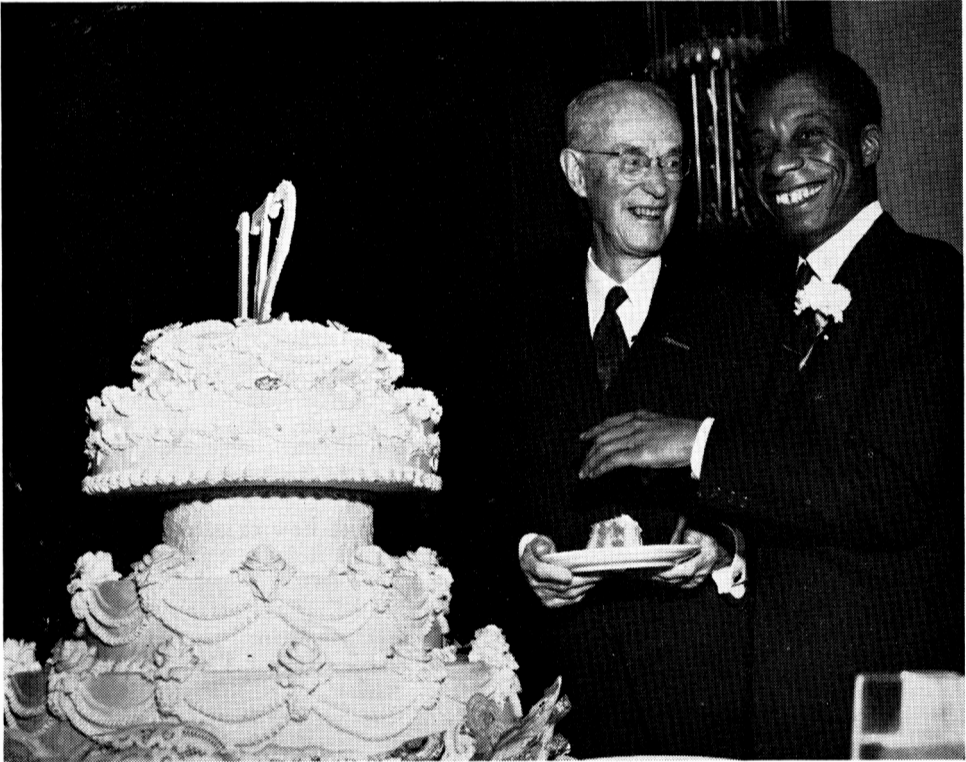


Rights

Vol. XI No. 1

Price 25¢

February-March, 1964



James Baldwin and Dr. Alexander Meikeljohn at the Bill of Rights dinner. See story on page 14.

ROCKY RIGHTS

Governor Rockefeller gave fair notice to the rest of the country about his attitude toward the Bill of Rights by asking the State Legislature of New York to pass bills which give the police the right to stop and frisk anyone whom they think looks suspicious, and a second bill allowing police with warrants to enter dwellings without knocking on the door or ringing the bell.

These so-called "stop and frisk" and "no-knock" bills were enacted by the legislature and signed by Governor Rockefeller over the protests of many civil liberties groups. An independent group headed by Robert B. Blaikie was formed to fight the acts.

Clark Foreman sent a letter of protest to Governor Rockefeller asking that hearings on the bills be held, pointing out that the bills were clear invasions of individual rights. "I wonder if you have considered the danger to which policemen carrying out the 'no-knock' bill will be exposed." Since the signing of the bills, without hearing, Malcolm X has called for all Negroes to have shotguns and to be ready to fire them if anybody tries to open their doors without knocking.

Robert B. Blaikie as the Chairman of the new Emergency Committee for Public Safety, said at a mass meeting held in Harlem on March 7, "These 'no-knock' and 'stop and frisk' bills are null and void. As so-called laws they seek to blot out the illegal search and seizure, the presumption of innocence, the non-self crimination and due process of law clauses of our Constitutions. They seek to overthrow the rules of reason and moral certainty and replace them by the viruses of suspicion and imaginary accusation."

SLEEPERS IN THE CIVIL RIGHTS BILL

ECLC rejoices that President Johnson got the civil rights bill through the House. It was no easy task and those who are responsible, especially Rep. Emanuel Celler of Brooklyn, the Chairman of the Rules Committee, need to be congratulated.

We deplore, however, that two anti-civil liberties amendments were inserted: one which denies the privileges of the proposed FEPC to all members of organizations which the SACB under the notorious McCarran Act calls on to register. For an understanding of how extensive that may be, you have only to read the article by David Rein in this issue.

All those who believe with us that civil rights are meaningless unless accompanied by civil liberties, should write their Senators and ask support for the bill but the elimination of the amendments. Senator Joseph Clark of Pennsylvania is responsible for the FEPC part of the bill in the Senate. Senator Hubert Humphrey of Minnesota is responsible for over-all direction in shepherding the bill through the filibusterers in the Senate. Both of them should also hear from you. All Senators can be addressed at the Senate Office Building, Washington, D.C.

PACIFICA'S ORDEAL

We do not profess to know the source of the Federal Communications Commission's long delay in renewing the licenses of three FM radio stations operated by the Pacifica Foundation. The three stations—one in New York, one in Berkeley, California, and another in Los Angeles—are listener-supported and carry no commercials. Their programming, consequently, is very different from most other radio stations. They present a wide variety of social and political opinion, a great deal of good music and literature and have in recent years produced documentaries which some time or other, we are sure, will be regarded as models of conscientious and intelligent radio work.

Perhaps it was only to be expected that these things to its credit, Pacifica would run afoul of such fellows as the one-time lobbyist for Guatemala, Senator Dodd, and the Senate Internal Security Committee, which put some directors and employes of Pacifica through an unnecessary, irrelevant and humiliating inquisition. Later, the FCC, while holding up the renewal of licenses, requested that the Pacifica executives submit non-subversive affidavits as a qualification for the license renewals.

We think we are correct in saying that the FCC request was protested and rejected by Pacifica. At any rate, it would seem that the FCC has decided such affidavits would serve no purpose because the FCC itself, in announcing that licenses would be renewed, declared that exhaustive investigation had cleared Pacifica of any allegations which had been made against it. We suppose this is something to applaud.

But we cannot help but wonder why such an obviously educational and responsible radio enterprise should have had to go through the ordeal that Pacifica experienced. We would guess that other broadcasters, observing this situation, might well have played things pretty safe. In other words, the ordinary radio and television fare, which is generally bland enough, possibly became even more bland. The public, as a result, as well as Pacifica, suffered from the persecution which somebody or other inflicted upon this non-commercial broadcasting organization.

The complaints about certain Pacifica programs actually could have been disposed of in a minute or two. If a listener doesn't like a program he has the right and capacity to turn it off. But he doesn't have the right to deprive others of the opportunity to listen if they so desire. This is the crux of all issues where censorship is attempted. We are happy to see that the FCC made some declarations of principle in its statement on the Pacifica license renewals. Let us hope that this may encourage more, not less, of the kind of diversified and interesting radio material Pacifica offers the public. We need it.

