

# Voices for Freedom

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**An additional collection of opinions on  
the Supreme Court decision upholding  
the Smith Act, an Act for the perse-  
cution of all political non-conformists.**

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# Introduction

The chorus of freedom is growing in numbers, in volume and in clarity.

Throughout this land, in the towns and cities, on farms, in mine and mill, new people are joining a growing chorus, raising new voices in defense of constitutional liberties and human rights.

In the short time since we published *Voices for Freedom*—a collection of protests against the Supreme Court's upholding of the Smith Act in the case of the 11 Communist leaders and the mass arrests that have since followed—the sound of those voices has swelled until another publication of *Voices for Freedom* is now needed. We present here a small sampling of them to the people, for we believe that thus is the will to defend our democratic heritage strengthened and thus are new people inspired to speak out.

In these pages you will read opinions from individuals of widely differing political beliefs. Negro leaders alive to the dangers their people face in the Smith Act have spoken. Trade unionists who know that the present situation imperils the rights of labor, call for action. Political leaders whose parties are now deemed respectable, but who realize that if the life of any political party can be destroyed, none but reactionaries are safe, are now expressing alarm.

We give you outstanding articles by star reporter I. F. Stone of the N. Y. *Compass*, who covered the court hearings of some of those rounded up in the mass arrests. Here you will read a militant protest from Roscoe Dunjee, editor of the influential Negro newspaper, the *Black Dispatch*. From leaders and organizations in this country come warnings to the people of the United States of the jeopardy to our civil liberties. Our delegate to the United Nations, Mrs. Eleanor Roosevelt, speaks out against the Smith Act.

The guarantees of free speech, and of all the other freedoms

written into our Constitution, are being systematically demolished. But the Civil Rights Congress believes that the spirit of Thomas Jefferson is not dead, nor are the eloquence and passion of Tom Paine lost. This pamphlet, like the one before it, proves to the world that the conscience of the people of the United States, if not yet fully awakened, is yet neither wholly asleep nor smothered to death under a manufactured wave of hysteria. All of the people cannot be fooled all of the time.

Far from it. The Civil Rights Congress believes that the issue of the day is not communism versus capitalism, but the safeguarding of peace and of our constitutional heritage from the assaults of reaction, the freedom of every person in the United States who seeks human dignity and security, regardless of political adherence. The C.R.C. feels that people of every religious faith, every political belief, Negro and white, workers and professionals, must join their voices in a mighty call for freedom.

Those who administer the Smith Act make little distinction between Communists and non-Communists. Some months ago, Attorney General J. Howard McGrath revealed in an interview with *Newsweek Magazine* that non-Communists as well as Communists could be and would be prosecuted under the Act.

It was once "subversive" to speak out against the Alien and Sedition Acts and the Fugitive Slave Law. But the people of the United States joined forces to wipe these infamous laws off the books—and they won! Today a clique of conspirators influential in government and other high places plots to overthrow our democratic heritage by means of the Smith Act and the terror which that act legalizes. As our forefathers did, so must we today rise up to defeat this new attack on our freedom, especially against the courts with their aura of legality.

Today even the principle of bail is threatened by judges and court action. Men and women whose thoughts annoy the leaders of government are summarily jailed. Those who support the right to free thought are also victimized, and for them there is no bail. This will continue if the people do not act. Our forefathers gave us their concept of bail. Today we must unite to defeat this attack upon our cherished liberties.

Read in this pamphlet but a few of the latest voices joining the chorus of freedom. You will see that you, too, have the high duty of joining these organizations with these people. Fight for your freedom before it is completely destroyed. C.R.C. through these pages invites you to join with us, but our greatest hope is that we can inspire new and greater forms of organization for defense.

Present and intended victims of the Smith Act have only one reliance—the united strength of millions. Today we recall the cry of Angelo Herndon, deathly sick in the Atlanta Penitentiary, in 1933: "My only hope is in your strength!" We recall the words of Bartolomeo Vanzetti in the death-house in Boston: "A million men—give us a million men!"

Together, united, we can, we will, win back our heritage of freedom and democracy. But reaction moves swiftly; the struggle against it cannot wait. In 1799, when the Alien and Sedition Laws disgraced the statute books of our nation, Thomas Jefferson wrote: "The fate of our country, whether it shall be irretrievably plunged into a form of government rejected by the makers of the Constitution, or shall get back to the true principles of that instrument, depends on the turn which things may take within a short period of time ensuing the present moment." But the people, Jefferson was confident, would raise their voices, "and we shall see the reign of the witches pass over and the people recovering their true right, restoring the government to its true principles."

—WILLIAM L. PATTERSON

Many of the statements cited in this pamphlet are excerpts, and omissions from the original text have not been indicated. This has been done for the sake of ease in reading, and to avoid repetition insofar as possible. The editors believe that none of the omissions alters in any way the meaning and intentions of the writers quoted.

# *The general press speaks out*

NEW YORK COMPASS, TED O. THACKREY, EDITOR  
JULY 4, 1951:

I assume that you all know the Declaration of Independence or most of it, by heart, so I shall skip the traditional reprinting of its salient passages, but recommend that the document be read or recited in full and thought about in your celebration of this 175th anniversary.

It is worth learning by heart—and I do mean heart.

In it is pulsating our determination to form here a society in which men could be free to speak, print and write their various and often conflicting ideas; where all men would be equal before the law; where all might worship God (or not) in their own way without dictation by an all-powerful and oppressive government.

Those concepts are being assailed persistently in our time by frightened men and vicious men . . . and they are succeeding in perverting these great concepts of our Independence by twisting and distorting them out of all reason.

The Smith Act is an assault upon those concepts.

The McCarran Act is an assault upon those concepts.

The hounding of men from public life and private association—not even for what they speak but for what they MIGHT speak at some time in the future—not for what they teach or do, but for what we fear they might think or teach or do—has become a popular sport today because we have found a minority sufficiently unpopular with nearly everybody—Communists—to hunt down and excommunicate.

As the weakness and ineptness and futility of the Communists grows more evident, those who are indifferent to or anxious for the police state (so long as they can play policeman) turn to inventing synthetic Communists and seek to apply the scorned and feared label to all whom they have hated, or envied, or would destroy.

Thus you, and I, and all of us become Communists to those with whom we disagree, and particularly to those whose hypocrisies we expose and whose blood guilt for the wounds inflicted on our beloved democracy is in danger of being discovered by the whole community.

It is a dangerous time, when the snoop and the informer and the spy and the gossip are elevated to the dignity of patriots, and particularly if they have chosen this avocation to cloak their own misdeeds.

Our independence, our liberties, the freedoms which we have held precious for 175 years, are being subverted by these monstrous laws which destroy us—in the name of destroying Communism.

To make sure they are not used against us by oppressive government, we shall have to insist that they be not used against Communists; the nostrum is more dangerous than the disease.

NEW YORK COMPASS, I. F. STONE, COLUMNIST  
JUNE 26, 1951:

#### THE SUPREME COURT IS IN CONTEMPT OF THE U.S. PRESS

That case [of John Gates] raises a special issue for newspapermen. This issue is bound up with what governments can do with prosecutions for conspiracy.

