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Rights

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Democracy on the Campus



The Three Indicted Bloomington Students

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Democracy on the Campus

Student rebellions are taking a new form in this country. The general awakening of our youth which can be largely attributed to their participation in the civil rights struggle, has made them aware of their own rights on the campus and also the rights of the faculty.

In the words of a philosophy major at St. John's (N.Y.), "We do not believe college students should be treated as recalcitrant children!" The *New York Times* of March 9 in reporting this incident added "the crowd cheered and applauded."

In making that remark the student, William Graves, spoke for the discontented students all over the country. The fact that this protest took place in the largest Roman Catholic university in the country is in itself significant. But that it was well justified is shown by the following remarks from Mr. Graves' speech:

"We want the right to establish Young Republican and Young Democrat Clubs, and indeed, chapters of a Young Socialist group and the Young Americans for Freedom."

The civil rights nature of the rising student protest was shown in the rebellion at Berkeley where the University of California forbade the raising of funds for SNCC's work in the South or CORE's work in Oakland but allowed students to raise money for Administration-approved purposes in Asia.

The civil rights nature was shown even more clearly in Kansas where the Civil Rights Council, headed by a Negro named Nathaniel Sims, organized a sit-in where about 250 students of both races sat in the corridor outside the chancellor's office all day. Although 110 students were suspended and then arrested by "city, county and campus police and deputies" on charges of disturbing the peace, the chancellor announced the reinstatement of the 110.

According to the New York Times of March 10, "the chancellor, in an address to a student rally outside the university's administration building, also said steps would be taken to end any bias in student housing, in advertising accepted by the student daily newspaper, and in placement of student teachers."

The interest of the students in the kind of education they are getting is demonstrated by the support in a number of colleges for the professors who are being penalized because they are unorthodox (see the article in this issue by Professor Krebs of Adelphi) or the professors whom the students believe to be good teachers but who are being dismissed for reasons unrelated to the students' welfare.

The "publish or perish" doctrine that is coming increasingly under attack is, according to the students, a catering to outside subsidy which is just another instance of our universities becoming "knowledge industries," to quote President Clark Kerr, and the students becoming another "major exploited class" as Clark Kissinger in his article in this issue quotes Paul Goodman as saying.

In Brooklyn College the students are protesting the firing of a

music teacher on the ground that he doesn't perform. Although, admittedly he is a good and popular teacher he is being sacrificed under an extension of the dictum, which there reads, "perform or perish."

It is noteworthy that the protest in St. John's won the praise of a visiting professor of philosophy, the Rev. Peter O'Reilly of Chicago who said the rally showed "maturity and responsibility." At Yale, where the students protested the refusal of the university to give tenure to a professor whom the students found stimulating, a professor of philosophy denounced the students for trying to turn the university into the kind they have in the "banana republics." But that professor was in turn rebuked by a letter in the *Times* from Prof. Erich Segal, a visiting professor at Yale, who wrote, "Indeed, there was no student rhetoric nearly as inflammatory as the language in which Professor Hanson couched his own statements . . . The students are worthy of nothing but the highest praise."

The Emergency Civil Liberties Committee welcomes the increasing interest in their rights on the part of students. Unless they can have freedom of speech on the campus they will become more and more the victims of the military-industrial complex and the future of our democracy will be endangered.

What seems to be called for is an understanding of what a democratic campus should be. A group of students of the colleges in and around Philadelphia have called a conference with the support of the Emergency Civil Liberties Committee, for Saturday, March 27, at the University of Pennsylvania. The object of the group, headed by Russell J. Stetler, Jr. of Haverford College, is to develop the criteria by which a college may be judged for its democracy.

Students who must weigh many factors in deciding which college to attend, should have access to the knowledge as to whether they will be treated as adults or children at the college. It is hoped that a continuing effort will be made to gather and make such information available.

Students have a right to make mistakes and they naturally will prefer an institution which will not mar their whole future by police state activities. The article by Frank Donner in this issue tells how the colleges are more and more serving as informers for the government and the big businesses that subsidize them.

The traditional independence of a university, where in many instances the police are not allowed to enter, is being destroyed in the competition for more subsidy money. But even where the university authorities resist the attempts to dominate by the witch-hunting local police, as at the University of Indiana, the local prosecutor may try to enforce laws limiting the students' political activities. The story of the prosecution of the three Bloomington students is told in this issue by Joyce DeGroot.

It is perfectly clear that the future of our country and perhaps the world will be decided on the college campuses. Academic freedom, freedom of speech and an end to all kinds of discrimination are vital for all of us.

