers had to be, in the initial stages, carefully cultivated. Consequently, the organizational pattern, topics, and language of the first two Congresses of the IADL — in Paris 1946 and in Brussels 1947 — were conventional and designed to preserve for the benefit of democratic lawyers the appearance of another non-political international professional organization. Satellite jurists, however, were already able to read the signals clearly:

"It would be difficult indeed to find any ideological and organizational affinity between the long established, almost 50 year old International Law Association — an organization based upon conservative traditions and with a highly scholarly scope of activity — and the International Association of Democratic Lawyers, a young progressive organization characterized by a clearly drawn political profile and wide horizons of its activities." ¹²

As early as 1947, Professor Trainin criticized the attempts to create "a second parallel international organization of jurists", initiated by "the Bar Association, an American organization of jurists which according to its statutes is a non-political organization." ¹³

¹⁰ *Pravni Praxe*, Prague, Vol. XII, 1948, p. 113.

¹¹ Martin Popper credits the National Lawyers Guild of the USA for this initiative in his report on the IADL in *Lawyers Guild Review*, Vol. VI, No. 4, September-October 1946, p. 572.

¹² *Demokraticzny Przegląd Prawniczy*, Warsaw, No. 10, 1947, p. 1.

¹³ *Sovetskoe Gosudarstvo i Pravo*, No. 9, 1947, pp. 62—65.

One year later, Soviet writers put it bluntly:

"In contrast to other international organizations of jurists which declared their . . . apolitical character (e.g., the American Bar Association) and forthwith became a support of internal and international reaction, the IADL came forward as a democratic and antifascist organization."¹⁴

The blanket condemnation of reactionary lawyers covered without discrimination all representatives of democratic jurisprudence, but was particularly edged against Social Democrats:

". . . such men as Kelsen, Scelle, Chamberlain, Hudson, and other similar enemies of national sovereignty, right-wing Social Democrats, pupils of Blum, Spaak, and Renner, for whom any national fight for independence is an expression of feudal anachronism and warmongering . . . these reactionary jurists try by all means . . . to accomplish a split in the ranks of the democratic lawyers' movement for the defence of peace in order to support the policy of American monopolists who endeavour to dominate the entire world and are thus going to provoke a new war."¹⁵

Thus the stage was set for an open political offensive launched during the Third Congress in Prague in September 1948. It met just six months after the overthrow of the remnants of Czechoslovak democracy, and the jubilant young Communist Minister of Justice, Dr. Alexei Cepicka, uttered the first challenge:

"The task before the Congress is to present Law as a factor which accomplishes democracy, progress, and their main prerequisite: peace . . . But it will be necessary that the West — and not only the lawyers — understand what is (already) known in the USSR,

¹⁴ *Ibid.*, No. 10, 1948, p. 61.

¹⁵ Dr. Muszkat in *Panstwo i Prawo*, No. 7, July 1950, pp. 85—92.

what is known to us, what is known to all who think as we do, namely, that it is capitalism which obstructs peace . . ." ¹⁶

It is illustrative of the atmosphere in Prague that the Congress identified itself enthusiastically with the resolutions of the preceding Congress of Intellectuals in Wroclaw, the keynote of which was struck by the Soviet author Alexander Fadeyev:

"Pretenders to world domination — the American expansionists and their agents in Europe — want to wield their truncheons over the whole world. They, with imperialists of Britain, France, and Italy, want to handcuff all mankind and turn the whole planet into a police station under American supervision." ¹⁷

The new militant spirit was duly reflected in the internal organization of the IADL. The Soviet delegates prevailed upon the Congress in Prague to reverse its agenda and to refrain from scheduling general reports which were previously assigned to a majority of non-communist speakers.

"In Prague, the situation changed quickly; . . . there was virtually liquidated the institution of general reporters and as the basis of discussions were used several reports of equally authoritative character, in particular reports by Soviet delegates." ¹⁸

Debates in committees were abolished and the entire agenda of the Congress was transferred for discussion in plenary sessions. The psychological impact of the measure was not denied by Professor Trainin:

". . . at the Prague Congress . . . reactionary elements could not sound off openly; if such (elements) had been at all present in a negligible number among the

¹⁶ *Rude Pravo*, Prague, 5 September 1948. (From the opening address.)

¹⁷ *New York Times*, 26 August 1948.

