Rights

Vol. IV, No. 6 Price 20c April, 1957

The Un-Americans in Congress

Collins in The Montreal Gazette

"Time to curb the Fearless Fosdick committee."

What Congress Should Do: Guarantee Southern Rights

U.S. v. Thomas Jefferson

Cherry blossoms are mirrored in Washington's Tidal Basin these days beside the white marble shrine of an American born in April, 1743. Suppose Thomas Jefferson had deferred his arrival to our times. Would he stand on a pedestal or languish in prison?

Could Jefferson successfully defend himself against Smith Act charges? Strike from the record his seditious assertion of the people's right to alter or abolish their form of government. Forget the dossier bulging with utterances about the need to refresh the tree of liberty from time to time with the blood of patriots and tyrants. Confine the prosecution to 1797-1801, when Jefferson occupied the chair now graced by Richard M. Nixon.

Jefferson writes unsigned letters. He makes use of couriers. Why would an innocent man object to government agents reading his mail? Conspiratorial bonds link Jefferson with various Republican, Democratic, Franklin, and Tammany societies—obvious fronts for the Democratic-Republican Party, whose members advocate, abet, advise, and teach anarchy, atheism, democracy, and rebellion against whisky excises.

Defense counsel introduces a letter in which Jefferson calls for use of "the constitutional means of election and petition" and states that force "is not the kind of opposition the American people will permit." But this is clearly Aesopian language. Some of the democratic clubs are formed around militia companies. Only dupes and pseudo-liberals will doubt that force and violence are the real objective.

The conspirators are ideologically attuned to a foreign power, to wit France. Secretary of State Timothy Pickering has brought us to the brink of war with a former ally. Press reports state that the French have landed in South Carolina and are burning farmhouses and ravishing women. It is all very well to discount such stories, but what is Jefferson's Quaker friend, Dr. Logan, doing in Paris? Instructing the French in landing operations perhaps? No, something even more embarrassingly disloyal—he comes back with assurances that the French leaders are anxious for peace.

Pickering combs Jefferson's writings for a phrase on which to base an indictment under the Sedition Law. He works under a handicap. The doctrine laid down in *Dennis v. United States* is still unknown. A century and a half later Chief Justice Vinson is to write: "It is the existence of the conspiracy which creates the danger. If the ingredients of the reaction are present, we cannot bind the government to wait until the catalyst is added." Catalysts are unknown in the 1790's. Jefferson's subversive friend, Joseph Priestley, has only just discovered oxygen.

Un-Americans Are Challenged

Rep. James Roosevelt (D-Calif.) rose in Congress March 29 for a one-minute speech criticising the House Committee on Un-American Activities for its conduct and that of its counsel during its cross-country tour last November-December. He cited particularly and read into the *Congressional Record* the resolution of the California State Bar Assn. condemning the Committee's tactics and defending the right of all to counsel. Then he said, on his own:

"The character of these charges, which relate to the mistreatment and ridiculing of the attorneys for witnesses present, is so grave that I am sincerely considering introducing a Resolution to Amend the Rules of the House to transfer the functions of the Committee on Un-American Activities to the Committee on the Judiciary."

The Methodist Federation for Social Action, 50-year-old organization of Methodist clergymen, has voted to petition both the Senate and House for "redress of grievances" as provided in the First Amendment because it has been listed in two Congressional publications among "Organizations Cited as Communist or Communist-Front by Federal Authorities." The MFSA thus renews a fight begun a year ago when it sought to prevent joint publication by the House and Senate of the Internal Security Subcommittee's blacklist report "Handbook for Americans," which said of the MFSA: "With an eye to religious groups, the Communists have formed religious fronts such as the Methodist Federation. . . ."