—from *York Gazette & Daily*

Credits

The cover photograph and those appearing on pages 15 and 17 were taken by Arthur Swoger of New York City. The drawings on pages 9 and 20 are from *The Nation*.

The McCarran Act Cases—Progress & Setbacks

by David Rein

Member of the D.C. Bar and of ECLC NATIONAL COUNCIL

In October 1962 the Court of Appeals heard arguments in a number of cases involving appeals against the Subversive Activities Control Board under the McCarran Act. The cases were divided into two categories: those heard on the merits, and those raising the point that the SACB order should not be enforced because the organizations had been dissolved and had gone out of existence. The cases argued on the merits involved the National Council for American-Soviet Friendship, the American Committee for Protection of Foreign Born and of the Abraham Lincoln Brigade. In the second category were the Labor Youth League, the California Labor School, the Civil Rights Congress, the American Peace Crusade, the Colorado Committee for the Protection of Civil Liberties, and the Washington Pension Union. The case of the Jefferson School of Social Science also raised the question of dissolution, but the court indicated that it would hear both that question and the question of the merits. Another organization, the United May Day Committee, whose case was also pending before the Court was not argued, counsel for the Committee merely submitting his case to the Court on the basis of the Court's decision in the other cases. The Court of Appeals handed down its decisions in the other cases. The Court of Appeals handed down its decisions in these cases in two separate batches, the first batch in the spring of 1963, and the second batch in December 1963.

Decisions in the Spring of 1963

Cases involving the issue of dissolution

On the question of whether organizations could dissolve after a Board order was issued, the SACB took the position that the order should remain outstanding against the organization despite its dissolution. The Court of Appeals in a principal opinion handed down in the Labor Youth League case rejected this contention. It held that if an organization actually dissolved and discontinued its existence the order of the Board cannot stand. It pointed out that an order of registration against a non-existent organization served no valid purpose. On the other hand, the issuance of such an order would result in casting a cloud over all former members of the organization and might create problems for them in connection with government employment, defense employment, receiving a passport, and the other sanctions of the Act against members of so-called Communist-front organizations. The Court rejected the argument of the SACB that the issuance of such an order was justified because the organization might someday become reactivated, or because the members of the organization continued to engage in the same activities as they did in the organization. The Court also held that since an order should not issue in any event, it would not inquire into the merits of the Board's finding against the organization.

The same rule was followed in the cases of the Colorado Committee for Protection of Civil Liberties, the American Peace Crusade, and the Washington Pension Union. In the California Labor School and the Civil Rights Congress cases the Court held that there had not been a sufficient showing that the organizations were out of existence. However, since the organizations have in fact gone out of existence even though this was not adequately shown in the proceedings before the Board, it is fairly clear that, under the theory of the Court's decisions in the cases in which it held the organizations were dissolved, an order cannot be enforced against them or any of their former officers.

The National Council Case

The case of the National Council for American-Soviet friendship was decided on the merits. The Court set aside the Board order on the ground that the evidence did not sustain the finding that the National Council had been controlled and dominated by the Communist Party, a necessary finding to support the order against the Council. In its opinion the Court laid down several basic principles. (1) The Court rejected the position of the Board that it was permissible to make findings based on hearsay evidence. Much of the Board's findings that members of the Board of Directors of the Council were also members of the Communist Party had been based on hearsay, surmise, and conjecture. The Court ruled that this was not permissible and that the Board must meet the same standards of proof that obtain in any ordinary proceeding. (2) In addition the Court held that the Board cannot rely upon state evidence. The Court stated that the issue before the Board was the character of the organization at the time of the hearing, that a finding as to membership of those active in the Board of Directors must be somewhat contemporaneous, and that the Board cannot rely upon evidence that someone was a member of the Party 10 or 20 years ago to support a finding that that same person was a member at the same time he was a member of the Council. (3) The Court also pointed out that, under the Act, membership in the Communist Party by those active in the alleged Communist-front organization was significant only to the extent that the individual concerned was active in the affairs of the Communist Party or was a representative of the Communist Party to the organization. The Court held that the statute must be interpreted as written and the Board was not free to disregard the express language of the Act. The Board had found that parallel membership alone was sufficient to show control and domination of the Councils by the Party. The Court rejected this contention. (4) The Court also rejected the position of the Board that it could make findings of domination and control on the ground that leaders of the Council who were admittedly not members of the Communist Party "acted" like Communists or "behaved" like Communists.

In short, the approach taken by the Court was that the Act meant what it said when it defined a Communist-front organization as one controlled or dominated by the Communist Party, and indicated quite clearly that it would uphold such an order only when there was concrete evidence of this and would not permit the Board to issue an order on the basis of surmise, conjecture, and hunch. Under the Act the Depart-

ment of Justice had 90 days to take the case to the Supreme Court if it disagreed with the ruling of the Court of Appeals. The Department did not avail itself of this privilege and accordingly the decision in the National Council case is now final.

Decisions in December, 1963

In the batch of decisions handed down in December of 1963, the Court unfortunately ignored many of the principles it had laid down in its earlier batch of decisions.

The Jefferson School Case

The principal issue dealt with in the opinion in the Jefferson School case was whether or not the organization had dissolved. The evidence showed that the Jefferson School had in fact dissolved and sold its building. The government contended that it was succeeded by a so-called New York School of Marxist Studies. After examining the evidence, the Court in a divided opinion, 2-1, found it could not conclude that the Jefferson School had been succeeded by the New York School of Marxist Studies but, on the other hand, it had some doubts as to the matter. It held accordingly that the Jefferson School had not carried "its burden of proof" since it had not shown without doubt that it had dissolved. On the merits the Court stated that the Jefferson School had not raised any question as to the sufficiency of the Board's findings that the school was a Communist-front but presented only the naked constitutional question as to whether the proposition in the Act relating to Communist-front organizations was constitutional. The Court's answer to this was simply to state that question had been decided by the Supreme Court in its opinion upholding the registration order against the Communist Party. The Court ignored the argument made in this as well as in the other cases that the constitutional question involved in the requirement for registration by Communist-front organizations was different from that involved in the registration of the Communist Party itself, which had been found to be a so-called "Communist-action" organization.

Judge Bazelon dissented. He argued that since it had not been shown that the Jefferson School had been continued in some other form, a conclusion with which the majority agreed, the case should be dismissed as most consistently with the Court's opinion in the Labor Youth League case.

It is doubtful what practical effect this decision will have, for it appears clear from the decision that the Jefferson School was in fact dissolved and the majority of the Court expressly made it clear that it was not finding that the School was succeeded by another organization. Accordingly, there does not appear to be any existing organization that can register under the Act or that the Department of Justice can proceed against, charging a failure to register.