The Criteria of Democracy

by *Les Colman, Harvard '65*

An institution exists to serve a social function for a specific sector of the population. Democracy means that the individuals that constitute that sector have a concrete and effective franchise in the institution that is to serve them.

It is clear that the primary function of the university is to serve students. Still, because of the nature of the institution, the orientation of that service may easily be perverted. Such perversions are responsible for violations of democracy on the campus and therefore an understanding of the sources of those perversions will reveal the principle for choosing the criteria of campus democracy.

The university is responsible to the student for preparing him for a function he will take up later in the society. On the other hand the university is an institution of the society as it presently exists. It therefore becomes possible—almost natural—for the university to impose upon the student a preparation that fits him only for the already existing structure of society. That imposition may be affected through administration, the board of trustees or the faculty—or through all three.

Administrators—American administrators—are often men dedicated to preserving the social structure and ideology—the specifics of the social structure and ideology—of their own generation. Trustees are men committed specifically to the present structure and functions of American society through their economic commitments. In the first case—the case of administrators—power is in the hands of an ideological elite who serve the interests of the students only by way of their own ideological commitments. In the second case—the case of trustees—power is in the hands of an economic elite who serve the student only through the blinders of their own way of life. Finally, the university may impose upon the student a preparation that fits him only for the existing functions of the society because American faculty are often men dedicated to highly technical and specialized academic enterprise and therefore in many cases do not bring the functions of their society to issue.

But even the best of societies is part of an historical economic development and a corresponding social and ideological development. And there must be new functions to meet new developments. The youth of a country must be trained to find and to perform these new functions. Correct training—not reactionary training—serves the individual's larger interest of preserving the whole society in the face of change as well as serving the individual's personal interest in his own personal fulfillment. Only if the university provides that training does it serve the needs of the population it is responsible to.

The criterion of democracy on the campus must therefore follow from the principle that the student has a franchise in an institution

to maintain it as an institution which serves student needs: which allows him to develop to meet a changing society. Now let's see what concrete violations of campus democracy might be. You can divide them into four categories: violation of academic freedom, violation of political freedom, violation of social freedom and violation of student freedom.

1) Can the student demand that a professor teach his course in a certain way? The answer is no: that would defeat the primary intent of education. On the other hand if the academy is not facing the issues the student of a new society must face, then the student's franchise is being violated. The student should know explicitly who is responsible for selecting professors. In a time when Marxism is the most accepted body of theory in half of the world, many American universities do not have Marxist professors. At some colleges there are only conservative liberal professors in all the departments that relate to contemporary politics. Sometimes there are not a sufficient number of courses that relate to the problems of contemporary society. Those are just scattered examples. In any such cases an ideological or economic elite has asserted its influence on the student's institution in the selection and/or censorship of professors and courses. The student's franchise has therefore been violated by that elite.

2) Students are citizens-now as well as citizens-in-preparation and, as citizen-now they have the political rights of other citizens. But also as citizens-in-preparation students must be allowed to develop politically in concrete activities. Abstract—purely intellectual—development is not development at all. Therefore the student may demand freedom to have what speakers he chooses. Or for another case, it is not correct that students be restricted to holding forums where “both sides of the question are given.” The student must take a political stance to develop. Similarly the student may demand the freedom to organize other students on the campus and to organize them around the political issues of the whole society. All students should have supported the Berkeley students' protest against the restrictions on fund raising for outside organizations (SNCC) on the campus, for as violation of their political rights *and* development it represented an usurpation of their university franchise. Again, all students should support the Boston University students in their fight against the administration's censorship of the school paper.

3) The university may be a reactionary force—a reactionary elite may impose their influence on the university. This may take the form of isolating the campus from the rest of the society. The student may be confined to a living area as is the case with the House system at Harvard. The university may charge excessive tuition, or, for instance, may charge excessive prices at the campus book store thus restricting students of small income to the prescribed activities of the university. Finally the university may impose a system of mores—dress regulations, sexual restrictions—which are appropriate to the generation controlling but not appropriate to the new generation of students The

imposition of an elite upon an institution whose democratic responsibility is to the people it serves—and not to the elite who advise and administrate it—is always a violation of democracy.

4) Although the student is a citizen of the society, he has a very particular relationship with the university because of the educational and organizational functions of the university: the university has a great deal of information about the student's personal and social activity. If the university is truly an institution to serve the student and not to serve the interests of an elite of the past generation then the student can demand that that information be kept secret. The administration must not be allowed to give it to business firms, the F.B.I., the local law agency or anyone else. It is further obvious that other administration cooperation with, say, a business or the F.B.I., must in no way be secretive and must be able to be called into question openly by the students.