The Federation had a pretty good prima facie case in that it was founded in 1907, at least a decade before the Communist Party. In an ECLC-sponsored suit, it obtained a restraining order which Congress ignored and which was quickly vacated by a 2-1 decision of the Washington, D.C., Court of Appeals. The dissent, by Judge Robert N. Wilkin, said in part: "In our system it is the peculiar and very heavy responsibility of courts to restrain unconstitutional activity by other departments."

The MFSA didn't have the money last year to carry the case to the Supreme Court but the fight as far as it was carried produced the foregoing unprecedented opinion by a Federal judge, that blacklisting by legislative bodies is unconstitutional,

warranting restraint. Since the 1956 fight, the Senate Committee's canard has been incorporated in the 1957 "Guide to Subversive Organizations and Publications" of the House Un-American Activities Committee (which included a total of 733 blacklisted outfits).

The decision to petition for redress of grievances was made April 3 by the MFSA executive committee meeting in Hartford, Conn. The petition, prepared by attorney Royal Wilbur France, calls the published listing an "unlawful Bill of Attainder" and accuses the offending Committees of having unlawfully stepped out of their legislative roles to engage "in a judicial function, without pretense of due process." The petition also points out that power to list so-called subversive organizations was specifically denied when Congress set up its first Un-American Activities Committee "and has never, at any time since, been granted."

A similar request of Congress is being made by the Emergency Civil Liberties Committee, for investigation of the invasion of individual civil liberties by Congressional committees.

(*The text of ECLC's petition to Congress will appear in the May issue of* Rights, *together with excerpts from the California Bar Association's resolution, which is being publicized by the Citizens' Committee to Preserve American Freedoms of Los Angeles.*)

Un-Americans Flop in Chicago

by Harvey O'Connor, Chairman of the Emergency Civil Liberties Committee and Member of the Chicago Committee to Preserve American Freedoms

Without honor, without victory, the House Un-American Activities Committee stole away from Chicago March 27 after an ignominious two-day stand. A housewife was pilloried by the gentlemen of the Committee because she had opposed the Korean war/police action. A Polish-language editor —who in his testimony indicated that he had forgotten more about the First Amendment than the un-American committee ever knew—was accused of "feeding garbage" to his readers. "I use the word 'garbage' instead of a shorter word," said Clyde Doyle (D.-Cal.), HUAC sub-chairman, thus emphasizing the high plane upon which he conducted the inquisition, in the absence of Chairman Walter.

The Fifth Amendment pleaded in Chicago by humble men with unpronounceable names (a point emphasized by Committee Counsel Richard Arens when he spelled them out) was lost in the roar of the Senate labor hearings in Washington. The Chicago *American*, erstwhile Hearst organ, now the Tribune's evening edition, pushed the story back to Page 5 with a charming picture of the housewife who didn't care for Truman's police action—which never was really popular in "Chicagoland." The story made Page 20 of the Chicago *Daily News*. Marshall Field's *Sun-Times* skipped the proceedings entirely.

Perhaps the apathy of the Chicago press reflected the public indifference to the few obscure publications in the Lithuanian, Slovak, Polish, Bulgarian and Finnish languages which hardly anyone outside the radical movement had ever heard of before. Or perhaps HUAC lacks a first-class press agent to precede it, in circus fashion. Or it may be that the hurried creation of the Committee to Preserve American Freedoms by a group of Chicagoans caught the HUACkers off guard. The CPAF got out a memo for Chicago newspapermen and radio-TVers explaining the HUAC pitch and asking for fair play for the latest victims in the attack on freedom of the press. As HUAC had been very shy on advance publicity, the Chicago committee's position was the only one on exhibit in the local press before the invasion of the hated federal bureaucrats from Washington.