The Veterans of the Abraham Lincoln Brigade

The VALB case* was also decided adversely by a 2-1 vote. In the VALB case the evidence showed that in the post-1950 period the organi-

* A test case sponsored by ECLC

zation had only two active officers. The Court stated that the evidence could not support a finding that either of these officers in this period had been representatives or functionaries of the Party. It nonetheless sustained the finding of the Board that the VALB was controlled and dominated by the Party on the basis of considerations which it held in the National Council case were impermissible, i.e., stale evidence dating back as far as 1936 and on the basis of a record which was, to say the least, sparse and unclear.

The Court also found that the VALB had been operated primarily to aid and support the Party. This finding was based upon evidence of activity and positions by the VALB which by themselves were unobjectionable and according to the Court were "positions . . . also held by many people who were not even remotely allied with the Communist Party." These activities in brief consisted of opposition to Franco, support of VALB members who had been indicted under the Smith Act, and opposition to the Internal Security Act. According to the Court the question as to whether or not these activities were undertaken by the VALB as a matter of independent conviction or for the purpose of giving aid and support to the Party was a question of fact. It held that the Board was justified in finding on the basis of the whole record going back to 1936 that these activities were undertaken for the purpose of giving aid and support to the Party and that the VALB was accordingly a Communist-front. Contrary to its approach in the National Council case, in which it carefully examined the Board's findings and required precision and accuracy and concrete evidence in support thereof, the Court made no effort to examine or recite the basis upon which the Board's conclusion could be justified. Apparently central to the majority's approval was its view that the Spanish Civil War was "basically" between Fascism and Communism, and that opposition to Franco today is "basically" Communist.

The court ignored entirely the constitutional questions raised, the principal one being the validity of a registration order based solely upon activities which were admittedly protected by the First Amendment. The Court said only that this issue had been decided and foreclosed by the Supreme Court upholding the registration order against the Communist Party. Although there are vast differences between an order directed against a so-called Communist-front organization and a Communist-action organization the Court simply ignored these differences.

Judge Bazelon dissented from the majority on two grounds: (1) He read the statutory definition of a Communist-front to include only those organizations which were operated for the purpose of giving aid and support to the alleged sinister objectives of the world Communist organization, a view which was not shared either by the Board or the majority of the Court. (2) The evidence in any event was stale; the findings of the Board rested upon events which had occurred between 1936 and 1950; and there was actually very little evidence of any kind relating to the relevant period of 1950-54.

The majority of the Court indicated some misgiving about the correctness of its decision on this latter point. Accordingly, it took the unusual step of inviting the VALB to file a petition for reconsideration on the

issue of the evidence as to the character of the organization in the period after the passage of the Act. The VALB filed such a petition and it is due on January 30. It is anticipated that if the petition is denied the VALB will take the case to the Supreme Court.

The American Committee Case

The Court, also by a divided opinion, sustained the order against the American Committee for the Protection of the Foreign Born. Here the central question was whether or not the activities of the Committee were such as would justify a finding that they were carried on to support the Communist Party. The Court found that the major portion of the activities of the Committee was devoted to the protection of the foreign born, as its title indicates, by contesting deportation of aliens and by promoting naturalization. The Court recognized that these activities were "laudable" and "praiseworthy." It held that the organization was nonetheless a Communist-front because the pursuit of these laudable and praiseworthy activities served to benefit the Communist Party. This followed, said the Court, from the public identification of the Committee with the Communist Party, which thus gained credit and support because of the praiseworthy work of the American Committee. The Court did not appreciate the obvious contradiction in this reasoning, i. e., that the American Committee denied that it was a front for the Communist Party and that it was the government that maintained that it was. Accordingly, it was the Department of Justice and the Board, not the Committee, that sought to credit the Communist Party for the laudable and praiseworthy activities of the Committee.

Under the Court's reasoning the case poses the significant constitutional issue as to whether an organization may be required to register under the Act solely because it engages in what the Court described as laudable and praiseworthy activities. The Court, however, made short shrift of the constitutional question, simply stating that the issue had been determined by the Supreme Court in the Communist Party case.

Judge Bazelon dissented in this case as well. The gist of his dissent was that the Act could be upheld as constitutional only if it were interpreted to restrict a definition of Communist-front organizations to those organizations which promote the alleged sinister objectives of the Party. Since concededly the American Committee engaged only in praiseworthy activities and had no sinister objectives or aims, it could not, according to Judge Bazelon, be held to be a Communist-front organization.

The American Committee intends to take this case to the Supreme Court.

Other McCarran Act cases

At the same time that the Court handed down these December decisions* a different three-judge panel of the same Court handed down a unanimous decision reversing the conviction of the Communist Party for failure to

* The Court on the same day handed down a decision affirming the order against the United May Day Committee. This organization had merely submitted its case, without brief or argument, on the basis of the constitutional argument made in other cases. Since this organization, like the Jefferson School, has in fact ceased to exist, there is little likelihood that the order will have any practical effect.

register as required by the Board order which was upheld by the Supreme Court. This decision was based upon the Court's holding that the fifth Amendment privilege against self-incrimination protected the officers of the organization from registering. Since an organization can only register either through its officers or through someone else who probably would be entitled to the same privilege, the Court held that it was impossible for the organization to register and therefore that the conviction could not stand. As a result of this decision, the Department of Justice is left with an unforceable order against the Communist Party. The government has filed in the Court of Appeals a petition for rehearing on this matter, and it is anticipated that if the petition is denied the government will take the case to the Supreme Court.

Also pending on review before the Court of Appeals of the District of Columbia is the first order of the SACB against a labor union under the provision of the Act covering "Communist-infiltrated" organizations. This order was issued against the Mine, Mill and Smelter Workers, and the Union appeal from the order was argued before the Court of Appeals on January 15.

Last fall the Court heard argument on the validity of Board orders requiring members of the Communist Party to register, but it has not yet handed down decisions in these cases.

Also pending in the District Court are indictments against two alleged officers of the Communist Party for failure to register, Gus Hall and Ben Davis. The underlying theory of the Court of Appeals that the Communist Party itself cannot be required to register would invalidate these proceedings.



Senator McCarran

On March 4 the House of Representatives approved an appropriation of \$300,000 for HUAC. Reps. Ryan and Farbstein of New York strenuously protested the grant as did Reps. Roosevelt and Burton of California. Rep. Ryan stated that "during the years of its existence the committee consistently has created a cloud of fear and suspicion which stifles debate and dissent—the essential elements of our democratic system."

Advance or Retreat?— A Theologians Answer

The Subversive Control Board has completed its hearings regarding Advance, a New York youth group charged with being a "communist-front" organization. Under the provisions of the McCarran Act the SACB is to base its determination that any organization is a "Communist-front" on any of the following criteria: 1) the extent to which its managers are active in the management of communist-action organizations, i.e. the Communist Party; 2) the extent to which support is from communist-action organizations; 3) the extent to which its money is used to support communist-action organizations or their programs; 4) the extent to which their policies do not deviate from those of any communist-action organization.

Advance was charged with having paralleled certain views of the American Communist Party. Among these views were: advocating an end to nuclear testing; favoring negotiations on Berlin; opposition to the Selective Service Act; and opposition to the McCarran and Smith Acts. It was brought out, in the cross examination of an FBI informer, that he was asked by the FBI to join a small group here in New York that was actively engaged in the subversive business of having lectures, dances, and folk-singing parties. This group had no relationship with Advance and was in fact considered by Advance to be a haven for FBI plants.