The last time editors went to jail for sedition during peacetime in this country they were at least punished for what they had actually printed. In the days of John Adams, the Jeffersonian editors who were hauled into court were charged under the Alien and Sedition Laws or the common law of seditious libel. In either case they were put into the pillory for what they printed.

In this case the government did not charge and did not need to prove that as editor of the *Daily Worker* Gates printed seditious appeals calling for the overthrow of the government by force and violence. Gates was prosecuted for taking part, as editor of the *Daily Worker*, in a conspiracy that is a more serious matter from the standpoint of freedom of the press.

Theoretically the government still has no right to suppress the *Daily Worker*. Under the decision handed down by the Supreme Court, it can achieve the same end by arresting everyone who works on the paper. However lawful their activities may be in themselves, whether straight reporting or routine copy-editing, they are all subject to prosecution as part of the same conspiracy.

Nor does the danger end with those who work on Communist papers. If the *Daily Worker's* editor can be sent to jail for seditious conspiracy without proof that he ever wrote or published anything seditious, what is to prevent similar charges from being brought some day against other newspapermen and newspapers whose writings can be represented as "Communitic"?

This is more than a farfetched question in a period so hysterical that *New York Times* book reviewers have been pictured as part of a conspiracy to put the Indian sign on anti-Communist books and the conservative Republican *New York Herald Tribune* has been called the "Uptown Daily Worker."

Men who have seen the most respected Americans of our generation, from President Roosevelt to General Marshall, smeared as Reds should not need lengthy arguments to realize that the time may come when these smears are translated into legal prosecutions. The government ought not to be allowed to send a newspaper editor to jail without proving that he personally committed some crime or that his paper was guilty of some concrete offense.

To permit Gates to go to jail is to allow a shadow to fall across freedom of the press, a shadow still small, but one which may lengthen during the coming years.

A decent respect for opinion abroad and a wise concern for liberty at home call for full consideration of these fundamental issues before Gates is sent to jail. There is no imminent danger to make reconsideration dangerous.

Can American newspapermen be so exercised over the example set by Peron in dealing with *La Prensa* in far-off Argentina and turn a comfortably blind eye to the dangerous possibilities on our own doorstep? I invite other newspapermen to join with me in forming a committee to support the pending motion for a rehearing in the Gates case.

NEW YORK COMPASS, I. F. STONE  
JULY 11, 1951:

The dirtiest and most disgraceful aspect of the current repressionist trend, as evidenced in these cases and in the McCarran Act, is the tendency to turn a whole generation of Americans into stool-pigeons.

Political prosecutions deal with men's thoughts. Such prosecutions violate the oldest traditions and arouse the deepest misgivings of a free society. To inform under such circumstances is as much a violation of conscience and moral obligation as it once was to return an escaped slave to his master. The task of tracking radicals is for dogs, not men.

NEW YORK COMPASS, I. F. STONE  
JULY 19, 1951:

The right to bail is one of those fundamental rights linked with struggle against the divine right of kings and absolute monarchy. The right to bail was widened and strengthened in France after the Great Revolution. Our own provision in the Bill of Rights against requiring "excessive bail" was one of the fruits of the American Revolution. This provision in turn was taken verbatim from the Bill of Rights which the English people enacted a century before, after their own "Glorious Revolution" of 1688 when they got rid of a monarch who believed in divine right and got themselves a king with strictly limited powers.

The real treason here, if any, using the word rhetorically, is the treason being committed by the Truman Administration in undermining basic rights and liberties in America behind the febrile facade of another Red hunt.

NEW YORK COMPASS, I. F. STONE  
JULY 24, 1951:

A free society operates not through the simple mechanism of the ballot box but through a complex network of dynamic individuals

and associations. Trade unions, consumer groups, women's clubs, civic associations, and organizations for specific reforms play a role in keeping the citizenry alert. The men and women who are the "yeast" of society work through these organizations.

If it is possible to make it difficult and dangerous for the "yeast," if it is possible to make people afraid to associate themselves for public purposes, then the law-making forum may be freed from democratic influences and left to powerful special interests.

This is what has been happening during the Truman era.

The entire left-of-center has been put on the defensive. Organizations and newspapers which might be campaigning for a better tax system, for better inflation controls and against current steals of many kinds are too busy defending themselves to do their normal job.

If you wonder why Big Business and the big farmer are getting away with murder in Washington, if you want to understand the tax steals, the corruption and the lack of inflation controls, this is the direction in which to look. The forces which gave the New Deal vitality under FDR are being immobilized by striking at their periphery.

This is where the Red hunt pays off. It's in the rent bill and the tax bill and the grocer's bill that you will begin to see its price.

## THE NATION, JUNE 30, 1951:

With the green light given by the Supreme Court, it [the government] could also proceed against any individuals who had at any time been identified with any movement which the Communists are said to have controlled.

That the government has not thus far proceeded against "other categories of sympathizers" does not mean that it will fail to do so at a later date. For the plain fact is, as Justice Douglas pointed out in his dissent, that we have started down a one-way road which leads into "territory dangerous to the liberties of every citizen."

Eventually the Supreme Court may restore the civil liberties which it has momentarily suspended, and popular revulsion against the

excesses implicit in the court's decision may some day force Congress to repeal the Smith Act. But the immediate issue is political, and it rests squarely with President Truman. Is he going to permit ambitious careerists in the Department of Justice to regress to the administrative level of the Palmer Raids in the hope of winning judicial appointments, or did he mean what he said when he vetoed the McCarran Act? Actually, the current situation is far more dangerous than the Palmer Raids, whose unconcealed violence and uncomplicated brutality notified every citizen that his liberties were in danger. There will now be, of course, not one but a series of Foley Square mass prosecutions, which will advertise to the world that we lack the courage of our traditional political convictions.

### NEW YORK POST, JULY 27, 1951:

Once again the world hears that the United States is prosecuting men for the advocacy of ideas. Two of the new defendants are editors of a drab Communist newspaper published on the West Coast. Are their stale clichés a real peril to American freedom? In their initial dissents Justices Douglas and Black warned that we were embarking on a road alien to our noblest traditions.

For the benefit of anyone who came in late, we repeat: The *Post* warmly supports any prosecution for acts of espionage or sabotage. No such allegations are involved in these cases. The prosecutions are aimed at men's words and thoughts, not at their deeds. We say that the men responsible for these prosecutions—the Congressmen who drafted the Smith Act, the judges who have upheld it and the Justice Dept. sages who are applying it so overzealously—will one day be remembered with contempt by a calmer America.

There is no better cause for which men can fight now than the defense of our free institutions. We must also protect Miss Liberty from those at home to whom the Bill of Rights has become a scrap of paper.

And we will.

## NEW YORK POST, AUGUST 22, 1951:

Somehow, very quietly, the judicial process in the United States would seem to have reached the nadir where it is possible to argue in court that mere membership in a Communist front is enough to render a man ineligible to risk his savings for a friend.

How many months and how many acts of injustice has it been since a judge used the word "abuse" to describe the conduct of the Department of Justice? How far have we come when it is a thing of moment that a judge dares to uphold a right so basic that no student in his law class would have questioned it?