That citizens should be concerned about preservation of the Bill of Rights aroused the unholy wrath of HUAC. Chairman Doyle indicated it was sheer *lese majeste* to attack the very Committee which had just been unanimously continued by Congress. Victim after victim was quizzed about his connection, if any, with either the Committee to Preserve American Freedoms or another affront to Chairman Doyle entitled the Chicago Committee to Preserve Freedom of Speech and the Press. The first committee had had the effrontery to mail out

Congressman Walter Philosophizes

Would he subscribe to the Holmes dictum about the market place of free ideas? "Oh, yes," he smiled again. What, then, of the efforts to repeal the Smith Act? "Now that's something quite different." He shook his head. "That law protects us from a criminal conspiracy. What was it that man wrote? Oh, you know, can't think of his name," he snapped his fingers impatiently. "Anyway, something like *Controversy, Yes, Conspiracy, No.* That's my feeling on the matter."

—from "Blocker for Dixiecrats" by Charles R. Allen, Jr., in *The Nation*, February 16, 1957

(The article that the chairman of the House Un-American Activities Committee was trying to recall is "Heresy, Yes—Conspiracy, No" by Sidney Hook, former chairman of the now defunct American Committee for Cultural Freedom.—*Ed.*)

10,000 leaflets, the second to distribute 3,000 around Chicago's Federal Building.

In his preliminary address, Chairman Doyle emphasized that HUAC was in Chicago to hold hearings on the infiltration by you-know-whom into the foreign language press so that suitable legislation could be prepared. On second thought, he belabored the point, after it had been made innumerable times by foreign-language editors, that of course Congress had no right to pass legislation on the press. HUAC's only purpose, Doyle then said, was to expose the delinquent foreign-language press so that its readers would know the dire intent of the editors. In conclusion, he confessed that "the trouble is, we have to observe the constitutional rights of citizens."

Un-Americans vs. N. Y. Musicians

The House Committee foray among the N. Y. foreign-language and left-wing press in March made very little impression in the community. The tactics of the committee were much the same as those reported in this issue about similar hearings in Chicago.

For four days in April, beginning April 9th the House inquisition turned to some forty N. Y. musicians. As far as could be learned from the hearings the committee was attacking an interracial music school and one of N. Y.'s symphony orchestras. The interviewer for the committee in New York is the wife of a musician who is said to attribute his lack of employment to the "world-wide communist conspiracy." One man was produced who said that in the Thirties he had to join the Communist Party in order to get a job and that after he became an orchestra leader he was forced to hire other musicians because they were communists and regardless of their musical ability.

The public school teacher who served as an informer for the House committee with respect to the music school, named some people as Communists but testified that he did not know of any political activity in the school.

One of the country's best-known composers, Wallingford Riegger, was called presumably because he is president-emeritus of the school. He poured scorn on the committee and refused to recognize its authority to question him about his politics or associations. "As an American," Riegger said, "I fear the loss of my self-respect if I answered you." He refused to take the Fifth Amendment and joined the growing number of those who

feel that the reestablishment of the First Amendment is the best way to stop the unconstitutional activities of committees of inquisition. Thirty-six other witnesses asserted the Fifth Amendment in refusing to answer questions.

Although the House committee demonstrated its low IQ in suspecting that Chekov and Serge Kousevitsky were somehow part of the great conspiracy, it should be said for Congressman Doyle that he appreciated Earl Robinson's music. Robinson asserted the "whole Constitution" as his basis of refusing to answer questions, but when asked why he hadn't written some salute to America, he replied he had and sang "The House I Live In" for the committee. Congressman Doyle was so impressed that he ordered and paid for a copy of the song right then and there.

Un-Americans 'Invade' Canada

The world was shocked by the suicide on April 4 of E. Herbert Norman, Canadian ambassador to Egypt, following the release of a derogatory report about him by the Internal Security Subcommittee of the U.S. Senate. The report quoted remarks by Robert Morris, Subcommittee counsel, about testimony taken from a government witness named Wittfogel in 1951. Wittfogel, according to Morris, said that Mr. Norman belonged to a Communist study group while a graduate student at Columbia in 1938. (But *I. F. Stone's Weekly* for April 15 notes striking differences between Wittfogel's testimony and Morris's account of it, and Harold Greer notes that Mr. Norman never studied at Columbia, in *The Nation*, April 20.)