After the agent joined this group he began to play a more and more important role within it. He gained a leadership position and on FBI instructions got the group to affiliate itself with Advance. Next he joined the Communist Party and got his wife to join. Then he began to push for Advance and his group to take on certain joint political functions. All of this he informed the FBI about. His patriotism didn't end here, however. He made it a primary function of his informing to turn over names of everyone he came into contact with—whether they were members of Advance or the Communist Party or not.

This loyal American made it a practice to turn over to the FBI the names of people on mailing lists that had no direct relationship with Advance. He took the names of everyone who attended folk-singing sessions at his club and turned them over to the FBI. He had private dinners with members of Advance and turned over all of the discussed information to the FBI. The finale to the FBI informer's story came when Mrs. Mary Kaufman, an attorney representing Advance for ECLC, pointed out, and produced photographic evidence to verify, that this FBI man was not only a spy but a pornographer. The pictures that he took and sold had his wife as "model," according to the evidence presented.

One of the witnesses called by Advance was the eminent theologian Dr. Paul Lehman, a founder of ECLC. A portion of his testimony is reprinted below.

"Here is a group of teen-agers, the collegiate-aged, and young adults. The median age of this group would be between 17 and 24 years. The most adult members of the group number scarcely more than 60. My assumption is that this group has a relation to the Communist Party

of the United States as outlined in the petition. On the other hand, here is the government of a constitutional democracy, under powers conferred in the so-called McCarran Act, through its Attorney General, seeking to establish that since said group is under direct or indirect influence of the Communist Party in the United States, therefore its freedom of thought, speech and association is to be abridged through registration as a Communist-front. When a government conceived in and under the Bill of Rights, designed to safeguard individual freedoms against unwarranted governmental interference, finds it appropriate in the name of freedom to enter cause against a youth group, it is difficult to escape the impression that the government has lost confidence in the freedom it claims to defend. The mountain seems to be laboring to bring forth a mouse.

"Since ideas have consequences, and since the intellectual and spiritual integrity and development of youth are directly related to the adventure of youth in the world of ideas—their diversity, their power, their criticism—this present cause strikes at the natural and spontaneous interest of youth in ideas and at the constitutional right of youth to ideas. Not only does this present cause strike at this right, it generates fear and suspicion and mistrust in the market place of ideas which is the healthy arena of a democratic society. This is why Jefferson declared that he had 'sworn eternal hostility over every form of tyranny over the mind of man. . . .'

THE SPIRITUAL CONTEXT OF FREEDOM

"I have already referred to the fact that I spent some time in study abroad in the year 1932-33. It happens that this was the year in which Adolph Hitler destroyed the last remnants of the Weimar Republic and set out upon a devastating decade of power in Germany. Many of my friends and acquaintances were victims of Nazi persecution. One thing above all others I learned from them about the importance of a spiritual context for the nourishment of personal intellectual and social freedom. Again and again they explained to me that the most successful and terrible of Hitler's weapons was not his army or even his secret police, but the psychological victory which he had won over ordinary German citizens, who made every village, street and house a focus of suspicion and of informing. Thus an almost impregnable wall of silence was erected between every man and his neighbor which, in the name of the security of the state, destroyed the foundations of the community. Petitioner's list of grievances is strangely like the inuendoes, the vague formulations and the concealed intentions of statements which the masters of Nazi Germany again and again used to destroy any possibility of public criticism of public life. Both kinds of statements displace a climate of open curiosity and criticism in the market place of ideas by a climate of fear. This climate of fear tends to warp the mind and the motives of men just when they should be most free to think what they like and say what they think by bringing non-conformity under suspicion, by diverting attention from the responsibility to think and to form ideas to the fear of what may happen to one if one thinks non-conformist thoughts. The fear of non-conformist thoughts confuses the power of clear and

intelligent judgment. The most serious consequence of such confusion is that people become unable to distinguish between self-justifying and self righteous proposals and practices in the name of freedom and genuine ideas and practices designed to clarify and to extend security, justice and peace as the minimal conditions of freedom.

“One of the time-honored and most influential antidotes to the destruction of freedom of thought and motivation is the spiritual context which has shaped, over nearly 2000 years, the development of democratic principles and procedures in the government of men. It has been well and profoundly said that man’s capacity for justice makes democracy possible and that man’s capacity for injustice makes democracy necessary. It is the singular power of religious faith, religious imagination, and religious conviction to provide for man’s developing sense of justice, an environment of confidence, of patterns of thought, of structures of community life, within which an understanding and concern for justice as a great human virtue can be achieved. Thus it is my conviction that freedom takes faith—a certain kind of faith—a faith which is derived from the Hebrew-Christian tradition rooted in the Bible. It is also my conviction that when men grow indifferent to the insights of this tradition concerning the possibilities and the limits of freedom, they tend to disregard the restraints by which individual citizens must limit their own opinions and judgments and the restraints by which governments must pay due regard to the consent of the governed. It is not accidental that constitutional political democracy emerged from those experiments in the 17th and 18th centuries which were inspired by the Hebrew-Christian vision of the humanity of man and by the classical Greek and Roman vision of human dignity. Democratic faith and Christian faith are not identical. They are not even inter-dependent. There is a formative non-Christian, secular and humanistic ingredient of democratic faith which always makes it impossible simply to derive democracy from Christianity and to make democracy dependent upon Christianity. It is also true that Christianity has contributed to the development of social and political structures which are not democratic. And it is never possible to claim that Christianity depends for survival upon a democratic political structure.

“Nevertheless, the relations between Christianity and democracy have been singularly interconnected in the modern world. The principles and institutions which constitute the heritage of freedom do seem to have been nourished in a social and spiritual climate in which secular humanism and the various forms of Calvinistic democracy were intertwined.

“Democracy is a theory and practice of government. It emerged as a protest in principle against monarchy and the assumption underlying it, the divine right of kings. Democracy replaced the doctrine of the divine right of kings by the doctrine that governments derive their authority from the consent of the governed. Democratic practice is the attempt to give institutional form to the theory that the people are the ultimate source and judge of the authority and the powers of government. The problem of democratic practice is to provide structures whereby the will of the people can be effectively brought to bear upon those who exercise the powers of government; and to prevent the arbitrary exercise of the powers of government. The instruments which have been developed

to meet these demands are (1) constitutional (written, as in the United States; unwritten, as in Great Britain); (2) the separation and balance of the executive, legislative and judicial powers of governments; (3) and the careful specification of the rights of the individual over against the state in some form or other of a Bill of Rights. Indeed, our Bill of Rights is the fruit of a long political evolution, chiefly expressed in Anglo-Saxon common law, and culminating in a consensus of irreducible and inalienable prerogatives of free citizens in a free society. . . .