## NEW YORK POST, AUGUST 20, 1951:

We repeat our prediction that the men who drafted the Smith Act, the judges who have upheld it, and the Justice Dept. titans who are applying it so zealously—will one day be remembered with chagrin by a calmer citizenry.

## AKRON BEACON JOURNAL, JULY 12, 1951:

Sen. Homer Ferguson of Michigan is a former judge and as such ought to be as sensitive as anybody to the danger that constitutional liberties may be thrown away in the process of curbing Communists. Yet Ferguson has proposed that accused Communists be denied the right to bail.

Sen. Ferguson is no more annoyed than we are at the apparent success of the Communist conspirators in evading punishment by running out on their bonds, but we don't believe that two or two hundred such incidents are enough to justify an attempt by Congress to cancel any liberty guaranteed by the Constitution.

The right of bail was written into the Constitution long before there was any such thing as a Communist conspiracy. This guarantee is an essential counter-piece to the American concept of justice—that every man is innocent until he is proved guilty. If the right to bail were surrendered, our traditional concept of justice would be infringed, too.

## PUBLISHERS WEEKLY, JUNE 30, 1951:

The Supreme Court decision and the subsequent arrests have set off in a number of media a debate over the wisdom of the Smith Act—whether it will do more damage to civil liberties than to the Communists.

## TRENTON, N. J., EVENING TIMES, AUGUST 3, 1951:

Americans don't like Communists. We look on them as agents of Russia, spying in our midst, ready to do anything to overturn our way of life. And, naturally, we are inclined to cheer when Communist leaders in America get thrown into jail. Sober reflection may change our cheers. These American Communists are not jailed as agents of Soviet Russia. They are prosecuted because they think and preach a different form of government from ours.

As J. Edgar Hoover of the FBI has said, "We are not interested in what a person thinks, but in what he does that endangers our internal security." The question is not whether the Communists need careful watching. The question is whether or not anybody in America can think and speak as he pleases.

That question was decided by the First Amendment to the Constitution. Everyone in America is guaranteed the right to think, read, believe and speak as he pleases. It is the First Amendment which has made American democracy a great living force. And it is the First Amendment which, among all of our rights, most needs guarding.

This is no defense of Communism. Like many other newspapers, the first reaction of the *Times* was to cheer the conviction of Communist leaders. But jailing despised Communists isn't worth sacrificing our freedoms, our First Amendment, our right to free speech. These are the very things we are guarding against Communist attacks.

If American Communists are foreign agents operating under the disguise of an American political party, they should be prosecuted as such.

If the Communists are being prosecuted for thinking and talking,

they are only doing what everyone in America has the right to do.

### REGISTER-GUARD, EUGENE, ORE., JUNE 6, 1951:

For the good of the nation there is a still greater danger in the possibility of a great rash of prosecutions of all persons suspected of "a Red tinge." Apparently, this danger forms the basis of the dissents of Justices Douglas and Black. We might have a situation very much like that of 1920, when the abuses of "the Red hunt" filled our jails with thousands of innocent people.

### CELINA, OHIO, DAILY STANDARD:

We earnestly hope that the ruling will not be the signal for another national wave of "red hysteria," for campaigns of demanding the imprisonment of all who are loosely termed "fellow travelers," for clamorous demands that all who voice unpopular views be gagged.

### CENTERVILLE, IOWA, IOWEGIAN, JUNE 6, 1951:

There is one danger in the recent court ruling. If the Communists are in effect denied free speech by reason of their advocating overthrowing the government, is there any danger that in due time the interpretation might broaden to the point where others are denied lawful free speech for lesser offenses? What if criticism of the government should ever become unlawful in the eyes of the court? What then?

Of all our freedoms, free speech is as highly valued as any; as long as we possess this cherished right, we can maintain a free society. Lose it, and you lose freedom.

### ST. LOUIS POST-DISPATCH, JUNE 21, 1951:

Like the 11 top leaders already arrested, 21 of the party's substitute command are not charged with sabotage, espionage or direct

attempts at rebellion. The overt acts they are accused of are overt acts of speech and writing—such acts as issuing reports, holding meetings, sending out directives and teaching party doctrine.

When you punish the speech of a group you detest, what is the effect on the freedom of other groups and individuals? Our Bill of Rights rests on the doctrine that punishing the expression of any ideas inhibits the expression of ideas generally. The prosecutions which flow from the Supreme Court's decision on the Smith Act impair this doctrine not because of what these prosecutions may do to a few Communists, but because of what they may do in poisoning the atmosphere of freedom.

How effective is suppression of speech likely to be in suppressing actually dangerous overt acts? J. Edgar Hoover once warned against driving the Communists underground, yet this is now being done.

The wisdom of curtailing free speech remains in doubt.

#### YORK, PA., GAZETTE AND DAILY, JULY 9, 1951:

How anyone can come to any other conclusion than that Congress violated the Constitution is beyond our ability to understand. If we no longer want our supreme law to prohibit Congress from passing laws abridging the freedom of speech, we should change the Constitution in the regular way by amendment. But until we do so amend it, neither the Supreme Court nor the Congress, nor any other agency of the government has any right to ignore the clear and positive language of the Constitution, which we respectfully submit, admits of no sensible interpretation other than the clear and plain intent of the words used. Otherwise we may as well not have a written Constitution at all.

#### NEW REPUBLIC, JULY 23, 1951:

If, in fact, the barring of the Civil Rights Congress eliminates the only possible surety for Communist leaders, they are as effectively denied the right to bail as if an outright denial of that right were imposed. And an outright denial, as proposed in a bill just filed in Congress, would probably run afoul of the Constitution.

The reluctance of the trustees to reveal information about the fund cannot be viewed apart from the whole hysterical atmosphere surrounding the current expose of Communists and all who aid them. To reveal the names of the donors to the fund, for instance, would doubtless subject them to the McCarthy type of public character assassination. This would as quickly dry up the bail source as an outright denial of bail.

If the Communists are to have any right to bail, something more than a flat rejection of the only possible means of meeting the high prerequisites must occur. Perhaps the government means to deny all these individuals the right to freedom on bail. If so, it is another ugly manifestation of the virus which attacks the very freedoms we so blatantly espouse, freedoms which were designed to be used even by those whose actions and thoughts we hate.

#### WINSTON-SALEM JOURNAL, JULY 16, 1951:

The right of bail in all save capital cases has long been established and is universally recognized.

Involved herein was a fundamental right of accused persons to secure their liberty pending trial by providing bail to ensure their appearance in court.

Would it be to the best interests of our democracy in the long run to abrogate the tenets of common law or the Constitution?

#### THE PROGRESSIVE, A MAGAZINE FOUNDED BY ROBERT M. LAFOLLETTE, SR., JULY, 1951:

The process of whittling away at the freedom in whose name we are standing against Communism around the world was greatly accelerated last month when the U.S. Supreme Court fell victim to headline hysteria by sustaining the conviction of 11 Communist leaders on the ground that they advocated overthrow of the government by violence.

In its 6 to 2 decision, written by Chief Justice Vinson, the court held that the Communist conspiracy represented a "clear and pres-

ent danger" to the country, and then proceeded to contradict its own basic finding with this statement:

"An attempt to overthrow the government by force, even though doomed from the outset because of inadequate numbers or power of the revolutionists, is a sufficient evil for the Congress to prevent."