It all started apparently when an informer told the Royal Canadian Mounted Police in 1940 that Mr. Norman was a Communist. This information was sent to the FBI in 1950 and passed along to U.S. Army Intelligence. A subsequent report clearing the career diplomat was sent to the FBI in 1951, according to Lester B. Pearson, Canadian Secretary of State for External Affairs. When asked if he had both reports, Subcommittee Counsel Morris said, "We are not saying anything."

The report about Mr. Norman was released, according to Morris, with the approval of a deputy to W. Scott McLeod, State Dept. security chief and ambassador-elect to Ireland. The Des Moines *Register* called the incident "shameful senatorial behavior." The General Council of the United Church of Canada in a public statement condemned the "shocking and sadistic methods" of Congressional committees. The president of the U.S. National Council of Churches said that the incident

will be brought to the attention of the National Council's General Board on May 1.

Wittfogel was one of the witnesses in the government's abortive perjury indictment of Owen Lattimore, and the Norman affair recalls Professor Lattimore's remarks at an ECLC Bill of Rights Day dinner in 1955 in an address entitled "Fear and Foreign Policy."

Franchise Aid for the South

"While liberals in the North are fighting a defensive fight to preserve their constitutional rights, in the South an offensive is underway which may very well determine the outcome—in the North as well as in the South," so spoke a southern visitor at one of the ten meetings held in and around New York in the last month. The meetings had as their objective a broader understanding of the struggle for the right to vote. As a result of contributions at these meetings, a fund for franchise aid has been set up by ECLC chiefly to help small voters' groups that have sprung up in the South.

The outcome of the Supreme Court's decision on integration in the public schools will depend, as do other issues, on the votes in the ballot box. This is the trump card now held by the White Citizens Councils and other reactionary groups in the South. Whether those who believe in equal democracy for all our citizens will be able to overcome their present handicap depends, according to southern speakers at ECLC meetings, on two movements now under way:

1. the effort of local groups in the South to extend registration and voting. The local people will do the work but they need financial help from the North.

2. passage of a Civil Rights bill which will extend Federal protection to the right to vote in state elections. Efforts of southern senators to prevent the passage of such a bill have so far been successful. What you can do about the filibuster is suggested below.

The efforts of local voters' groups is particularly important today when the NAACP is fighting a battle for survival in several southern states. (In Alabama, for example, it has not only been outlawed but fined $100,000 which it is now contesting in the courts.) Local groups without national connections are doing a big job and should be helped. The Georgia Voters League is making a great effort for registration this month. Fortunately ECLC, as the result of the luncheon for Mr. John Wesley Dobbs, has been able to provide a little financial aid for the registration drive. Mr. Dobbs, who is Vice President of the NAACP as well as the President of the Georgia Voters League, stopped over in New York on his way back from the inaugural ceremonies in Ghana. He spoke to about 200 guests at the Carlton Terrace. Judge Hubert Delany presided at the luncheon and told of the importance of the work that the Georgia Voters League and other such groups are doing in the South.

ECLC will continue to have meetings for visitors from the South in the belief that both North and South can benefit from greater understanding of, and greater aid to, the progressive forces there.

What You Can Do About The Filibuster on Civil Rights

Unless we concede that the Senators and Congressmen from the South are cleverer than those from the North and West we are forced to question the devotion of the latter to the cause of civil rights. A filibuster is the resort of the minority, but it can always be broken by the majority if the latter is as determined as the former.

The filibuster has become increasingly an excuse by half-hearted northern Senators for their failure to get legislation passed over the objections of the southern reactionaries. But when Senator Wayne Morse tried to filibuster on the oil give-away last year, the same senators who are generally so impotent against filibusters found no great difficulty in letting Senator Morse and his associates talk themselves to death.