THE RESPONSIBILITY OF THE FREE

"It goes without saying, of course, that the climate within which the inviolability and the dignity of man is basically related to his freedom to think what he likes and to say what he thinks, also takes account of the limits of freedom. This is a complicated question. Perhaps because the question of the limits of freedom is complex and difficult, it is always easier to control the free rather than to encourage them. It may be, and often has been true, that under certain circumstances the freedom of thought and its expression in free assembly and discussion must be suspended in the interest of the security of free society in peril of its life. It is one thing to effect such a suspension through the free consent of the governed. As Eduard Heimann has put it: "Order is not imposed on free citizens. It is made and re-made by them, acting under their own self-given law." (*Freedom and Order*, New York, Charles Scribner's Sons, 1947, Pa. 211). But it is quite another thing when such a suspension of freedom is effected through an attack upon the freedom of the mind itself. When such an attack is made upon the mind in the formative period of youth, it is particularly open to criticism as being irresponsible.

"Indeed, not least among the influences making for the aimlessness and hopelessness, the restlessness and delinquency of youth in the United States today is the absence of a creative sense of belonging and of a compelling and fulfilling loyalty in the cultural and social environment in which they are growing up. A terrifying vacuum in the climate of faith and freedom has become the daily lot of countless members of the oncoming generation in this country during the most formative years of their lives. And there is no more terrifying symbol of this vacuum than the demonic distortion of values which allows the informer to masquerade as the patriot under the aura and auspices of a government which in the name of freedom's protection protects the informer against the free.

"When a society for any reason finds it necessary in principle to encroach upon the right to think what you like and to say what you think, something more than the protection of the security of that society is at stake. No champion of human freedom has ever held that freedom was the *only* human value or an unlimited right. The problem is whether human freedom is intrinsically self-limiting, or whether it may be limited by arbitrary restrictions from without. The arbitrary restriction upon freedom of thought is the beginning of the tendency of a society to adopt in its own defense the weapons of the totalitarian enemy. Totalitarianism may hold society together for a very long time, but politics from Augustus to Khrushchev indicates that totalitarianism has an instinctive aversion to intellectual freedom, and that where this aversion has begun to be

expressed, a free society is already in process of decay. A free society simply cannot be saved that way. A distinguished jurist in a now famous speech to the Board of regents of the State of New York declared that, 'Risk for risk, for myself I had rather take a chance that some traitors will escape detection, than spread abroad a spirit of general suspicion and distrust which accepts rumor and gossip in place of undismayed and unintimidated inquiry. Of this I am sure, if we are to escape we must not yield a foot upon demanding a fair field and an honest race to all ideas.'

"What Judge Learned Hand so incisively described in terms of the risks of freedom is directly related to the faith which freedom takes. It is out of this faith that I venture the carefully considered judgment that the final test of the seriousness with which any government of free men regards the freedom which it is the task of government to safeguard, is the readiness of that government to subordinate and even to suspend the power to compel conformity to the risks of the free market place of ideas, particularly where youth is concerned. We referred above to St. Augustine's distinction between societies informed by the love of power and those informed by the power of love. 'If,' wrote St. Augustine in the context already cited, 'one wishes to determine the character of any people, one has only to inquire concerning the objects of their love.' By this criterion the petitioner in his complaint against the respondent has exhibited a love of power which, if St. Augustine is right, can never be the bond of a free and civil society. It is the commitment of the Hebrew-Christian tradition to the power of love as the bond of a free and civil society, that requires this statement of me in support of the respondent in this case."

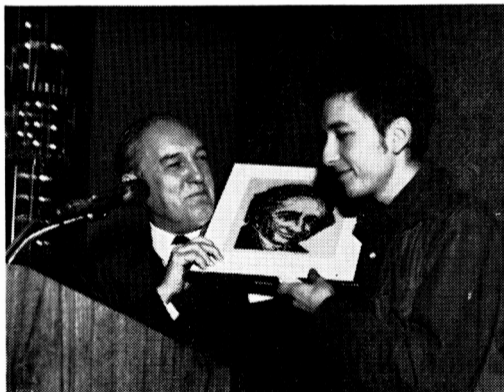
Mrs. Eaton, James Baldwin Challenge Civil Libertarians

The Bill of Rights Dinner held yearly by the ECLC scored its biggest success this past December. Some 1400 people filled the Grand Ball Room of the Americana Hotel in New York to hear the speeches of Mrs. Cyrus Eaton and Mr. James Baldwin. John Henry Faulk was toastmaster, and the 1963 Tom Paine Award was given to Bob Dylan, ballad singer and composer. A portion of the speeches of Mrs. Eaton and Mr. Baldwin are reprinted here. Mrs. Cyrus Eaton spoke on "Ban the Boob or Two Generations of Imbeciles are Enough."

Article I of the Bill of Rights says Congress shall make no law abridging the freedom of speech or of the press. It isn't strange that the authors did not anticipate the man who yells "fire" in a crowded theater when there isn't any fire. He is a liar; they had other assumptions about men.

To be blunt, I couldn't care less *why* he is a liar. Psychiatrists are ready to analyze him into accepting the fact that he lies, so he can be a contented liar. That's called his pursuit of happiness; it's guaranteed here. They can have him; all I care about is the theatre crowd that stampeded because they believed him when he yelled "fire."

The Bill of Rights authors didn't anticipate newspapers that would yell anything that came into their heads, either; they had different



The picture at the left shows Dr. Clark Foreman presenting the Tom Paine Award to Bob Dylan. Robert Shelton has written in the New York Times, Bob Dylan is a "moralist, a pamphleteer, an angry young man with a guitar, a social protest poet, a latter-day James Dean who knows what he is rebelling against, perhaps an American Yevtushenko."

assumptions about the press. By now with radio, TV, movies and magazines, the press can spread more lies farther faster than the old boys dreamed when they made that First Amendment. A lying press has stampeded this whole nation over and over, including the Congress which often must be elected in the middle of a stampede. (That's why it's called "running for office.") I'm not advocating changing the First Amendment; Congress is the last body capable of controlling the press; but I am here to say that a nation of people who have knocked each other down, trampled on their neighbors and killed a few innocent bystanders in an unwarranted stampede *more than once* needs to have its collective head examined. . . .

One of the really self-evident truths in man's history is that garbage smells. So does most of our press. It's no longer a question of news that's fit to print: obviously everything is fit to print. It's a question of news that's fit to *read*; there's very little of it. Our press garbage can is so full the lid won't go on. A psychiatrist won't dump it, he's too interested in analyzing it; a committee will talk about how best to dump it, and appoint a subcommittee to look into that matter. But who actually dumps it, if it's to be got rid of? All our Negroes, because they know more about dumping this country's garbage, out of their own minds than any other citizen; they've had to. White women, because even if they don't know exactly what's wrong, they know something is; and white men because sooner or later they're going to smell it even way downtown in their air-conditioned offices.

Garbage it is, yet we all carry it carefully in our front doors every morning, bring it to the breakfast table, listen to it on radio and TV, read it in magazines, swallow it whole, and pay for the privilege. Why? We've been sold a bill of goods. Why was it this particular mess of international, domestic, racial and educational potage?