¹⁸ *Sovetskoe Gosudarstvo i Pravo*, No. 11, 1948, pp. 55—60.

delegates at the Congress, they would not have dared to stand up alone in front of the mighty collective of democrats." 19

What Professor Trainin called "democratization of the methods of the Congress" 20 enabled a unanimous vote on all resolutions at this and the forthcoming Congresses. It also influenced the scientific level of the gatherings:

"The reporters and participants in the discussions did not attempt to proffer scholarly juristic dissertations, but took rather a clear attitude towards concrete issues on world events, firmly based on an uncompromisingly championed *Weltanschauung*." 21

The streamlining of the IADL's activities was maintained at the Fourth Congress in Rome in October 1949 which was highlighted by the dramatic expulsion of the Yugoslav section of the IADL. The Congress in Rome, presided over before the election of Mr. Pritt by the First Vice President, the Belgian Catholic Baron van den Branden de Reeth, marked the end of any kind of free discussion within the IADL. The political line was drawn by the Soviet delegate General R. A. Rudenko who condemned the Atlantic Pact and stated that "the principle 'Pacta sunt servanda' is violated by imperialistic powers and defended by the USSR and the people's democracies." 22 It is indeed significant that General Rudenko's charges were opposed by but one single delegate, the Englishman W. Harvey Moore, whose defence of the West was labeled "legalistic nihilism combined with and based upon cosmopolitan and chauvinistic conceptions". 23

The increased political aggressiveness of the IADL brought it into controversy with its former well-wishers, both inside

19 *Ibid.*

20 *Ibid.*

21 *Pravnik*, Prague, No. 8—10, 1948, p. 245.

22 *Unita*, Rome, 3 November 1949; *Panstwo i Prawo*, Warsaw, January 1950, No. 1, pp. 70—76.

23 *Panstwo i Prawo*, *Ibid.*

and outside of the organization. In England, the Haldane Society — an IADL charter member — broke with the Labour Party and lost the support of such prominent members as Sir Stafford Cripps and Sir Hartley Shawcross. The situation of the French and Belgian national sections was for a while most precarious. The resignation of Professor Cassin in 1949 was followed by typical attacks blaming him for "breaking with the camp of peace."²⁴ A French delegate's protest against a resolution attacking the French government for refusing visas to satellite council members was branded "a demonstration of a French rightist social democrat who took part at the meeting only to display the determination of his masters to prevent the collaboration of lawyers of all countries, regardless of their political system."²⁵

The serious internal crisis within the organization was further deepened by the decision of the National Lawyers Guild of the USA to disaffiliate from the IADL (August 1951), mainly in protest against its handling of the Yugoslav question. The *New York Times* reported on the Council Session in Warsaw, November 1950, in this reference:

"O. John Rogge, former Assistant US Attorney General, again today ran into a stone wall of communist indifference in seeking Yugoslav readmission into another international organization. Speaking on behalf of the National Lawyers Guild, Mr. Rogge asked the IADL, meeting here, to reverse the decision made last year by its Executive Committee expelling the Yugoslav section. Mr. Rogge's speech was cut off by the Secretary General, Joe Nordmann, who declared it 'not on the agenda'. . . . Tonight, Mr. Rogge issued a statement saying that the close of the Congress marked

²⁴ *Demokraticzny Przegląd Prawniczy*, Warsaw, No. 1, 1950, p. 5.

²⁵ *Ibid.*, No. 5, May 1949, pp. 40—41. The French delegate, Max Gonfreville, left the IADL and became subsequently legal counsellor of the World Federation of International Juridical Institutions, created in 1949, with Professor René Cassin as one of the Vice Presidents.

'the end of one chapter in my search for peace — I have tried to keep open the bridges between East and West, but the East insists on removing them'." ²⁶

The pro-Yugoslav appeal of Mr. Rogge and his subsequent statement that he would no more sign the Stockholm appeal "because attempts to accomplish changes by violence are an even greater threat to peace than the atom or hydrogen bomb" ²⁷ exposed him to a torrent of abuse by the Communist press, as illustrated by this sample from Prague's *Rude Pravo*, 21 November 1950:

"Rogge . . . making use of the privilege (of free speech) which does not exist in capitalist countries, exposed himself by his address as the servant of American war-mongers, mouthpiece of Tito's fascists, paid agent of the initiators of a new war . . ."

The prestige of the IADL was further lowered by an action of the United Nations' Economic and Social Council, which withdrew in July 1950 its recognition as a non-governmental organization with consultative status.

The outbreak of the Korean War provided the IADL with new anti-Western ammunition and helped it to survive the serious internal crisis. It attached itself even closer to the Partisans of Peace and explained the decision to abstain from holding a Congress in 1950 by the wish to "use the World Peace Movement as a platform for its struggle." ²⁸ In line with the Soviet foreign policy, the IADL chose the United States as its primary target and concentrated on further developing the anti-American themes which were gaining prominence ever since 1946:

- 1) Alleged suppression of human and civil rights (persecution of the Communist Party of the USA,

²⁶ 24 November 1950, p. 10.

²⁷ *Daily Worker*, London, 21 November 1950.

²⁸ Secretary General Marian Muszkat in *Panstwo i Prawo*, February 1951.

anti-labour legislation, fascisticization of political life);²⁹

- 2) Alleged aggressive war preparations based on the atomic monopoly;
- 3) Alleged support of neo-Nazi elements by occupational authorities in Germany.