What is needed is for the voters in the North who believe in civil rights for all, to get after their senators now. There is another election in 1958, and if the senators are impressed by the demand of the voters they will show greater determination in their fight for majority rule.

The Civil Rights bill is still bottled up in Senator Eastland's committee. The tactics of the Dixiecrats are to stall and delay until the end of the session when filibusters are more easily won. The bill is S. 1658. Let your senators know if you want it passed. Filibusters do not represent a menace in the House of Representatives and the bill is almost sure to pass there, although for the moment it is being held up in the Rules Committee chaired by Howard Smith of Virginia.

The Senate decide. Write your senator!

NAACP Pilgrimage to Washington—The NAACP has scheduled a Prayer Pilgrimage for Freedom in Washington on May 17. The Pilgrimage was officially launched at a meeting of 77 leaders of church, civic, fraternal and labor organizations in observance of the third anniversary of the U. S. Supreme Court decision outlawing jimcrow in public school education, in protest against Southern terror and violence, and in support of pending civil rights legislation.

The Fifth Amendment And the Labor Movement

BY LEONARD B. BOUDIN

(*From the Temple University* Law Reporter, *March* 1957)

Recently the AFL-CIO Executive Council passed a resolution that trade union leaders invoking their constitutional privilege under the Fifth Amendment before congressional committees authorized to investigate racketeering be ousted from their office. In support of this resolution it has been argued (1) that "racketeers violating the criminal laws" are in an area over which Congress has full authority, (2) that they are too powerful for internal reform, and (3) that a trade union need not keep in office one who refuses to account for his stewardship. Some liberal commentators have distinguished this situation from the invocation of the Fifth Amendment before the Internal Security Subcommittee and the House Committee on Un-American Activities on the ground that these two committees are functioning in a First Amendment area closed to Congress and that the purpose of the witnesses was to avoid becoming informers.

I would question this analysis in the light of (1) the principles underlying the Fifth Amendment, (2) the differences between the power to inquire and the right to refuse to answer, and (3) the distinction between the investigatory, prosecuting and employment functions.

The principal purpose of the Fifth Amendment is not to protect First Amendment rights, although unquestionably it originated in a period of political and religious oppression and was used as a defensive measure by Lilburn and other dissidents. Nor was it intended to protect persons against being informers, as it is used today. But the doctrine *nemo tenetur se ipsum procedere* is based upon different principles, such as the presumption of innocence, the requirements of an accusatorial system of law that the state produce evidence and the moral revulsion against compelling a man to injure himself.

The right to invoke the Fifth Amendment without resulting detriment does not depend upon the subject matter of the inquiry. The rule must be the same for persons accused of being racketeers as for persons accused of being Communists. In fact, the more serious the crime the greater the need and justification for invocation and the protection of the privileges. It is thus improper to punish the witness who invokes the Fifth Amendment regarding espionage, which has been the subject of investigation by these to committees and by McCarthy.

Congress Rights Must Be Defined

Congress has a right to investigate labor racketeering for the purpose of determining whether legislation is needed. It has no right to exercise this power to punish "racketeers violating the criminal laws." That is the duty of state and federal law enforcement officials. To regard their delinquency as a reason for shifting this power to Congress is to violate the separation of powers doctrine and to perpetuate a situation in which law enforcement officials fail to carry out their responsibilities. Here, as in all aspects of government, the direct approach is the only good one: make the government officials carry out their statutory and constitutional functions.

Similarly, the congressional committee is not authorized to determine whether a union official has breached his trust. That is a function of the *cestui qui* trust, or in this case, the labor movement. Union officials must choose between their jobs and a full accounting of their stewardship to their union. Loss of their employment should follow their failure to make an accounting, not their invocation of a constitutional privilege.

The argument that in some unions "the crooks would control the trial machinery" hardly justifies the transfer of a non-legislative function to a congressional committee. But even this problem is not a real one. The same AFL-CIO Executive Council which passed the resolution can insist upon the power to investigate and expel union officials or national unions which fail to cooperate in an investigation of them. The Council has taken the shorter, easier and improper way by shifting its own responsibility to a congressional investigating committee. Again, as in the point about law enforcement, it does no good in the long run to abdicate responsibility.