Go back a generation. There was a war following a depression and ending with Uncle Sam's atom bomb. The most effective statement of the depression was "we have nothing to fear but fear itself." Even then we had to be told to wise up. During the war our memorable voice belonged to the American soldier who replied to a German demand for surrender with one resounding word: "Nuts." And that's the last public utterance

reported by the press that made sense, had guts, and was at the same time popular.

What happened? Well, war was hell; the bomb was unspeakable, even if we did use it, or maybe *because* we did; the world was changing and everyone was tired. The thing to do was to go home and get some rest. The American spirit went to sleep: scared liberals, disillusioned radicals, and frustrated conservatives. We dreamed we were young again on a long, long Sunday afternoon in summer before the war. The First War. . . .

It was easier to think about home, love, business and children than about communism, McCarthy, desegregation and the arms race. It was lots easier to accept the psychiatrist's biological explanation of man's behavior than to look critically at his society and act to right wrongs. It was easier to hate than to analyze our hatred. A commitment to home and family was easier than commitment to truth. It was easier for social workers, psychologists, clergymen, and educators to analyze people and personal problems than to go deeply into the common causes of man's suffering. It was easier for writers to think about motives than public purposes. Painters and musicians glorified the evasion of meaning. Dramatists reduced human purpose to nonsense; the only reality seemed to be perversion because the hero both loved and hated his mother—and the old goat gave the whole mess its dimensions of endless, tantalizing, intellectual mystery. . . .

Justice Holmes had the bottom line on the stampeding Boob in a decision on the sterilization of the feeble-minded: "three generations of imbeciles are enough." I say two.

How do we stop the stampede? How do we dump the garbage?

By some beautiful miracle we have some Americans who know how. The ones who never swallowed an American myth, old or new, who refused to be told what assumptions to live by, who have been living in the world as it is. We look for most of our help, wisdom, courage and concern for this country to the Americans who were brought here against their will, a long time back, in chains. (And it won't be the first time that Negroes have inspired white men to act in their own behalf. Many Ohio women, for instance, never recovered from helping run-away slaves via the Oberlin underground railway. They went on to try to free women.)

Here we are again: Mr. Baldwin, whose name, tells us, belonged to a white man who owned his ancestor; Mrs. Eaton, whose name belongs to the man she married—very voluntarily, I hasten to add; and Mr. Faulk who owns his name outright. (It's a wise child who knows his own Founding Fathers.) When Uncle Remus, Aunt Jemima, and the Little Woman are wised up, how do they wise up the boob? How do we achieve the impossible again?

For me, the lesson of our history today is that the American Negro is now our teacher. He is achieving the impossible. James Baldwin has written the impossible book: the only book by a living American with vision broad enough, and compassionate enough to accommodate the whole of the American spirit, black, and white, and to visualize what it could mean to the world. And he's yelling "fire" about the real fire next time.

Fortunately, nobility, like garbage, is self-evident. Our Negro aristocracy "that has achieved its own unshakeable authority," in the words of Mr. Baldwin, is just that. This is a noble book with a noble theme. He says: "We must negotiate this passage as nobly as possible for the sake of those who come after us."

So I conclude: if we *do* end this nightmare, wake up the American spirit, and become a real country and change the moral history of the world it will be because the nobility self-evident in enough Negroes finds a response in enough whites, not the other way around. The lesson of American history which we must learn in order to survive is that the noble underdog still is our teacher. And the vindication of the authors, the noble underdog authors, of that First Amendment, corrupt their vision as we may, is that although our free-press-for-hire spews out garbage, false alarms, deliberate lies, irresponsibility, James Baldwin's best-selling, passionate textbook for a new and noble American purpose was, after all, and after all, printed in the United States of America.

One last word: the stampede was stopped violently on November 22nd in Dallas. I quote from Chief Justice Warren's eulogy in the Capital Rotunda:

"If we really love this country, if we truly love justice and mercy, if we fervently want to make this nation better for those who are to follow us, we can at least abjure the hatred that consumes people, the false accusations that divide us and the bitterness that begets violence."

The picture at the right shows John Henry Faulk, toastmaster at the Bill of Rights Dinner, Dr. Corliss Lamont and James Baldwin. At the dinner Miss Edith Segal, whom Paul Robeson has called "a true poet of the people" read her poem "Ballad for Four Children and a President" which is soon to appear in Freedomways Magazine.



James Baldwin spoke about the evils of the segregated state and the segregated mentality. A segment of the transcript of his talk follows:

I am terribly oppressed by the number of warnings one receives from liberal white northerners, and in another tone of voice, from people like Leander Perez, who says that the Negro revolt, or the Negro revolution, or the Negro discontent, is in great danger of being infiltrated by Communists. We have tremendous warnings from J. Edgar Hoover, from Harry Ashmore, from Theodore White, and they don't seem to notice that Leander Perez takes almost exactly the same position. Speaking for myself, again, and speaking out of my own experience, and also speaking

if I may say so, as a relatively hard-bitten American cat, who would recognize a Communist if he saw one, as distinguished from most of our eminent anti-Communists, and being unable to imagine precisely what motive at this moment in the history of Russia or even Peking would have to involve itself in this domestic struggle the warning falls for me on a jaundiced ear because the warnings sum up a kind of panic. There was a time in the history of everyone in this room, or let us say the old people in this room—in my own years—I grew up in the depression and in those years a great many people—I must say very few Negroes—thought of Moscow as the holy city and a lot of us thought of the dictatorship of the proletariat as being the salvation of the world—in those days you remember there were such slogans as “Black and White Workers Unite,” etc., the black workers and the white workers had more in common with each other because they were workers, than divided them. But the intervening years have proven how inexact that theory was.

There was a time when we were more romantic than we are now and also I think more courageous—when one would argue about the relative merits of Stalin, Trotsky, Lenin, etc., because after all, there they are and they can be argued about. There’s no point in pretending they’re not there. But I am speaking again of the Harlem Negro, and speaking as the representative of people who have endured millions of promises, not from the Russians, but from the Americans. For many generations the Communists haven’t made any infiltration into Harlem because if you’ve endured the Democratic Party and the Republican Party for as long as we had by then, anyone promising you what the Communists promised was doomed to fail. They promised too much. Furthermore, when I had learned, by the time I was an adolescent, a great deal about the ways of power, and—to put it very rudely—when I was an adolescent and just beginning to try to think my way through this maze of jungle of whole America, and when I first went downtown and began to get involved in inter-racial cocktail parties and began to meet—dare I say it?—white girls, it was a great blow to my self esteem to discover that a lot of the girls were not dealing with me but were only trying to recruit me. If you’ve had that kind of inoculation it’s very hard to be tempted again. What these people really mean—I will quote J. Edgar Hoover who says—I think I’ve got him right—devotion to race should not supersede devotion to established institutions. . . .