How a group of individuals can be judged a "clear and present danger" when their weakness dooms them "from the outset" is a baffling bit of legal logic which escapes ordinary mortals.

It was only by invoking this type of tortured argument that the court's majority was able to produce a decision which, in effect, amends the free speech guarantee of the Bill of Rights.

The court listed no overt acts of violence on the part of the accused Communists. It could cite no evidence that these 11 Communists were actually threatening the safety and security of the most powerful nation on the earth.

This dangerous perversion of Justice Holmes' doctrine of "clear and present danger" was challenged by two courageous members of the court, Justices Douglas and Black.

### THE BOSTON HERALD, JUNE 23, 1951:

The recent decision of the U.S. Supreme Court in the case of the 11 top Communist leaders is being twisted to justify some strange and dangerous conclusions. Ignoring the cautious language of the majority opinion, many people are now saying that the question of free speech is not really involved in prosecutions under the Smith Act, because the law is directed against a "conspiracy" to advocate the overthrow of the government by force rather than against advocacy as such.

## *The Negro people protest*

NEW YORK COUNCILMAN EARL BROWN, IN THE  
AMSTERDAM NEWS, JUNE 23, 1951:

In these revolutionary days when fundamental political and economic changes are taking place right before your eyes, it is absolutely necessary for everyone to speak up and fight for human liberties.

These are no days to remain quiet in the face of attacks upon human freedom everywhere.

[Justices Black and Douglas] wrote brilliant minority opinions upholding the principle of freedom of speech. These opinions are bulwarks of democratic strength at a time when they are most needed.

When the liberals so-called, sit idly by and permit a Supreme Court decision that strikes right at the heart of freedom to go unchallenged, they have surrendered to both the Communists and to the native fascists. Their silence will make it easier for the court to render another tragic decision and for the Communists to attack democracy and all it stands for.

This is no time to side with the devil because you are afraid to side with a sinner.

TOM BLAIR, COLUMNIST, BOSTON CHRONICLE,  
JUNE 23, 1951:

Six men in black robes have touched off the biggest witchhunt in modern history. As Justices Black and Douglas pointed out in their dissenting opinions, the Supreme Court decisions and the subsequent arrests are the result of an anti-Red hysteria which has now engulfed the highest courts in the land. This may be the beginning of the end of all liberties for all political, racial and religious groups who speak out against injustice.

OKLAHOMA BLACK DISPATCH, ROSCOE DUNJEE,  
EDITOR, JULY 5, 1951:

For 36 years the *Black Dispatch* has been an open exponent of change, not only in our Constitutional forms, but we have felt that in the administration of government there has been lacking the spirit in which the founding fathers wrote our fundamental charter. We are fully conscious of the fact that but for the First Amendment to the Constitution we could not have persisted in our criticism of American life as we observe it. Freedom of speech, freedom of press and freedom of peaceful assembly are the three fundamental rocks upon which all citizens who desire a more ideal society must stand if changes in government are perfected.

But reaction has reached a point and place in this country where it can effectively block constitutional changes whenever our Supreme Court takes the position it can water down the Constitution to a point where it can wash out the First Amendment. This is what the Supreme Court did when it upheld the conviction of the 11 Communists.

THE BALTIMORE AFRO-AMERICAN, DISCUSSING THE  
GOVERNMENT'S ACTIONS AGAINST NEGRO COMMUNISTS  
BENJAMIN J. DAVIS, JR., JAMES JACKSON,  
CLAUDIA JONES, PETTIS PERRY, AND HENRY WINSTON,  
JULY 7, 1951:

[The defendants are moved by] a common revulsion to race prejudice and a militant drive to do something about it . . . the Communists have mastered a technique which America is loath to accept—complete integration. . . . To howl that everything about Communism is evil and should be suppressed for its own sake is nonsense. Let's stop playing cops and robbers and get out and scrape the barnacles off the old ship of state.

REV. J. C. OLDEN, COLUMNIST OF THE LOUISVILLE  
DEFENDER, JUNE 30, 1951:

And some of our statesmen are saying that our greatest danger is within. I agree with them on the fact that our greatest trouble is internal but it cannot be the 50,000 known Communists because they are known and labelled.

[The real danger is among those who are] preventing democracy from becoming the government of this land. Send the F.B.I. down to South Carolina, Georgia, Florida, Mississippi and Texas. Let them find the guilty parties there and indict them.

Instead of sacrificing the flower of our young manhood on the bloody battlefields of Korea under the guise of saving democracy, bring them home and let them set up a real democracy and no other ideology will dare set itself up. Nothing works better than Christian democracy, but what leaders want it?

Dixiecrats are more deadly and dangerous than Communists and are more numerous. Weed them out, forget Russia. Russia cannot destroy what does not exist.

PHILADELPHIA TRIBUNE, JULY 9, 1951:

The [Supreme Court's] opinion, it seems to us, strikes at one of the cardinal principles of democracy—freedom of speech. Tear it down, destroy it, and democracy is no more.

REV. MOTHER LENA STOKES, NEW YORK CITY:

They are trying to jeopardize the freedom of speech and religion of the Negro people. If the 11 Communists go to jail it means a great blow to every Negro. The arrests for "trying to overthrow the government" are ridiculous. They are trying to scare us.

THE ST. LOUIS AMERICAN, AUGUST 20, 1951:

This is the hardest year on the legal profession since Mr. Chief Justice John Marshall gave the Supreme Court its co-equal power in our American government.

The cold war has let go the big newspapers, ab-legal Congressional investigation committees, pro-Jim Crow and anti-civil rights groups such as the Klan, the Gerald L. K. Smiths, the strong jingo elements in the veterans organizations.

[These groups] have become a pressure against the fundamentals of our American legal concepts of justice and fair-play and the meticulous guarding of the rights and privileges guaranteed by the great Bill of Rights in our Constitution.

What is this bulging menace that confronts every lawyer and lawyer group in this Land of the Free? It is the great fear and dare that these powerful forces have created against any lawyer representing in open court any client charged with being a Red or an associate of a Red or any person or organization summarily charged with having Red sympathy. This is a serious impact against our free system of justice in open courts of the land.

The right to an impartial trial and the right to unmolested counsel are so fundamental until any infringement is a menace. Today (despite keyed news stories to the contrary) any American lawyer, every American lawyer is under this nation-wide bludgeon, this powerful dare against representing a red or a fifth cousin of a red.

Such is the situation in our American law, always known for its courageous and fearless leaders—remember the dissents of Mr. Justices Curtis and McLean in the Dred Scott case—the opinion of Mr. Justice Harlan in the early civil rights cases—remember the appearance of Wendell Willkie in the Schneiderman case, and the appearances of the late Charles Houston with associates in the several civil rights cases—and within this year the dissenting opinions of Mr. Justices Black and Douglas?

These are a few of courageous high-peaks in our country's freedom history—open pleas by leaders of the legal profession in defense of the minority and unpopular issues and radical defendants. That is the true American way as long set by our law and the lawyers. Today that way is under serious threat of change and suppression.