Professor Trainin already commended the Third Congress in Prague, 1948, for having

“ . . . revealed also with full clarity that the centre of reaction, directed both against peace and democracy, is the USA, where the monopolistic circles carry out . . . a preparation . . . of a third World War . . . against the USSR.”³⁰

After the creation of the European Defence Community in 1949, the IADL encouraged strikers and rioters in West European countries who refused to unload or sabotaged the shipments of weapons destined for the NATO armies.

“The IADL greets heartily and expresses its solidarity with all those workers, dockers, seamen, porters, transport-workers, and other toilers fighting gallantly for the defence of peace. Their attitude stems from their consciousness that aggressive war is one of the gravest

²⁹ The following is a typical sample of IADL's public relations activities: “To the Embassy of the United States of America, Praha. Prague, the 7th October 1950, No. 2020/50. The Union of Czechoslovak Lawyers, as a member of the IADL, . . . protests most emphatically against the American Senate's passing of the anti-democratic law which bears evidence of the gradual fascisticization of the US. It is further step on the road towards the suppression of all democratic forces . . . The introduction of concentration camps in America, who is forever talking about her democracy, reminds us vividly of the time of the beginnings of Fascism in Germany . . . We express our conviction that this act which is contrary to the Constitution of the US . . . shall rally to an even greater extent the people of the US and the peoples of the whole world to the common fight against the instigators of a new war. — Union of Czechoslovak Lawyers.” (*Law in the Service of Peace*, Central Organ of the IADL, September, 1950, p. 142.)

³⁰ *Sovetskoe Gosudarstvo i Pravo*, No. 11, 1948, pp. 55—60.

crimes defined by international law and that everyone has the right to avoid any kind of implication which might lead to collaboration or support in committing such crime . . . These workers who have refused to unload weapons . . . proved their superiority to those "judges" who put them on trial in spite of the rules of international law.

"The IADL solemnly declares as legal the actions of (the) fearless fighters for legality in international relations and salutes them as devoted fighters-defenders of peace who, in a most effective way, try to prevent the efforts of the instigators of a new criminal war." ³¹

Once the hostilities in Korea started, the IADL lost little time in branding the United States as the aggressor and protesting against the United Nations' support of the South Korean defence. In a letter addressed to Secretary General Trygve Lie, the IADL declared the US intervention to be an aggressive act under international law, denounced the resolution of the Security Council as contrary to Art. 27, par. 3 of the Charter and requested that China be represented at the UN by the "democratic government" of Peiping. ³² From then on, all its activities — independently or as an "important link of the World Peace Movement" ³³ — were geared to the

³¹ Report by Dr. Muszkat in *Panstwo i Prawo*, No. 7, July 1950, pp. 85—92.

³² *Law in the Service of Peace*, No. 1(2), September 1950, p. 8.

³³ The decision to "direct the organizational activity of (IADL's) national sections completely toward the mobilization of the masses of its members for the preparation of national peace conferences and of the World Peace Congress" (Muszkat, *Panstwo i Prawo*, February 1951) was not made without a bitter rear-guard struggle of that lonely dissident, W. Harvey Moore, who claimed that "the IADL should not be active in politics and that the resolutions of the 2nd Peace Congress have no connection with law . . . It was shown to him that we may be proud for being put in the service of a policy which is an instrument of the defence of peace." (*Ibid.*) How great the Soviet interest in the peace campaign really was, was demonstrated by Stalin's direct reference to the British refusal to admit the 2nd Peace Congress which was subsequently held in Prague. In his interview in *Pravda*, 17 February 1951, Stalin asked: "If (Attlee) is really in favor of peace, why did he prohibit the Peace

inciting of the world public opinion against the alleged American aggression and the atrocities committed by the "mercenaries of international capitalism" in Korea.

The decision to convene in 1951 the Fifth IADL Congress in Berlin was obviously motivated by the need to provide a more impressive international forum for the launching of the new slogan denouncing the Anglo-American policy as one of "violating international legal principles."³⁴ The Congress in Berlin was unrestrained in its denunciation of the American "intervention" in Korea.

"The Congress continued its discussions concerning the legal situation brought about by the criminal aggressive measures of the American imperialists in various parts of the world . . . All speakers in the discussion agreed finally on a motion to be submitted to the Congress to condemn in the strongest form the measures of the US Government and to threaten its members with most severe punishment as war criminals."³⁵

The East German delegate Dr. Arthur Baumgarten concluded that the aggression in Korea under the leadership of US imperialists is a clear case of a war of intervention and ventured the prediction that

"also a future war against the Soviet Union and the People's Democracies would certainly be a war of intervention aimed at suppressing socialist movements

Congress in Britain? . . . It is obvious that Prime Minister Attlee is not in favor of peace, but of unleashing a new aggressive world war." (*New York Times*, 17 February 1951).

The IADL's role in the peace propaganda was commended by Vyshinsky in his UN speech of 21 November 1950, in which he singled out a number of IADL functionaries as signers of the Stockholm Peace Appeal. (*Lidove Noviny*, Prague, 22 November 1950).