I don’t quite know what he means by race. I think I know what he means by devotion, and I know what he means by established institutions. So let us face a very important fact, and it would be so and it would still be important if no one said so. This country has several established institutions which it can no longer afford. Speaking as a Negro, the only conceivable way that I can gain my freedom and also gain yours, because it is a battle—as Frederick Douglass put it something like a hundred years ago—to save black men’s bodies and white men’s souls there are several established institutions I must attack. I must, for example, attack the power of Leander Perez or a Senator Eastland holds in this country. I must attack the trade union system which keeps me at the bottom of the labor barrel. I must attack the Christian church which has

never accepted me as a Christian. I must attack the Republican Party which wants me to make peace with Eastland.

One does not attack these established institutions out of some wild desire to go to Moscow or to Peking. One attacks these established institutions in order to liberate one's self and put these institutions back into the hands of the people. It is very significant—I think it is very significant—that a government should be so concerned, not so much about all the citizens going to Cuba, which is sinister enough—we will return to that in a minute—but should be particularly concerned lest Negroes should ever go to Cuba. . . .

No, no amount of rhetoric and no number of editorials in any of our newspapers can disguise this fact: that if I were going to take my family on a vacation and if I had to choose between Havana and Miami, I would obviously go to Havana. And not, ladies and gentlemen, because I am a Communist or a Castroite, but for a very simple reason, I could sleep in a hotel there and my kids could go to pee, if I may put it that crudely, in any service station there. We can no longer have it both ways. One can on the one hand pretend to be the moral leader of the free world—and that's very important; this country does occupy a very important position in the world; there are some things that only this country can do—no other country could do it, if they would do it—but let us no longer presume first of all on my patience as a black man or on the abjectness of a white citizenry, and one can no longer assume that when any of our politicians make speeches that only America is listening. Vast countries just below the border and continents overseas are also listening. The world has become very small. What Leander Perez says in Louisiana is heard in Johannesburg; it is heard in Peking. When Dr. Verwoerd says that he is the leader of a Christian nation and one of the only bulwarks against Communism, it is heard all over the world. And it is not any longer a question of political doctrine—if it ever was—it's a question of whether or not we really do want to be free. And if we want to be free, then any citizen of this country ought to be considered old enough, mature enough, to go anywhere in the world. And come back and report on what he saw. Have we become so abject, so untrustworthy, that a visit to another country, another continent, another system, will hopelessly corrupt us? Isn't it a rather peculiar vision of American individualism? Isn't it true that we'd be safer knowing what is happening in China than not knowing? Safer knowing what is happening in Cuba than not knowing? Safer knowing what is happening in Veitnam than not knowing? . . .

SCEF Case Links Rights and Liberties

By Anne Braden

Editor, *The Southern Patriot*, member of ECLC National Council

Many citizens of this country are working hard to abolish the House Un-American Activities Committee (HUAC) and its counterpart, the Senate Internal Security Subcommittee (SISS) headed by Senator James O. Eastland of Mississippi.

Many other good Americans are bewildered by this and wonder why

anybody would want to abolish an agency working against "un-American" activities.

I suggest that those who don't understand should consider the case of the Southern Conference Educational Fund (SCEF). I happen to be an employe of SCEF, as editor of its publications, but what I am reporting here is fact and not opinion.

SCEF, which has its headquarters here in New Orleans, is a South-wide interracial organization working for integration. Its special emphasis is on bringing white Southerners into the struggle against segregation.

Ransacked Lawyer's Office

In October, state and city police—acting at the request of the Louisiana Joint Legislative Committee on Un-American Activities (a state committee modeled after HUAC)—invaded SCEF offices. They ransacked them, took the organization's records, and arrested its executive director, James Dombrowski.

They also ransacked the office of two civil-rights lawyers, Ben Smith and Bruce Waltzer, and arrested them. Smith is treasurer of SCEF and Waltzer, his law partner. Homes of Dombrowski, Smith and Waltzer were also searched.

Dombrowski, 66, is a white Southerner and Methodist minister who had long been active in efforts to change the South. Smith and Waltzer, also white, are widely respected lawyers who organized the Louisiana legal committee of the American Civil Liberties Union and handle many of its cases. The three were charged with operating a "subversive organization" (SCEF) and distributing "communist political propaganda."

Exactly three weeks later, a New Orleans judge, J. Bernard Cocke, dismissed all the charges and said there was no evidence to support



Senator Eastland

The next issue of Rights will contain an article by Frank Wilkinson on the House Un-American Committee and a portion of a study by Anne Braden on the relationship of HUAC to the fight for civil rights. The issue will also contain an article on the struggle for academic freedom at the University of Minnesota.

them. He ruled the arrests and raids illegal and said the Louisiana legislative committee had acted on "opinion instead of evidence."

Records Not Returned

But SCEF records and mailing lists were not returned. Instead, Senator Eastland subpoenaed them for his Senate Internal Security Subcommittee, and the Louisiana legislators turned them over to him.

SCEF filed suit to prevent their removal from Louisiana, but before a hearing could be held, Eastland ordered them moved over the state line into Mississippi and thence to Washington. SCEF later sued in Washington to recover them, but meantime Eastland is in full possession of all the records, including a list of 8,000 SCEF supporters.

Such hit-and-run tactics have been characteristic of HUAC, SISS, and the state committee modeled after them. The long attack on SCEF is a good illustration of how this pattern works.

The attacks date back to the early 1940s when HUAC issued a major report on the Southern Conference for Human Welfare (SCHW), which was the parent organization from which SCEF descended. SCHW was an organization of liberal Southerners who supported the New Deal of Franklin D. Roosevelt and felt the South must change.

HUAC in that period was led by old-line Southern congressmen who feared change: Martin Dies of Texas, and later John Rankin of Mississippi. (It is now headed by Edwin Willis of Louisiana).

The HUAC report declared that SCHW was not interested in "southern welfare" at all but really wanted to promote "communism." This charge was later debunked and discredited by a distinguished law professor, Walter Gellhorn of Columbia University Law school. He wrote a study of the HUAC report on SCHW, published in the Harvard Law Review in October, 1947, in which he concluded that the report demonstrated "not that the SCHW is a corrupt organization but that the Committee (HUAC) was either intolerably incompetent or disignedly intent upon publicizing misinformation."

Nevertheless, the HUAC report became an official document of the U.S. Congress. Later in 1954, Senator Eastland took his Senate committee to New Orleans to investigate SCEF. This was at the time when the U.S. Supreme Court decision against school segregation was expected momentarily, and SCEF was busy planning programs to encourage compliance with the anticipated decision throughout the South.

Feed On Each Other

SCEF officers testified at that hearing that they were not communists, but Eastland still issued a report saying that this was a communist organization. His proof? HUAC had said so about SCEF's parent organization in the 1940s.

A few years later, SCEF was organizing a statewide committee in Florida to work for legislation favorable to integration in that state. Thereupon Florida's State Legislative Investigating Committee (a little HUAC) investigated and it, in its turn, issued a report saying this was a communist organization. It's evidence? Senator Eastland had said so in 1954.