EDITOR'S NOTE: Leonard B. Boudin, of the firm of Rabinowitz and Boudin, was graduated from St. John's University School of Law. He is general counsel for the Emergency Civil Liberties Committee and the author of "The Constitutional Right to Travel" (56 Columbia Law Review, January, 1956) and "The Rights of Strikers" (35 Illinois Law Review, March, 1941). Mr. Boudin is also a member of the New York and Federal Bar Associations.

Harriman Signs "Risk" Law Extension

On March 26, Governor Harriman signed into law a one-year extension of New York's "security risk" law, adopted without even the safeguards proposed by the Governor's own commission to study the law. The statute, which has been renewed an-

nually since 1951, was vigorously opposed by ECLC and a large number of civil liberties and civic organizations. The incongruities of Harriman's action were ably pointed up in an editorial in the New York *Post* on March 7, before the Governor acted:

Timid Souls at Albany

New York State produces more liberal speeches per capita politician than any other state in the Union. Republican and Democratic orators have long vied with each other in reciting odes to civil liberties. Yet once again a real test of conviction has occurred in the State Legislature, and again both parties have dismally failed the test.

The result is that New York State's infamous "security risk" law has been reenacted with a disgraceful minimum of debate and dissent. The statute, first adopted in 1951, reflects the darkest frenzy of the McCarthy era.

It extends the ruthless machinery of security investigation to tens of thousands of employees who have no remote connection with any aspect of national defense. It denies ousted employees the right to appeal to the courts. It sanctions the dirty business of summarily hanging men without giving them a chance to confront their accusers. It epitomizes everything which liberal politicos in this state deplore when discussing the problem of liberty in general.

Yet when the roll calls came, the law was reaffirmed in its present form with eight dissenting votes in the Senate and exactly one in the Assembly. We salute the handful who stood out in the Senate, led by George Metcalf (R) and Fred Moritt (D-Lib), and we applaud Bentley Kassal (D-Lib), the lonely dissenter in the Assembly. But where were all the other flaming fellows who so valorously affirm their liberalism when campaigns are in progress and the Legislature is in recess?

Last year Gov. Harriman set up a special committee to investigate the operation of the law. The committee was an eminently respectable body, headed by Whitelaw Reid and including, among others, Allen T. Klots, former president of the New York Bar Association.

In January the committee issued an interim report calling for drastic curbs on the application of the law. Noting the lack of procedural protections afforded accused employees, it pointed out that countless state and local agencies unrelated to defense have been classified under the law as security agencies. The report disclosed, for example, that scientists in the paleontology section of the Department of Education have been subjected to security investigation because they know the location of caves in which things could be hidden (or perhaps where politicians can hide). . . .

While the Reid committee did not urge scrapping the statute, the amendment it proposes would spare thousands of state and city employees the humiliations and harassments to which this law now exposes them.

Gov. Harriman submitted the report to the Legislature. But that's all he did. He gave it no real send-off, and the Legislature interpreted his attitude as a brush-off. Republicans and Democrats joined the procession of timidity; the word was passed that the Democrats could not afford to fight the issue lest the GOP accuse them of "softness" on communism. So they chose to be soft on know-nothingism.

The first court challenge to the New York Security Risk Law, meanwhile, was turned down by the state's Court of Appeals in a 5-2 decision on February 28. The action, brought to reinstate subway

conductor Max Lerner who was fired for pleading the Fifth Amendment, was supported by ECLC. An appeal to the U.S. Supreme Court is planned. In a strong dissenting opinion, Judge Stanley H. Fuld pointed out that there was not "the slightest evidence" to infer that Lerner was a member of the Communist Party, that he was of doubtful reliability or "that his continued employment would prove dangerous to the state or nation." The only ground for his dismissal was the fact that he had invoked his constitutional rights.