The university is not a church, controlled by an ideological elite or a corporation, controlled by an economic elite: it is a democratic institution whose function is to serve students. The student is in a delicate balance of development for, and participation in, his society, but if the criteria of development are fitted to the social realities of the times the contradiction that forces that balance will be alleviated.

For too long the university has been looked upon as a last vacation for youth and for too long that attitude has veiled the control of the university by reactionary elites and the ideology and particular functions—not just the principles—of a society which it is often unjust to apply to a new generation.

When the student's needs are not the criteria of the form and content of the university, his franchise is violated. To maintain that franchise—to regain it—the student must make student government a vital force in the university. More than that: the traditional political voice of students—in all societies—has been through campaigns of information and protest. If the student franchise is being violated in any of the ways indicated democracy demands student activism.

Berkeley's Free Speech Movement

Provisional Platform

I. The range of civil liberties and political freedoms of any member of the University Community or anyone else which is constitutionally protected off the campus should be equally protected on the campus. By the same token, of course, speech or conduct which is in violation of law and constitutionally unprotected, should receive no greater protection on the campus than off the campus. In the area of speech and political conduct the University may not regulate content, and must leave solely to the appropriate civil authorities the right of punishment for any transgressions of law. While we recognize

the need for appropriate regulations regarding the time, place, and manner of exercising constitutional rights, based upon maintenance of the appropriate functions of the University and its peaceful operation, such regulations may not, either directly or indirectly, interfere with the right to speech or the content of such speech.

II. The present rules relating to students and student groups setting up their tables shall be amended so that members of the campus community, upon notifying the Administration of the proposed location of their table (in areas including those presently designated, the sides of the Sproul Hall steps, beneath the eaves of the Student Union, and such other areas as may be established after negotiation) be permitted to accept donations and membership sign-ups, and distribute literature including political and social action materials under the following conditions:

- (1) Tables will not be left unattended
- (2) The organizations shall not borrow University tables or chairs
- (3) Tables shall not be set up in such a way to obstruct the free flow of traffic
- (4) It is understood that these organizations do not represent the University of California, and will not use the name of the University in any fashion which involves the University as *an institution*.

Participation in the activities described in this section shall be limited to members of the campus community—that is, to students, staff and faculty, and non-student members of recognized student groups.

IIA. "Off-campus" political and social action groups shall be recognized by the University upon filing with the Dean of Students Office the following information:

- (1) The name of the organization
- (2) The purpose of the organization
- (3) A list of officers of the group
- (4) An affidavit by the officers that their group is primarily composed of students
- (5) The name of the group's faculty advisor, if any is required by the administration.

IIB. It is difficult for any organization with definite aims to refuse membership to a person who has temporarily dropped out of school or who is for some other reason in the student milieu, but not currently registered. Therefore, a student group shall be defined as one the majority of whose members and officers are present or recent members of the University community.

IIC. Members of the campus community shall be allowed to place their own posters on campus in areas presently designated for this purpose. Posters shall be allowed at the cement pillars at the South Entrance of the campus.

III. The only requirement for 'off-campus' speakers in facilities other than the Hyde Park Areas shall be a four hour prior notification, which is to include the name of the inviting organization, the speaker's name and his affiliation (if any), the topic of his talk, and his willingness to answer questions. This regulation shall apply in the Hyde Park Areas, to off-campus speakers sponsored by any recognized student group, save that notification may be given at *any* time prior to the appearance of speakers. Unsponsored individuals may speak at any time in the Hyde Park Areas without prior notification.

IV. In the new student office building, meeting rooms shall be available for meetings of political and social action groups and the regulations of scheduling and use of these facilities shall be handled through a committee of the organizations involved. Further, the University shall make meeting rooms available to student groups on both a regular and special events basis. Acquisition and use should be automatic if space is available and should be independent of the type of activity the groups undertake, of the nature of the speakers the groups present. The University may no longer require moderators at meetings of the student organizations. Student groups may collect funds at any meetings they hold on campus.

V. The Office of the Dean of Students, in cooperation with the Campus Police Department, should prepare a full statement of the criteria used to determine when police will be required at meetings. When needed, police protection on the University campus shall be considered one of the normal functions of the University police department. Accordingly no special charges should be levied upon student organizations for police protection.