*The next step will be to dare and cow all lawyers who would prosecute to its end American jimcrow, who would defend Americans from segregation insults and from white supremacist injustice.*

It may not be too late to remind the members of the National Bar Association in session here that "those who expect to reap the blessings of freedom, must, like men, undergo the fatigue of supporting it!"

### THE ST. LOUIS AMERICAN, JULY 8, 1951:

[Gerald L. K. Smith] is trying to do exactly what the Supreme Court in its majority opinion claims to be forbidding. All fascists, native or foreign, now are acceptable under the guise of their fighting reds. This all makes the Supreme Court's decision that comes dangerously near curbing freedom of speech and freedom of thought, a rather hollow one.

MRS. CHARLOTTA BASS, former publisher of the California Eagle, in an interview with the press, June 26, 1951:

I feel that the attacks being made today, and all this foolishness about overthrow of the government, is directed specifically at the Negro people.

Our enemies are trying to make Negroes believe that those who fight for peace and freedom are their enemies.

Justices Black and Douglas simply did their duty when they dissented. They did what the others should have done and until we get a Supreme Court that will do its duty to the American people we'll not get any freedom.

WESLEY ROBERT WELLS, a Negro who has been in San Quentin prison for 26 years and who was recently saved from execution by world-wide protest. Mr. Wells has conducted a vigorous struggle against discrimination and segregation in California prisons:

Instead of concerning itself with the source of C.R.C.'s bail fund, I think the F.B.I. would be rendering the government, and all

people of true democratic ideals and principles, a more appreciated and worthwhile service if it would investigate, arrest, and prosecute those responsible for the many bombings of homes, and K.K.K. cross burnings throughout the country recently. [People like Rankin, Byrnes, Talmadge, Smith, etc.] are conspiring and advocating the overthrow of the U.S. Constitution and have been for a long, long time and openly, too.

## *Labor sees the danger . . . and fights it*

FRANK ROSENBLUM, Vice President of the C.I.O. and Secretary-Treasurer of the Amalgamated Clothing Workers of America, at the N. Y. State C.I.O. Convention, September 8, 1951:

The times call for less hysteria, less panic, less violence, not more.

The times call for widening the areas of agreement among men. It is perilous for all of us to act out of fear or hate, those twin monsters which keep men apart, create false issues and plunge men and nations into a doom from which there is no return.

Sanity, a retention of first principles, discussion, negotiation are all the more imperative because of the ideological conflict, the cold war, which has divided the world in two. Hysteria, demagoguery, suppression of our liberties at home can only play into the hands of our enemies.

How are we sowing fear, hate and division at home? Well, we are getting into the habit of substituting trial by committee for trial by jury. We blast the reputations of men and women in the public service, without trial, thus discourage competent men from seeking public life and attract mainly the failures in industry and the professions.

We have begun to institute thought control. We challenge the loyalty of men and women on the basis of rumors, whispers and poison pen campaigns.

The McCarthys, the McCarrans, the Tafts, the Wherrys and others of the same stripe have a field day. Protected by Senatorial immunity, they snipe ceaselessly at men better than themselves and slowly are destroying the faith of our people in our Government, our constitution and the American way of life.

Guilt by association, by innuendo, by gossip is making a mockery of our vaunted American jurisprudence and feeding the cynical propaganda of the Communists.

Our civil rights are insidiously being impaired, restricted and curbed. A wave of legislation, beginning with the Taft-Hartley Act and the Smith Act and embracing the McCarran Act and similar measures, has created, in effect, a parallel legal system superseding the Bill of Rights, the Constitution and our traditional body of law.

This is a dangerous movement toward fascism, representing a real threat to labor and liberal elements in the community. This reactionary movement is deliberate and being engineered by those who would substitute fascism for democracy even though they seek to create the impression that it is being directed against the Communists.

The danger inside America is the threat of fascism, just as the danger of Communism is the threat abroad. Nobody seriously believes the Communists are a threat at home—the trade unions have demonstrated how to handle them—but a creeping fascism is a real menace here, and we must take steps to counteract it.

Surely I do not have to remind a trade union audience that labor unions were and are the first victims of fascism. That was so in Mussolini's Italy, in Hitler's Germany; that is so now in Franco's Spain and in Peron's Argentine.

## STATEMENT BY THE OFFICERS OF THE INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION:

The arrest of Jack Hall today has been perfectly timed to coincide and disrupt current negotiations for renewal of the union's contract in the sugar industry, and further to disrupt an attempted settlement of the Lanai Pineapple strike.

It is too obviously a deal between local politicians and Big Five employers.

This desperate and despicable move however not only will fail to slow down the union's determination to obtain an adequate contract covering wages, hours and working conditions, but Regional Director Hall will receive the full support of the entire union.

His arrest is based upon the flimsy statements of former disgruntled union members who were blocked in their attempts to make a racket out of the union and thwarted in their attempts to carve out for themselves lifetime jobs at the expense of the workers.

These statements made by Jack Kawano and his ilk have already been proved completely fabricated.

The members of our union in Hawaii and elsewhere will not be fooled for one moment as to the direct union busting purposes of Jack Hall's arrest, particularly at the time when he was chairman of the negotiating committee and a leading spokesman for the union in sugar negotiations.

It is a new use of the Smith Act and one we knew would sooner or later be made.

### HUGO ERNST, PRESIDENT, HOTEL AND RESTAURANT EMPLOYEES, A. F. OF L., IN THE CATERING INDUSTRY EMPLOYEE, AUGUST, 1951:

Our democracy should be able to stand on its own feet. It should not require totalitarian props to lean on. Indispensable to the operation of democracy is freedom of expression. Freedom of expression is inconsistent with totalitarian institutions. The Communist Party has not been declared an illegal institution by any legislation so far enacted by the federal government. Nor is there any law which prohibits the teaching of communism, or the maintenance of a communist library, including the works of Karl Marx. To enact such a law would violate democratic principles.

If Communism is right, we can't stamp it out by jailing its representatives. If it is wrong, on the other hand, it can't survive in the struggle of ideas competing for acceptance.

TEXTILE LABOR, OFFICIAL ORGAN, TEXTILE  
WORKERS UNION OF AMERICA, C.I.O., JULY 7,  
1951:

The Communist leaders were not accused of plotting to overthrow the government by force. They were charged with "teaching and advocating" doctrines which, according to the prosecution, had this as a future objective.

Practically every reader of this paper agrees with the prosecution that the ultimate aim of the Communists is to overthrow the government. Let's admit, though, that our agreement is a matter of personal conviction rather than legal evidence.

*Sending men to prison on this basis could be dangerous to us all. For example, there's no doubt that a whole segment of American society (including most southern mill-owners) consider unions in general and T.W.U.A. in particular "subversive" and "un-American."*

Bear in mind that many powerful industrialists wholeheartedly support a philosophy that sounds more respectable but amounts to the same thing: That unions, by limiting the freedom of employers, lead to socialism; and socialism, being a form of government ownership, is little or no different than Communism.

*We know this is nonsense. However, who is brave enough to say that nonsense can't be sold to the nation? Much commercial advertising is nonsense, but it sells cigarettes and soap and toothpaste just the same.*

A. F. OF L. COLORADO LABOR ADVOCATE,  
JUNE 14, 1951:

Somebody with too much power loses his head, and bam!—the ideals of justice and American democracy, precious to us all, could go whizzing out the window.