³⁴ *Neue Justiz* — April 1951, pp. 171—172, referring to the preparatory session of the Conference of Delegates of the Association of the Democratic Jurists of Germany.

³⁵ *Taegliche Rundschau*, 7 September 1951, No. 208.

among peoples and restoring capitalism to its lost positions." ³⁶

The delegate of Communist China described the war crimes allegedly committed in Korea by Anglo-American armed forces. The Congress decided that "the cruelties committed by the Americans in Korea should be investigated by a committee selected by the IADL" ³⁷ — the Secretariat put this motion into effect early in 1952.

Buried under the verbiage of Korean war indignation there remained two topics of the Congress which are highly illustrative of the IADL's development. The main reporter on capitalist war preparations, the Soviet Vice President of the IADL, Eulampi L. Zeydin, chose as a motto of his speech the following quotation from Lenin:

"The epoch of bourgeois legality will be replaced by an epoch of great revolutionary struggles and these struggles will virtually blow up the entire bourgeois legality, the bourgeois order; (yet) it must formally begin with efforts of the bourgeoisie to free itself from the legality created by the bourgeoisie itself but becoming unbearable for it." ³⁸

The second development also evokes memories of the world revolutionary theses of the Third Internationale and its MOPR subsidiary. The following suggestion by the Soviet delegate Kozhevnikov is a reference to the main task assigned in the twenties and thirties to the International Red Aid:

"Kozhevnikov set up, as a practical aim for all democratic lawyers, the necessity of the establishment in all countries of financial funds for the support of democratic lawyers discriminated against in their respective

³⁶ *Ibid.*

³⁷ *Neues Deutschland*, 6 September 1951, No. 206.

³⁸ *Neue Justiz*, No. 10, October 1951. Report by Hilde Benjamin and Hilde Neumann,

countries because of their activities (as peace fighters).”³⁹

The Committee on Korean War Crimes, created after the Congress in Berlin and composed of eight lawyers from different countries, arrived in Korea on 3 March 1952. The day before its landing, 2 March, the Soviet press agency TASS reported its task to be to “investigate and ascertain the crimes committed by the interveners”⁴⁰ — thus deciding in advance the outcome of the enquiry. Acting with spectacular speed, the Committee reported on its findings to the IADL Council session in Vienna, 16—18 April 1952 through its chairman, Dr. H. Brandweiner, Professor of the University of Graz, Austria. He and his fellow-members’ reports revealed that:

“the American aggressors violated in a brutal and reckless way the laws and customs of warfare . . . Evidence taken and gathered by the Committee proved that the American aggressors committed crimes . . . against humanity as well as the crime of genocide . . . by applying exterminatory methods through the use of bacteriological warfare able to endanger the existence of . . . at least a part of the Korean nation . . .

“The facts established an unbelievable bestiality and barbarism unthinkable in a civilized world, organized by the American commanders and their superiors. This barbarism, this multitude of horrible crimes . . . this terrible reality . . . must be stopped and the criminals must be punished.”⁴¹

The Committee’s charges, based on flimsy “evidence” of disease-carrying insects disseminated in special containers

³⁹ *Ibid.*

⁴⁰ *Ost-Probleme*, No. 41, 16 October 1954, pp. 1650—1652.

⁴¹ The “impartial” Committee consisted of representatives of Great Britain, France, Italy, Belgium, Brasil, Red China, and Poland. The chairman, Professor Heinrich Brandweiner, is an expert on Canon and International Law whose open support of Communist causes made him notorious in his country. Committee quotations from *Nowe Prawo*, Warsaw, No. 5, 1952, pp. 12—25.

over North Korea and China by the US Air Force, were publicly branded as "Cominform propaganda" even by IADL's own onetime close friend, W. Harvey Moore, in an article on the "Charge of Germ Warfare".⁴²

On the basis of these reports, the IADL joined the long list of fellow-travelling and front organizations which denounced the alleged American aggression, war crimes, and bacteriological warfare in telegraphic protests to the United Nations.⁴³

The Congress in Berlin in 1951 was the IADL's last. It is free to speculate whether the extremely bad publicity in the Western press⁴⁴ or other organizational problems hindered the convening of the meetings in the subsequent years. But it is important to bear in mind that the violent diatribes against the UN intervention in Korea and in particular against the United States were never submitted to a Congressional plenum. None of the highly political actions undertaken by the Council and Presidium⁴⁵ since September 1951 had the backing of

⁴² *Manchester Guardian*, 23 June 1952.

⁴³ *Ost-Probleme*, No. 41, 16 October 1954, pp. 1650—1652.

⁴⁴ *Die Neue Zeitung*, 7 September 1951, No. 208 (Berlin edition), portrayed some of the prominent members of the IADL: Vice President Zeydin was connected with the trials of Bukharin and Tukhachevsky and was said to have been instrumental in the communization of Czechoslovak justice after 1948. General Rudenko was identified as the prosecuting attorney in the post-war purges at the Ukraine, Secretary General Dr. Muszkat of Poland was quoted as 'preaching the principle that the Polish judiciary must be a vigilant and operational arm of the dictatorship of the proletariat.' The article, entitled "Violators of Law as Representatives of Soviet Justice", concluded:

"It is indeed one of the grossest misunderstandings of our times when functionaries and officials of the communist terroristic justice who commit daily violations of law, talk on this side of the Iron Curtain about justice and law."