The New York State Legislature also passed a bill to require tenants of publicly aided housing to sign a loyalty oath. The bill, which limits oath-signers to members of organizations condemned by the state Board of Regents (so far only the Communist Party), is the New York substitute for the Federal Gwinn Amendment, which was much more sweeping and which was allowed to die after the government lost 24 cases prosecuted under it.

Tenants' oaths in public housing were opposed by ECLC in two test cases before the Gwinn Amendment died. Governor Harriman vetoed the Tenant Oath Bill (unlike the Security Risk Law) as *Rights* went to press.

Roosevelt G.I. Rights Bill

Court Upholds Harmon Army Discharge

The U. S. Court of Appeals in Washington has upheld the less than honorable discharge given to John H. Harmon III of New York by the Army on the basis of alleged Communist activities before he was inducted. The court upheld a U. S. District Court ruling that civilian courts do not have authority to "review, control or compel the granting of particular types of certificates" to persons discharged from the Army. The Appeals Court decision claimed that the "consideration of pre-induction activity was not frivolous, arbitrary or discriminatory; it was based upon reasonable grounds." A dissenting judge called the form of discharge given Harmon indefensible "on the ground that the separation report does not on its face indicate that it was based on security considerations."

A series of ECLC-sponsored test suits likewise have failed to gain judicial disapproval of the Army's discharge policy, although several of the soldiers involved have received honorable discharges. ECLC is backing the case of Howard D. Abramowitz vs. Secretary of the Army Brucker, which is now before the Circuit Court of Appeals.

Short of successful litigation through the Supreme Court, the only way to re-establish the principle of honorable discharge for honorable service in the U.S. armed forces seems to be passage of

H.R. 429, a bill introduced by Rep. James Roosevelt (D-Cal.).

The measure would halt the issuance of undesirable "loyalty" discharges based on "allegations" or "derogatory information" concerning a GI's alleged actions, beliefs or associations prior to his induction.

Under the bill any member of the armed forces given a less than honorable discharge could demand a military court martial. If no court martial is convened the soldier must be granted an honorable discharge. A court martial would give the "suspect" GI the benefit of due process under rules of evidence and allow him to confront and cross-examine accusers, a right denied in military security hearings.

HEARING IN MAY: Roosevelt's bill would also amend the "Uniform Code of Military Justice" so that no court martial could punish a soldier "for anything done or not done" outside the service "or for any exercise of a legal or Constitutional right," while a soldier or a civilian.

Ex-GI's, presently holding less-than-honorable exit papers from the military since 1947, would be given honorable discharges under the measure as long as they could prove they were drummed out solely because of alleged activity or associations as a civilian.

In the Senate, Warren Magnuson introduced Senate Bill 1668, as a companion to the Roosevelt bill. He got Legion and VFW support in his home state.

—From *The National Guardian*, April 15

Jeopardizing Free Assembly

(*An editorial in the March* 30 *issue of* New York Teacher News, *published by The Teachers Union of New York.*)

Some years ago certain reactionary groups pressured the Board of Education into denying the use of the public schools for public meetings to any group if the sponsor, speaker or subject of the meeting was considered "controversial" by any segment of the community.

They argued that this was no breach of the constitutional principle of freedom of speech or assemblage, since the banned organizations could always "go and hire a hall."

The hypocrisy of this argument and the real objectives of these pressure groups are laid bare by their success in preventing organizations not to their liking from holding meetings even in "hired halls." Through anonymous protests and threats of reprisal, they succeeded in forcing first the Garden City Hotel and then the Paraglide Restaurant of Hempstead, L. I. to cancel contracts for a meeting called by the Emergency Civil Liberties Committee to bring to the public's attention many furtive steps to introduce religious instruction into the public schools of Long Island.