[The Palmer raids were] condemned after it was all over in a report by some of the nation's most renowned lawyers. It can do no harm to keep it in mind, vowing that we must be vigilant and never let it happen again.

DAVID LIVINGSTON, PRESIDENT, DISTRICT 65,  
DISTRIBUTIVE, PROCESSING AND OFFICE WORKERS  
OF AMERICA:

Big business in this country is not worried about communism. But what big business is concerned about is the indestructible power of working people united in effective trade unions. The campaign to destroy the Communists has as its purpose to create conditions by which the American trade unions will be completely company unionized, and their capacity to fight destroyed.

MORRIS SCHWARTZ, PRESIDENT, LOCAL 905,  
A. F. OF L., BROTHERHOOD OF PAINTERS AND  
DECORATORS:

The arrest of Jack Hall, the non-Communist regional director of the International Longshoremen's and Warehousemen's Union, just as he was negotiating a contract for 19,500 sugar workers of Hawaii, shows the shape of things to come. In this case, the Smith Act is being used for the benefit of monopoly and against the interests of the workers. That is because it is an employer weapon to depress wages. It will be used against any active trade union leader who does not sell out or refuse to back the war drive. The Smith Act is extension and implementation of the Taft-Hartley Slave Law.

One of the first victims of the Smith Act was Irving Potash, a valiant, selfless leader of the Fur and Leather Workers, now serving five years in the federal penitentiary at Leavenworth. His crime was said to be his advocacy of Marxism, but his real crime was his part in improving the living standards of thousands and in driving the racketeers out of the fur industry.

On June 20 Louis Weinstock, former secretary and treasurer of the New York District Council No. 9, A.F.L. Painters Union, was indicted under the Smith Act. His "crime" as charged in the indictment under the Smith Act, is teaching a class in American labor history. His real crime is that he cost the employers millions and

put millions into the pockets of workers by being the person most responsible for putting over unemployment insurance.

On the same date Al Lannon, one of the founders of the National Maritime Union, C.I.O., was indicted under the Smith Act, his alleged crime the writing of an article on William Z. Foster. His real offense was his part in improving wages and conditions for thousands of maritime workers. His real crime is his fight for rank and file democracy in the N.M.U. and his struggle against the government's drive against 1,200 rank and file seamen whose livelihood has been denied them because of their alleged political views.

There will be no stopping place in the government's use of the Smith Act. Already it is being used against non-Communists engaged in negotiations. It is for this reason that we appeal to all of labor, right and left and in between.

PACKINGHOUSE WORKER, OFFICIAL ORGAN,  
UNITED PACKINGHOUSE WORKERS OF AMERICA,  
C.I.O., JULY 13, 1951:

DANGER SIGNAL FOR LABOR

We have reprinted on this page an editorial which appeared recently in the *St. Louis Post-Dispatch*, one of the top ranking newspapers in the nation. Eloquently and forcefully this editorial calls attention to the dangers of the recent decision of the United States Supreme Court jailing 11 Communist leaders.

Working men and women, and members of labor unions in particular, have special reason to be concerned by any decision which does to our national liberties what the *Post-Dispatch* describes as the effect of this decision. We can't afford to hide our heads in the sand and, because we are not Communists, close our eyes to the warnings of Justices Black and Douglas.

It is not just the civil liberties of these 11 Communist leaders which are at stake; or even just the civil liberties of the 75,000 or more potential victims to whom the *Post-Dispatch* refers. It may well be the civil liberties of all of us.

On the very day the Supreme Court handed down its decision

● on the 11 Communist leaders, it also handed down three decisions on the right to picket. These decisions hold that neither the so-called "free speech" section of the Taft-Hartley Law (which gives protection to the "free speech" of employers) nor the free speech sections of the Constitution prevent the Taft-Hartley Law from interfering with peaceful picketing. Thus, once more the attack on the civil liberties of the Communists goes hand in hand with the restrictions on the civil liberties of labor.

Several years ago when the Supreme Court was upholding and supporting civil liberties for all groups—and when Justices Black and Douglas were in the majority—the Court also recognized peaceful picketing as the workers' means of communication and gave it constitutional protection. This was at a time when labor's constitutional rights were being expanded as a result of Supreme Court decisions in a case of a minority group, the Jehovah's Witnesses.

But as the Supreme Court since that time has cut down on constitutional protection of free speech generally (culminating in this most recent decision), so, hand in hand, has gone the process of cutting down the constitutional protection of labor's right to picket.

It is never just on one front that civil liberties are destroyed. When the torch of the Statue of Liberty is dimmed, we are all plunged into darkness together.

We have learned the hard way—we in the labor movement—that if we stand by while any minority group, however unpopular, is kicked around, we run the risk of being trampled on ourselves.

It is our national tradition that no man or woman, however unpopular his or her cause, shall be imprisoned for thoughts and speeches alone. We in the labor movement have special reason for preserving that tradition. We too have thoughts and make speeches that are not always popular with the powers that be.

## EXECUTIVE BOARD, INTERNATIONAL UNION OF MINE, MILL AND SMELTER WORKERS:

The recent decision of the U.S. Supreme Court, upholding the Smith Act in the case of the 11 Communist Party leaders, does not stand by itself. For it is the same court which not long before up-

held the infamous Taft-Hartley Act. And in writing the majority decision of approval for the Smith Act, Chief Justice Vinson used as a principal basis the Court's earlier decision upholding the Taft-Hartley law.

The doctrine of "conspiracy" was used as a weapon to prevent the organization of labor for half a century. For a score of years after the Mine, Mill and Smelter Workers Union was founded in 1893, it was repeatedly called a "conspiracy" and its members and leaders were prosecuted as conspirators.

Not only the non-Communist but even the anti-Communist can see in Justice Black's dissent a warning that the criminal conviction of a man merely for "intent" to say something in the future, without engaging in direct action of any kind, endangers the freedom of all Americans and especially all trade unionists. We believe that just as the Taft-Hartley Act was a frontal assault on the security of all labor unions, conservative and progressive alike, so the Smith Act is aimed at further undermining the entire labor movement.

### LABOR SENTINEL, INLAND STEEL LOCAL 1010, UNITED STEEL WORKERS OF AMERICA:

In plain words a person doesn't have to be a member of the Communist Party to be prosecuted under this law but to be a member of "ANY GROUP OR ORGANIZATION." This could be a union, National group lodge or Civil Rights group, etc. The charge can be for "engaging in un-American activities." This can mean anything too. Any fight for labor or for the rights of the Negro people is called un-American by the reactionaries.

Under this law every local steel leader and the union membership which engages in any kind of a militant fight for their rights can be prosecuted. And of course that's one of the main reasons the bill was passed.

### CARL HOLDERMAN, PRESIDENT, NEW JERSEY C.I.O.:

To deny bail to any unpopular minority group is to create a

situation fraught with danger when it is realized that such a denial can serve to negate the entire judicial processes of habeas corpus, a fundamental right preserved only within democratic countries.