The same paper commented on 12 September, No. 212, p. 4:

"It is obvious what purpose do serve the jurists who make a close alliance with communism and discard in the process legal feeling in favour of the strategic requirements of the various Politbureaux."

⁴⁵ The Council is composed of representatives from each national section of the IADL. There were 24 members in 1951. The most recent reported number of national sections is 33 (October 1954). The Presidium

the body which alone is, according to the statutes, the policy-making element of the organization. There seems to be little doubt that the methods applied since 1951 would have, despite all the procedural regimentation, provoked violent disagreement in a Congress which cannot consist of hand-picked faithful alone.

The shameless propaganda distortions used by the International Association of Democratic Lawyers in the Korean campaign made it advisable to refrain temporarily from open public activities. The IADL chose therefore to camouflage itself by developing a new front in form of an Initiative Committee for the International Conference of Lawyers for the Defence of Democratic Liberties. The credit for the initiative was publicly given to one of the three members of the Committee, Giuseppe Nitti of Italy; the other two happened to be closely associated with the IADL: Professor Gerard Lyon-Caen as the son of the IADL's French Vice President, Leon Lyon-Caen, and the British barrister John Elton through the Haldane Society, an affiliate of the IADL. The Council meeting in Prague, 9—10 April 1953,

“salutes the initiative of Mr. Giuseppe Nitti, member of the Italian Parliament, to convene an International Conference of Jurists with the purpose of studying the problems of the defence of democratic liberties . . . The IADL gives its full support to the fortunate initiative of Mr. Nitti and is ready to undertake all the necessary efforts and to give full support to assure the organization and the success of the International Conference for the Defence of Democratic Liberties.”⁴⁶

The Conference was held in Vienna, 4—8 January 1954. It elected a five-member Executive Board, composed exclusively

consists of the President, six Vice-Presidents, a Secretary General, four Secretaries, and the Treasurer. These 13 members are the actual ruling body of the IADL. Joe Nordmann, in his function of Secretary General, is the only survivor of the original slate of functionaries.

⁴⁶ *Bulletin de Droit Tchecoslovaque*, Année XI, No. 2—3, November 1953, pp. 196—198.

of veteran IADL leaders⁴⁷ and its entire character fell fully in line with the IADL activities, one notable exception being a considerably less aggressive tone of the main speeches. The organizers tried to emphasize academic rather than purely political issues, though they hastened to point out that "it shall be impossible to divorce theoretical solutions from practical questions"⁴⁸. The agenda of the Conference consisted of two main topics:

1. A critical examination of the problems arising from discrimination in equality before the law, particularly in the exercise of constitutional rights and civil liberties;
2. A critical examination of the attacks on the freedom of the person and the legal and judicial guarantees of this freedom.

The agenda was obviously devised to facilitate anti-American attacks under the guise of righteous indignation over "the fascist method of oppressing all civil rights and liberties" (Pritt) through McCarthyism. By contrast, the USSR was hailed as champion of civil liberties as well as of peace and social progress. The preoccupation of the Conference with the Rosenberg trial and with the "persecution" of Communists in the USA prompted the *New York Times* to observe:

"The meeting was called in the name of the International Conference of Lawyers for the Defence of Democratic Liberties. Its initial purpose is to direct the fire of leftist fellow-travellers and duped lawyers at the efforts of the free world to curb the activities of Soviet agents abroad."⁴⁹

Noting that the Association of the Bar of the City of New York and its President, Mr. Bethuel M. Webster,

⁴⁷ IADL Vice Presidents Leon Lyon-Caen and Zeydin, Professors Baumgarten of Berlin, Brandweiner of Graz, Bartuska of Prague.

⁴⁸ *Panstwo i Prawo*, August-September 1953.

⁴⁹ 7 January 1954, p. 9.

received invitations to Vienna and issued a Memorandum on the suggestion to reopen the Rosenberg trial, the *New York Times* reported:

"In a reply sent on December 31, Mr. Webster had called the attention of the Initiating Committee to the fact that lawyers from the Soviet Union and from other communist countries would be present. Principles to be considered at the meeting, Mr. Webster had noted, included 'Guarantees of freedom of opinion and association, the principles of universal suffrage, the right of peoples to self-determination and full life, the independence of the judiciary, the rights of the defense, the arbitrary powers of the police, abuse of preventive, administration of police detention.'

"Mr. Webster commented that the information coming out of the Soviet Union and its satellite countries indicated that these principles were not recognized by Communist governments.