Subsequently, legislators in Virginia, Alabama, Mississippi and elsewhere—and always conveniently when SCEF was presenting some specific challenge to segregation in their state—made similar charges, citing the Florida report as evidence. Thus do the various committees scratch each other's backs.

As Protests Mounted

The recent Louisiana attack came just as protests against segregation were mounting in this state and elsewhere in the Deep South (including Eastland's Mississippi. Just three days before the raids, thousands of people, including several hundreds white citizens, had marched on New Orleans city hall demanding action against segregation.

If past pattern prevail, Eastland will now be using the 8,000 names of SCEF contributors to call a lot more people "communists" and label more actions for integration "red-inspired." This is not likely to stop the drive against segregation at the stage it has reached today, even in the Deep South. But the reputations of many people may be unnecessarily hurt and civil rights work sometimes delayed.

In any event the whole pattern convinces many people that the House Un-American Activities Committee, which started it all, is really mighty little interested in American activities if these include civil rights in the South—and that Eastland's Internal Security Subcommittee cares more about keeping the Deep South "secure" for Eastland than for the security of American citizens generally.

SCEF Officers Indicted

In February a three-judge Federal Court in New Orleans took the unusual action of changing its opinion on the validity of Louisiana's Subversive Activities and Communist Control Law. Two of the judges had previously held the law to be constitutional, but now they say the state courts should decide the issue first. The third member of the court, Judge John Minor Wisdom, had declared the law unconstitutional.

The original majority opinion had opened the way for state indictment of two officers of the Southern Conference Educational Fund (SCEF), a civil-rights organization based here. Dr. James A. Dombrowski, SCEF executive director; Benjamin E. Smith, SCEF treasurer, and Smith's law partner, Bruce Waltzer, were indicted Jan. 29 on charges of violating the subversive activities law.

Julien G. Sourwine, chief council for the Eastland subcommittee, has admitted that he conferred with the attorney for the Louisiana un-American Activities Committee last summer about LUAC's plans for obtaining SCEF's records. Sourwine also testified at a recent hearing that he obtained the records from the Louisiana committee by using subpoenas signed in blank by Eastland long before they were used. Sourwine further admitted that members of the Eastland subcommittee had not specifically authorized issuance of the subpoenas.

On the very day he testified to this, the U. S. Court of Appeals in Washington ruled it illegal to issue subpoenas in blank and without specific authorization of the subcommittee. This ruling was made in overturning the sentence of Robert Shelton for refusing to answer ques-

tions of the Eastland subcommittee. Sourwine also testified that he started the SCEF records on their way to Washington from Louisiana after conferring with Eastland. This was done on a Sunday, the day before the U.S. was to hear SCEF's suit in New Orleans for return of its records. When it was found that the records had been moved out of Louisiana, the federal judge declared the question out of his hands. SCEF then filed the suit to test the constitutionality of the subversive activities act.

Leading figures in the civil rights movement have filed sworn statements on behalf of SCEF as part of the court record in this later suit. All note that irresponsible charges of subversion are calculated to destroy organizations working for civil rights. All voiced confidence in SCEF as a dedicated civil rights group. Several organizations have joined SCEF in asking the Senate to censure Eastland for his role in the affair.

Book Reviews

FREEDOM OF THE MIND, by William O. Douglas, American Library Association and Public Affairs Committee, Inc., Reading for An Age of Change, No. 3, 1962.

Reviewed by Joseph Peroni

Before a society can make the claim that it is free, it must have a people that is aware of what freedom is and what it is not. Such a people must be in control of their destinies in the sense that they are not misguided by their leaders or those in control of scientific, commercial and manufacturing enterprises who have private rather than public interests at heart.

Many people equate freedom with loyalty, flag, God, our two-for-one-party system and such symbols sacred to our American way of life. These things have nothing to do with freedom. They do not foster it nor do they guarantee it. The people who sign oaths, swear allegiance, and bend knee first and think afterward, or not at all, are not the guardians of freedom. Freedom is fostered—and, we hope, guaranteed—by those who are willing to exercise it despite personal sacrifice. This struggle is difficult in time present as it was in time past.

In this day of mass culture where thought control is the rule, some men step forward, cast from their eyes the symbolic cataracts and take a long and critical look at their society. They find that mass culture does not equal mass freedom. If man does not exercise freedom, the only freedom he can claim is the hollow freedom of conformity. The Honorable William O. Douglas, Associate Justice of the United States Supreme Court, has taken a long and critical look at his society. In his essay he not only points out the dangers in denying men the right to think, advocate, and act but brings to light how such denial is accomplished. He explains that the very institutions and agencies that are charged with the task of guaranteeing freedom are the major barriers to that freedom.

Those who finance science exercise control over those who work for them. The Pentagon is one such agency that exercises a great deal of

thought control. It pays for science and therefore can exact control. It maintains its own propaganda apparatus and manages to penetrate to the very core of society. Such propaganda reaches the man at his job, the housewife at her club, and the student in his classroom. It demands conformity at the fear of losing one's job, social ostricism, and legal prosecution. The FBI, Congressional investigating committees, postal authorities, and agencies of mass communication are in the vanguard of those keeping conformity up and freedom down.

The American people are essentially uninformed. This is due to the failure of government at all levels, and of radio, television, and press. These agencies tend to conform and do not challenge the actions of, for example, the C.I.A. and the military. Justice Douglas asserts that as high as 80 per cent of the foreign news is kept from the public. This control breeds conformity, and the vicious circle is complete when an uneducated uniformed public is not aware that its freedoms are being siphoned off little by more. The agencies of communication depend on private enterprise for their existence via advertising, and it is to the commercial interests that they cater.

Douglas continues to attack many forms of repression: legislative investigations, shackles on free speech, and censorship. In each area he goes to work with historical perspective and cutting insight. Freedom of religion is no less, no more important than freedom of no religion. When a group bans literature or a movie it arouses sexual desires, Douglas asks, "But should a publication whose main impact is the arousal of sexual desires be banned? A goodly part of life is the arousal of sexual desires."

Individual man must think; he must begin to accept the working out of his many problems not as an isolated being who immediately rejects that which is new or different but as one who can explore ideas and through them . . . touch the common humanity of all men." The action which results from such freedom of the mind is his only salvation.

Future issues of Rights will contain important articles on the case of the Bloomington students indicted for state sedition, the Monroe Case, a debate on whether the First Amendment applies to the John Birch Society, a discussion of the Feminine Mystique by Betty Friedan, an article on mental illness and the Radical Right, reviews, poetry and analysis of current trends in "book burning."

EMERGENCY CIVIL LIBERTIES COMMITTEE

421 7th Ave. New York City Oxford 5-2863

The governing body of ECLC is the National Council of 88 members from 18 states, Puerto Rico, 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.

Chairman: Corliss Lamont

General Counsel: Leonard B. Boudin

Vice-Chairman: Eleanor Brussel

Director: Clark Foreman

Treasurer: John Scudder

Assistant Director: Edith Tiger

Secretary & Editor: John M. Pickering

Associate Editor: Phillip Abbott Luce