## RESOLUTION OF GEAR AND AXLE MEMBERSHIP MEETING OF UNITED AUTO WORKERS, FORD LOCAL 600:

The Smith Act denies the right of free speech, freedom of assembly. The Supreme Court decision deals a deadly blow to the First Amendment of the Constitution and labor and Justices Black and Douglas in their minority opinions warn of this danger. Also that if this opinion is allowed to stand it will be the law of the land.

Labor is already suffering from the tremendous blows of the Taft-Hartley Act and we call upon the leaders of labor to unite to repeal the vicious Smith Act which if permitted to stand as a law will be used as a threat to prevent labor from continuing its march forward and finally as an atom bomb to ultimately destroy labor forever.

## DAVID SCRIBNER, GENERAL COUNSEL FOR THE UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA (UE), IN THE MARCH OF LABOR, AUGUST, 1951:

Abraham Lincoln once said, "A decision of the Court is not 'Thus saith the Lord.'" That aptly applies to the decision by a divided Supreme Court in the case of the eleven Communists, scrapping the First Amendment rights of free speech, press and assembly.

Any action of the court that has the effect of destroying those safeguards is a signpost pointing down the road towards fascism. And it is not so long ago that the National Association of Manufacturers said, "American businessmen might be forced to turn to some form of disguised fascist dictatorship."

Lest some people be squeamish about expressing their sense of

outrage against a Supreme Court decision, they can be reassured that the Supreme Court itself has recognized that the courts are subject to public criticism. The late Mr. Justice Frank Murphy ruled for the Supreme Court that if no criticism were tolerated "freedom must rest upon the precarious base of judicial sensitiveness and caprice, and a chain reaction may be set up resulting in countless restrictions and limitations upon liberty."

Working people who have been involved in wage and contract struggles with their employers will readily appreciate and understand what it is the court did. In labor history there are thousands of instances where employers have asked the court for injunctions to restrain the workers from striking or picketing because there was a threat, according to the fertile minds of the employers, that there would be damage by the strikers to a business or to a plant.

Applying the Supreme Court reasoning in the Smith Act case, the strikers would be restrained from striking or picketing if the Judge would find that the strikers had conspired to or intended to damage the business or the plant "as speedily as circumstances would permit." Any such rule could well mean the destruction of the right to strike, particularly since judges generally have not been notorious for their friendliness to labor.

The "conspiracy" charged in the Smith Act case calls to mind the use of "conspiracy" as a legal weapon by employers against their striking workers. Ever since 1806, when the shoemakers of Philadelphia were charged with and convicted of a conspiracy to "combine to raise wages," American labor has fought against this concept.

It is not strange that in order to support the court's decision in the Smith Act case, Mr. Justice Frankfurter relied heavily on certain anti-labor rulings already established by the Supreme Court restricting the right to strike and picket. In turn, *the Smith Act decision will now be used further to restrict, or completely destroy, the right to strike and picket, particularly where striking or picketing can be termed to have "political" ends, whatever that might mean.*

That leads us to the relationship between political rights and economic rights.

Labor unions, labor leaders or rank and file members who have attacked the wage freeze and lack of price control as the conse-

quence of a war economy have been pilloried as "Communists." Working people who have gone out on strike for wage increases and improved working conditions and in opposition to the wage freeze, have been accused of engaging in "political" strikes.

Workers and their unions throughout the country are crying out for reconsideration of the Smith Act ruling. Many liberals and even so-called "anti-communist" organizations, newspapers and religious groups now recognize the danger of the Smith Act ruling to all the American people.

The working people of America will bear the brunt of this decision. It is they who must lead the campaign for reversal.

U.E. 735 NEWS, CLEVELAND, OHIO, JULY-AUGUST, 1951:

#### WHO CARES? YOU SHOULD

"Who cares if the Reds go to jail?"

That might have been the remark of some German worker to a man on the next machine, fifteen years ago, as Hitler was just coming into power. *But it wasn't long before that German worker, and millions like him, found themselves without a union, without religious freedom, without free speech of any kind, and without free elections.*

Recently a U.S. Supreme Court majority ruled certain sections of the Smith Act constitutional. As a result, eight "reds" went to jail, and some 30 others have been arrested. Some people say "who cares." *Some newspapers say "hurray." But many thoughtful Americans are saying, "Beware, lest we go down the same path as Germany!"*

LEON STRAUS, EXECUTIVE SECRETARY, FURRIERS JOINT BOARD, in a letter to President Truman on behalf of the executive boards and membership meetings of six locals:

We are particularly concerned over this case because one of the

men whose conviction and imprisonment was sustained by the Supreme Court is Irving Potash, manager of our sister union, the Furriers Joint Council of New York, and for 25 years an outstanding and devoted fighter for the interests of the fur and leather workers and of working people everywhere in our country.

## VOICE OF 140, OFFICIAL ORGAN OF BEDDING, CURTAIN AND DRAPERY WORKERS, AUGUST, 1951:

Recently our Executive Board sent President Truman a letter urging him to ask the Supreme Court to grant a rehearing in the case of the 11 Communist leaders who were convicted under the Smith Act for conspiracy to advocate at some future date the overthrow of the government. No overt acts were either charged or proved. The evidence against them was based on speeches and books, many of them classics of working class literature you can find in the Public Library.

The letter reads in part:

"We urge a re-hearing of this case because it is our feeling that not only are the Communists being disfranchised as a political party but freedom of speech as guaranteed by the First Amendment to the Constitution is seriously jeopardized for all Americans. As an organization of labor, we are concerned with preserving every constitutional guarantee of our freedom to speak and to organize for our economic and political welfare. We believe that this guarantee has been dealt a serious blow if the Supreme Court decision is allowed to stand."

## HUGH BRYSON, PRESIDENT, MARINE COOKS AND STEWARDS UNION:

The locking up of Communists is a "clear and present danger" to labor. Any violation of the civil liberties of this country by its government, any violation of freedom of speech, of thought, of the press, is a "clear and present danger" to labor.

A genuine labor movement cannot exist unless every union man in it has the right to his beliefs and to express them.

The Smith Act is another step toward killing all philosophy but employer philosophy.

It is the sheerest folly for any man to think that the Supreme Court decision will affect Communists only. If you are a member of any organization fighting for better working and living standards, you are a member of a subversive organization in the eyes of the Truman administration.

Unless the people in this country act now against the Communists' arrests, every one of us in the labor movement will be shackled, some of us our bodies, all of us our minds.

## *Leaders and organizations take their stand*

N.Y. WORLD-TELEGRAM AND SUN, JUNE 26, 1951:

### OUR FREEDOMS

by ELEANOR ROOSEVELT

I have been thinking over carefully the dissenting opinions of Justices Douglas and Black in connection with the arrest under the Smith Act of the latest group of Communists.

Justice Frankfurter's statement—that he thought this bill might be harmful, but that it was the duty of Congress to pass the laws and not the duty of the Supreme Court to oppose the country's sentiment—seems to leave some topics open to discussion.

Such an attitude has not always been taken by the Supreme Court. It may well be the correct attitude. But in this particular case I am not sure that our forefathers—so careful to guard our rights of freedom of speech, freedom of thought, and freedom of assembly—would not feel that the Supreme Court had perhaps a higher obligation to point out whether a law endangered these freedoms.