"The Association's Memorandum asserted that the initiators of the 'Conference' — Giuseppe Nitti of Rome, John Elton of London and Gerard Lyon-Caen of Dijon, France — 'have a record of adherence to the communist cause'. 'It is shocking to find that Emmanuel Bloch, counsel of Julius and Ethel Rosenberg, is listed as one of the American sponsors', the Memorandum said."⁵⁰

The managers of the Vienna conference evidently did consider their idea a success, for they decided to transform the Initiative Committee into a "Committee of the International Conference of Jurists for Securing Democratic Rights" and to keep it in the public eye as long as the IADL remained

⁵⁰ *Ibid.* Mr. Webster suggested in the interview also that "the (Vienna) Conference had been organized as counter-propaganda to the recently formed 'International Commission of Jurists' with headquarters at The Hague. The Commission has been exposing violations of legal rights in the Communist countries."

compromised by its all-out efforts in the Korean propaganda campaign.⁵¹

It is indeed doubtful whether it will be possible to restore to some degree the picture of IADL as an honest legal organization. This aim could have been hardly served by Chairman Pritt's increasing intimacy with the Soviet world. As the President of the British Society for Cultural Relations with the USSR, Mr. Pritt visited the Soviet Union and toured corrective labour camps in the Moscow region "to get acquainted with Soviet justice."⁵² Mr. Pritt

"concurred in an explanation by Soviet authorities that the decline in the number of camps was a result of a reduction of crime. He said: 'It is quite plainly true that crime is diminishing'."⁵³

Mr. Pritt's trip must have been mutually satisfactory, for the IADL's *Bulletin* No. 25 of January 1955 was able to editorialize:

"The Secretariat of the IADL has great pleasure in announcing that a Stalin Peace Prize has recently been awarded to the President of our Association, Mr. D. N. Pritt, Q.C.

"This high distinction comes as reward for Mr. Pritt's tireless efforts for the respect for the law, the safeguard of peace and friendship between the peoples.

"We wish to take this opportunity of expressing to our President our warmhearted congratulations and the pride of those who have seen him at work for so many years and who can realise what our Association owes to his knowledge, his unceasing activity and his great devotion."

The Soviet review, *Sovetskoe Gosudarstvo i Pravo* (1955, No. 1), commented that the award to Pritt "has been greeted with great satisfaction by all people of good will. The whole

⁵¹ *Ost-Probleme*, No. 41, 16 October 1954, pp. 1650—1652.

⁵² *New York Times*, 8 September 1954, p. 7.

⁵³ *New York Times*, 25 September 1954, p. 4.

life of this remarkable man presents a brilliant example of his selfless service to the cause of peace, to the defence of the interests of simple people."

The public activities of the organization were limited in 1954 to the Council session at Leipzig, 4—7 June 1954. The meeting revived an old IADL theme which was put aside after the Soviets' announcement of successful atomic explosions, but was made newly attractive by the American H-bomb experiments in the Pacific — the outlawing of nuclear weapons. This topic was one of the main features of the Congresses in Brussels and Prague and resolutions were passed demanding "the prohibition of the military use of nuclear energy and the declaration of the use of this and other instruments of mass destruction as an international crime."⁵⁴ In Leipzig, "experiments with weapons of mass destruction" were the first item on the agenda and the Japanese Professor Yamanushi of Tokio reported on the reaction of the population on the "Lucky Dragon" accident. The United States was made responsible for the damage done by the atomic fall-out and the Council resolved to demand an immediate cessation of all further experiments. The Council was further preoccupied with the American phenomenon of McCarthyism; a resolution stated that it

"inspires fear in all sections of the population and renders the situation of every individual precarious . . . Like Hitlerism, which it resembles in more than one way, its repercussions endanger the external security of States, the national independence of the nations, and the peace of the world . . . And, therefore, the IADL calls on all peoples, and especially on all lawyers, to fight McCarthyism in all its forms."⁵⁵

The Soviet delegate Zeydin, attending the Council meeting with fresh laurels as Beria's prosecutor, delivered a new sharp attack against the United States. A resolution of the Council

⁵⁴ *Demokratyczny Przegląd Prawniczy*, No. 10, October 1947, pp. 7 ff.

⁵⁵ *Law in the Service of Peace*, No. 4, October 1954 (IADL Review).

advocated "the fight of peoples for their sovereignty in the interest of peace and international security."⁵⁶ The emphasis on national sovereignty covered the "exploitation" of Western European nations by American imperialists as well as the "colonial suppression" in the other continents. Indeed it appeared in 1954 as if the IADL had only one serious theme to play up for European consumption, namely McCarthyism, while its main interest shifted to other areas, primarily Asia and South America. The heavy emphasis on the propagandistic use of the Pacific H-bomb incident was further underscored by the publication of a special pamphlet "Lawyers Oppose Experiments With and the Use of Atomic Weapons" featuring articles by Soviet, British, and Polish authors as well by two Japanese scientists.⁵⁷

As a matter of fact, the IADL's interest in overseas areas has always been quite apparent. At the First Congress in Paris 1946, one Vice Presidential vacancy was held for a representative from South America. This seat was not occupied until 1952, when