Last November a forum at Sewanhaka High School in Floral Park, L. I. was canceled as a "precautionary" measure because "some people had suggested to some members" of the school board that the speaker, historian Henry Steele Commager, was "too controversial a figure to be permitted to speak before local residents." (Prof. Commager, Chairman of the Dept. of History at Amherst College, had been scheduled to speak on the "background of the American Presidency.")

Similar groups using similar tactics threatened to boycott the Hotel Martinique, causing the management to cancel its contract for a meeting called by the New York Civil Liberties Union to hear Daily Worker editor John Gates, who had addressed two Columbia University campus meetings after being barred by the City colleges during "Academic Freedom Week."

The New York Civil Liberties Union and the Emergency Civil Liberties Committee deserve all possible support in their defense of free speech and freedom of assemblage.

Legion Disapproval Helps Freedom Agenda

Local members of the American Legion were among the pressure groups opposing ECLC's First Amendment right to hold a Long Island meeting on the First Amendment principle separating church and state. The following dispatch from the New York Times *shows that Legion disapproval is not always a hindrance.*

American Legion disapproval often turned out to be an asset for a program of community discussions of constitutional liberties, a unit of the League of Women Voters reported on March 11.

The league's Carrie Chapman Catt Memorial Fund, in a final report in the venture, said that its Freedom Agenda project set up in 1954 to overcome popular apathy towards the Bill of Rights, had first been assailed in July, 1955, by a Westchester County American Legion committee. Opposition was upheld the following November by the legion's national executive committee.

"When legion criticism came at the beginning," the report said, "it frequently demonstrated the need for a project and brought out more participation than had been expected.

"In a town where the post commander warned panelists not to participate, several busy men who had meant to lend their names but not their presence became very active.

"In another community, where the county chairman of the legion un-American activities committee let it be known that he was calling in the FBI, attendance at the first meeting was triple the number originally expected."

In "numerous instances," the report added, local legionnaires actively developed projects, and in one case a local legion gave the League of Women Voters a distinguished service award for citizenship activity.

RIGHTS Notebook

Delays in Passport Cases — State Dept. hearings are due to be held on April 29 on the passport renewal application of William Worthy, Jr., correspondent for the Baltimore *Afro-American*. Mr. Worthy is one of the three U.S. reporters who recently visited Red China, and he applied for renewal of his passport on Feb. 25. Meanwhile, no decision has been reached by the D.C. Court of Appeals in the ECLC-sponsored passport suits of Rockwell Kent and Walter Briehl vs. Dulles, which were heard on Jan. 29.

Labor Leader Deprived of Citizenship — Federal Judge Walter Bruchhausen on March 26 upheld the Justice Department's revocation of the citizenship of James J. Matles, Director of Organization of the independent United Electrical Workers (UE). The judge held that Mr. Matles, who was naturalized in 1934, had lied about alleged Communist affiliations. Frank J. Donner, his attorney, said the decision will be appealed.

Medina Defends Rights of Communists — The rights of others—including Communists—must be respected no matter how much we dislike them, Federal Judge Harold R. Medina told a Washington's Birthday dinner of the Sons of the Revolution in the State of New York. Judge Medina said he would rather see "every Communist go scot free" than see any part of the Bill of Rights—particularly the Fifth Amendment—abandoned or diminished in vigor.

The Emergency Civil Liberties Committee was formed in 1951 to give uncompromising support for the Bill of Rights and the freedom of conscience it guarantees.

The governing body of ECLC is the National Council of 77 members from 16 states and D. C. All who agree with our aims are invited to join as Associates by paying $5.00 a year. Associates receive *Rights* and other literature distributed by the Committee.

RIGHTS Suite 201
421 Seventh Ave., N. Y. 1, N. Y.

I would like to contribute.....
Become an Associate, $5 a year.....
Subscribe to RIGHTS, $2 a year.....
Enclosed please find $.....
Name.....
Street.....
City..... Zone.....
State.....