If people are going to be arrested every time they meet and discuss how they will organize to overthrow the government of the United States—but before they have actually taken any action toward that end—then the Communist party is going to go com-

pletely underground and it will be harder for the proper government authorities to watch them.

Talk will do little harm. It is action that counts and that should be stopped.

I don't doubt for a minute that the Communists in this country want to overthrow our government by force. I am perfectly confident, however, that they cannot do it as long as the majority of our people have the opportunity to work, to receive a fair wage and enjoy a social security system.

The Communist party was outlawed in France before World War II. Yet by the end of the war they were a powerful group because they had stood side by side with other Frenchmen in the defense of liberty.

Outlawing a party will, I think, give a feeling to the peoples of the world that we are afraid to stand by the things on which we say we have built our nation and in which we believe. For that reason I feel we ought to move carefully.

#### THE AMERICAN CIVIL LIBERTIES UNION, JUNE 27, 1951:

We stand ready to help obtain an overruling of the June 4 decision, by participating independently in further cases arising under the Smith Act, when they reach the Supreme Court, to the extent we then deem appropriate and to the extent the court will permit.

The union, believing wholeheartedly in the American system of law, accepts the decision as part of the present law of the land. But the decision is no barrier to further legal testing of constitutionality of the act, or to attacks upon its wisdom.

JOHN RAEBURN GREEN, COUNSEL FOR ST. LOUIS POST-DISPATCH, in a separate petition for a re-hearing in the case of John Gates:

The importance of the decision does not lie in the fate of the petitioners, nor in the fate of the Communist Party.

Its importance lies in its limiting and narrowing interpretation and application of the prohibitions of the First Amendment.

For what is punished here is not even advocacy of the subversive thought, but a stage more remote than advocacy, that is, conspiracy to advocate in the future.

Whatever formula is applied here must be applied in all First Amendment cases hereafter. There is no way to apply "grave and probable danger" to this case only, nor to Communists only.

And it is noted that, for comparison with the world-wide Communist movement, Judge Hand turned, not to Revolutionary France, but to a religious movement—Islam.

Of course history makes it quite evident that in all ages, down to this day, religious persecution, whether of Protestants, Catholics, Jews, or whoever, and in whatever country, has often sought its justification in the charge that those persecuted were subversive, rebellious, conspiring or advocating resistance to the military or international purposes of the government, adhering to the enemies of the government, or, often, conspiring to overthrow or advocating the overthrow of the existing government by force and violence. That these charges were usually without foundation has never served to stop the persecution.

In the past, the country, in calmer times, has regretted what it did—sometimes with the approval of this Court—in times of fear. As the fear dissolves with time, so do the constitutional principles—or exceptions to principles—which were invoked to justify abridgement of the First Amendment.

FRED RODELL, PROFESSOR OF LAW, YALE UNIVERSITY, IN LOOK, JULY 31, 1951:

#### OUR NOT SO SUPREME, SUPREME COURT

The Court has sunk to its lowest point in a hundred years.

The Truman-Vinson Court, judged both by the quantity of work it takes on and by the quality of its work, has branded itself—conservatism aside—as incompetent, indolent and irresponsible.

The man most directly responsible for the Court's shoddy performance of late is, of course, its head, the Chief Justice.

HOWARD N. MEYER, FORMER SPECIAL ASSISTANT TO THE ATTORNEY GENERAL OF THE UNITED STATES, IN A LETTER TO THE NEW YORK TIMES, JULY 1, 1951:

Our government can now be charged with a Janus-faced inconsistency before world opinion; as having insisted, through chief delegate Austin, that it is impermissible to outlaw "criminal war propaganda," because, although evil, it is only propaganda; and now having stated, through the Chief Justice, that it is permissible to outlaw "criminal force and violence propaganda," because, although it is only propaganda, it is evil.

MARQUIS W. CHILDS, NATIONALLY SYNDICATED COLUMNIST, IN NEW YORK POST, JUNE 22, 1951:

Just how many conscientious Americans are sincerely troubled over the action of the Dept. of Justice in scooping deeper into the Communist organization to indict and arrest what is described as the "second layer" of Communist leadership?

These Americans are asking how far this will go and whether we shall put 10,000 or 15,000 or 40,000 Communists in jail and detention camps for teaching the doctrines of Communism. They are fearful that this is a violation of one of the basic American rights—the right of free speech and a free press. The 11 top Communist leaders were convicted not of any overt act but for conspiring to teach and advocate the overthrow of government with the intent of carrying through such a plan at a favorable opportunity.

If this is established as a precedent, then will it not be possible to reach down to the next rank and find that those who teach Socialism or unpopular reform are also a threat to government?

Communists have been jailed in the past two years for refusing to testify before committees of Congress and for withholding records of their organizations. When the same thing happened to the noisy propagandist for an extreme right-wing organization, there were loud outcries from his friends and backers that his constitu-

tional rights had been violated. Yet these same people had not been concerned over the Constitution and the rights it guarantees when the Communists were put in jail.

**JUDGE ARTHUR F. LEDERLE, OF DETROIT, IN CON-  
DEMNING REFUSALS TO ACCEPT BAIL FROM THE  
C.R.C. FUND:**

This is carrying the doctrine of guilt by association, which is so répugnant to our Américan system, to the extreme length of charging that government bonds become tainted by ownership.

**ROBERT M. HUTCHINS, FORMER CHANCELLOR OF  
THE UNIVERSITY OF CHICAGO, NOW A DIRECTOR  
OF THE FORD FOUNDATION:**

[The majority decision] indicates that we are at last up against a great crisis in this country. It may now become more difficult for us to take some of the positions we have in the past. We may even have to decide whether we must violate the law in order to remain in conformity with our convictions.

**STUDENTS FOR DEMOCRATIC ACTION, YOUTH AF-  
FILIATE OF AMERICANS FOR DEMOCRATIC ACTION,  
WITH 2,000 MEMBERS IN 65 COLLEGE CHAPTERS,  
JUNE 22, 1951:**

Whereas, Students for Democratic Action believe that the line between thought and action must be kept sharp and clear, and whereas, S.D.A. believes that a person should only be prosecuted for his actions and not for his ideas, and whereas, we believe a democracy is dependent upon the free interplay of ideas and whereas, we believe that it is particularly important today to defend this concept against the insidious encroachments upon civil liberties, therefore be it resolved that S.D.A. opposes the recent Supreme Court decision upholding the constitutionality of the Smith Act and favors a re-consideration of the Act's constitutionality.

# It's YOU they're after!

## Fight for the Bill of Rights!

(TEAR OFF AND MAIL)

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### CIVIL RIGHTS CONGRESS

23 West 26th Street  
New York 10, N. Y.

- I am joining the fight for repeal of the Smith Act. I have wired my Congressman urging repeal.
- I am enclosing \$..... as my contribution to the fight for the Bill of Rights, for enforcement of the 13th, 14th, and 15th Amendments, and for repeal of the Smith Act.
- I would like to order ..... copies of this pamphlet at 10 cents per copy, for which I enclose \$.....
- I want to join the Civil Rights Congress, the organization at the forefront of the struggle to defend our constitutional liberties and human rights. Here is \$1 for my 1951 membership.

(name) .....

(address) .....

.....