"To express its appreciation of the activity of the national section in Brasil, the Bureau of the IADL resolved (at its Vienna session, 20-21 December 1952) to appoint a representative of Brasil, Mr. (Henrique) Fialho, member of the Federal Tribunal of Justice of Brasil as Vice-President of the IADL."⁵⁸

Furthermore, "the struggle of colonial and dependent peoples for independence and its impact on the world peace" became the third main topic on the agenda of the 1949 Congress in Rome. The key report was delivered by the Negro delegate from French Equatorial Africa, Gabriel Lisette; other speakers were from Tunisia, Iran, Iraq, Syria, Lebanon, Belgian Congo, and Egypt.⁵⁹

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ *Panstwo i Prawo*, No. 1, 1953, pp. 98—102.

⁵⁹ *Demokratyczny Przegląd Prawniczy*, January 1950, No. 1, pp. 5—7.

The final resolution on this issue stressed

“the close connection between the struggle for independence in those countries colonial, semi-colonial, and dependent) and the general struggle of democrats in the capitals for peace, liberty, and social justice, because the population of a country which oppresses other nations is necessarily itself oppressed or endangered by oppression.”

The resolution branded the economic exploitation of such areas and

“expressed solidarity with the peoples in colonial, semi-colonial, and dependent territories in their fight for liberation . . . and appealed to the democratic lawyers of the world to support their struggle. The Congress resolved to establish in the framework of the IADL a permanent committee on the affairs of colonial, semi-colonial, and dependent nations.”⁶⁰

A seat of a Vice President was forthwith reserved for a representative of a “colonial or dependent territory”. The “oppressed peoples” are also entitled to one of the four secretaries, but neither of these two vacancies was actually filled.

The Congress in Rome took up relations with lawyers from Communist China, who were unable to attend but sent a telegram stating that they

“are about to lay foundations of a free and progressive State in the East, based . . . on the oldest juridical science of the world.”⁶¹

The Chinese People’s Republic was assigned one Vice President; the seat went to Shen Chun-ju, President of the Supreme Court.

The increase of the IADL’s influence and importance, par-

⁶⁰ *Ibid.*

⁶¹ *Unita*, Rome, 1 November 1949.

ticularly in "Latin America, Asia, North Africa, Egypt, Tunisia, Algeria . . ." was hailed as a favorable development in the report of Secretary General Joe Nordmann at the Council Session in Vienna, April 1952.⁶²

It is significant that the third number of the IADL's official publication, renamed "International Association of Democratic Lawyers Review", contained disproportionately many articles on overseas territories. There were contributions on India, Brasil, South America in general, South Africa and a reprint of the "Charter of Guatemala", a pompous resolution passed by the Second Continental Conference of American Jurists, 16—19 October 1953.

Like the first Conference in Rio de Janeiro (November 1952) the meeting at Guatemala was sponsored and organized by the Brazilian Association of Democratic Jurists, the IADL's most active affiliate in South America. According to a Brazilian report at the Vienna Bureau session in December 1952 the Brazilian national section "has become a mass organization with several hundred members. Among its members are even several justices of the Supreme Court."⁶³ The *New York Times* commented on the South American press reaction to the Conference in Guatemala:

"The independent Guatemala press said the Congress carried a pro-Soviet seal. El Espectador said the camouflage was perfect, declaring that the Cominform excelled in the ability to organize similar congresses carrying attractive agendas aimed at the welfare of the people."⁶⁴

Besides sending messages of sympathy and solidarity to the "USA Supreme Court Judge O. Douglas (sic) and to Emmanuel Bloch", the Conference declared in the Charter of Guatemala

⁶² *Nowe Prawo*, No. 5, May 1952, pp. 12—25.

⁶³ *Panstwo i Prawo*, No. 1, 1953, pp. 98—102.

⁶⁴ *New York Times*, 18 October 1953.

"that the lawyer, an integration of man and scientist, cannot be a technician aloof of the quarrels of the century and the aspirations and sacrifices of his people; that the lawyer, be he advocate or magistrate or professor, has the supreme duty to fight injustice and to help the triumph of peace and freedom by the process of democratic legality . . ." ⁶⁵

The theme of the Third Continental Conference, prepared once more by the Brazilian section, was to be "the resolutions passed at Caracas under US pressure by the governments of the American countries despite the public opinion of their peoples." ⁶⁶

At the 1954 Conference in Vienna "For the Defence of Democratic Liberties", Brasil was represented by an impressive delegation of nine members; other South American countries in attendance were Argentina (two delegates), Chile (one delegate), Colombia (two delegates), and Guatemala (two delegates). ⁶⁷

Though the IADL is paying attention to the developments in Africa and shows particular concern about the British, French, and Belgian possessions, there has been yet no effort to organize the continent systematically. Greater progress was achieved in Asia where the IADL based its activities on the Chinese Communist national section and proceeded to develop relations with India. First contacts were made during Mr. Pritt's visit in that country in 1950, ostensibly at the request of the Defence Committee for persons arrested during the Hyderabad disorders (peasant revolt of Telengana). ⁶⁸ It is interesting to note that the IADL's overtures in India were actually made in opposition to that country's government.

⁶⁵ *International Association of Lawyers Democratic Review*, No. 4, October 1954.

⁶⁶ *Ibid.*

⁶⁷ *Conferencia Internacional de Juristas Realizada Em Viena, Associação Brasileira de Juristas Democratas.*

⁶⁸ Texts of messages to Prime Minister Nehru in *Law in the Service of Peace*, No. 1 (2), September 1950, pp. 124—126.

By 1955, the All-India Association of Democratic Lawyers was strong enough to sponsor a Conference of Asian Lawyers, held in Calcutta, 25-30 January 1955. The IADL Secretary General, Joe Nordmann, was guest of honour.

"The Conference . . . was arranged, organised and held by Asians, for Asians; the IADL can claim some share in both its initiation and technical organization, but in essence it was organized by Asians for Asians." ⁶⁹

Politically, the Conference anchored in the so-called Five Principles, originally enunciated by the Prime Ministers of Red China, India, and Burma, viz.,

- 1) Mutual respect for each other's territorial integrity and sovereignty;
- 2) non-aggression;
- 3) non-interference in each other's internal affairs;
- 4) equality and mutual benefit;
- 5) peaceful co-existence.

There were represented 13 Asian countries as well as Egypt and the Sudan; "the delegations from Japan, China, the USSR, and Burma were particularly strong." ⁷⁰

The Conference deplored the refusal of "certain powers" to "accord the right of recognition to legitimate governments and States established by the will of certain Asian nations (first and foremost among them the Chinese People's Republic) and in preventing (it) from occupying its rightful place in the UN." Further attacks were directed against the SEATO scheme, the Portuguese possessions in India, the atomic experiments in the Pacific and the "policy of imperialist armed aggression against the sovereignty of Asian and African peoples (as in the case of Malaya) (which) has sometimes reached

⁶⁹ D. N. Pritt's Introduction to Resolutions of the Conference of Asian Lawyers, Calcutta, January 1955.

⁷⁰ Resolutions of the Conference of Asian Lawyers. Published by the IADL.

the degree of mass extermination (as in Kenya)."⁷¹ The Conference established a Commission on the Status of Women and on Civil Rights. It resolved to appoint a Committee to investigate upon the spot and report to the IADL

"violation of civil liberties, forcible deprivation of rights of Japanese citizens, land confiscations without compensation and other illegal inflictions upon the inhabitants of Okinawa by the American occupying authorities."⁷²

The Calcutta Conference failed to convince the Indian legal community of the alleged scientific and democratic character of the IADL. An editorial of the *Hindusthan Standard* characterized the delegates as "people who had subordinated their allegiance to law to their adherence to a political ideology. And the ideology is one which assigns to the lawyer a position of minor importance, if any, in the social structure it advocates."

An even sharper attack was contained in a pamphlet entitled "Accept the Challenge" and written by Naresh Ch. Ganguli, Advocate at the Calcutta High Court (published by the National Association of Indian Lawyers, Calcutta.) The author maintains that the IADL is a Cominform front "floated by the Kremlin after the Second World War" (p. 2) and quotes Klara Zetkin's statement on the fundamental strategy of front organizations:

"These organizations must not carry placards with the words 'communist organization' visible from afar by their red letters. *On the contrary they should appear from outside as neutral organizations.* It is indispensable that their committees should include representatives of

⁷¹ *Ibid.*

⁷² *Ibid.* — It is interesting to note that the Burmese delegation at the Calcutta Conference concurred fully in parts of the Resolution, but "in view of the terms of its mandate from its Association does not either approve or disprove" the most aggressively anti-Western parts of the Resolution.

all types of opinion. *What is essential is that the Communist Party should, surreptitiously, give to each organization its aims and its program.*"

Mr. Ganguli was also among the 32 signers of a resolution of Indian lawyers published in the *Hindusthan Standard* on February 2, 1955, and warning against the infiltration of the legal profession by the Communist Party of India.

By endorsing the Five Principles and refraining from militant support to Communist China's claims on Formosa, the IADL seems to have adjusted in Calcutta to the requirements of the world-wide policy of co-existence. A further sample of the new soft line was offered by the IADL in its telegram greeting the Asiatic and African Conference in Bandung in April 1955:

"All jurists are convinced that the Five Principles which were enunciated by the Prime Ministers Nehru and Chou En Lai and are in our opinion in complete accord with the principles of international law, represent in the juridical as well as in the political respect the just and solid basis for the strengthening and preservation of peace in Asia and Africa and in the entire world . . ." (Message of 15 April 1955).

As was the case in all its previous manoeuvres, the IADL is closely following the directives issued by the managers of the international movement which manipulates the intricate net of Communist front organizations.

October 1955