VI. The appropriate channel for enacting and interpreting the regulations governing the exercise of civil liberties on the campus shall be a tripartite board with equal representation of students, a majority of whom shall be selected by a student political union of political and social action organizations; faculty selected by the Academic Freedom Committee of the Academic Senate; and members of the administration. The board shall have a rotating chairman, set its own rules of procedure, and make its decisions by consensus. This shall be the board of appeal and final review in all disputed matters relating to civil liberties. Terms shall be limited to one year.

VII. The Hyde Park Areas of the campus shall include eight areas (listing omitted here).

VIII. Publications of more than one page and not more than 1/4 advertising may be distributed and sold by members of the campus community, including members of recognized student organizations, at all meetings, tables and Hyde Park Areas.

The Student Bill of Rights

from the Constitution of the Student Government of the University of Chicago

In order to preserve and to guarantee to the students of the University of Chicago those conditions indispensable to the full achievement of the objectives of higher education in a free democratic society, the University of Chicago holds the following rights essential to the complete development of the student as an individual and to the fulfillment of his responsibilities as a citizen of that society:

1. The right of every person to be considered for admission to and for available scholarships from the University of Chicago or any of its divisions and schools without regard for or inquiry into the applicant's race, color, national origin, religious creed, or political beliefs.

2. The right of students to a clear and concise statement, before entering the University, or, in the case of the divisions and professional schools, at the registration, of their contractual rights, obligations, and responsibilities pertaining to educational and extra-curricular activities and University housing.

3. The right of every student to conduct research freely and to publish, discuss, and exchange any findings or recommendations, whether individually or in association with local, national, or international groups.

4. The right of every student to exercise his full rights as a citizen in forming and participating in campus, local, national or international organizations for intellectual, religious, social, political, economic, or cultural purposes, and to publish and/or disseminate his views and those of his organization on or off campus.

5. The right of students, individually or in association with other individuals, to engage freely in off-campus activities, exercising their rights as citizens of community, state, and nation, provided they do not claim to represent the University.

6. The right of any student organization to enjoy recognition in all cases provided they comply with the regulations for recognition as stipulated in the student code.

7. The right to establish and issue publications free of any censorship or other pressure aimed at controlling editorial policy, with the free selection and removal of editorial staffs reserved solely to the organizations sponsoring those publications. In cases, however, where a publication enjoys a monopoly of University facilities and finances, the recognizing authority may properly insist on adequate safeguards in the constitution of the publication to insure that the requirements for membership be limited to interest, activity, and journalistic ability.

The staff of the publication shall administer those safeguards, but in any case where a person considers he has been unjustly removed from or unjustly prevented from joining the staff, such person may present a complaint to the Student-Faculty-Administration Court.

8. The right of recognized student organizations to participate freely in off-campus activities subject only to procedural regulations.

9. The right to maintain democratic Student Government.

10. The right of students and recognized student organizations to use campus facilities, provided the facilities are used for the purpose contracted, subject only to such regulations as are required for scheduling meeting times and places.

11. The right of students and recognized student organizations to invite and hear speakers of their choice on subjects of their choice.

12. The right, without penalty, of students employed by the University to join or to form unions and enter into collective bargaining.

13. The right to petition proper channels for changes in curriculum or faculty.

14. The right of equal opportunity to enjoy these rights without regard to race, color, sex, national origin, religious creed, or political beliefs.

15. Enumeration of certain rights herein shall not be construed as to nullify or limit any other rights possessed by students.

Professor's Story

by A. Krebs, formerly of Adelphi University

I had been an Assistant Professor of Sociology at Adelphi University for almost a year and a half. At the end of my first year I had been given an exceptional raise in salary with what the Dean referred to as "full appreciation of your qualities of teacher and scholar." Nonetheless, on the morning of December 21st, 1964, during the Christmas vacation, I was informed by the selfsame dean that my services were to be suspended in three weeks time and that my contract would not be renewed upon the termination of the academic year.

Contrary to procedures of the American Association of University Professors and the Association of American Colleges (to which Adelphi subscribes) no reasons were given for the dismissal nor was an offer of a hearing made. No direct statement was sent me until Feb. 25, and then only after the intervention of *two* (ACLU, AAUP) organizations external to Adelphi. In the meantime colleagues who

had sided against the administration concerning the firing were subjected to a variety of harassments typical of the American academic scene ranging from withdrawal of courses to threatened non-renewal of contract.

The immediate cause of these difficulties were clear to most people associated with the case: I had, from the beginning, taught controversial ideas (principally Marxist) in a manner that had interested too many students. This basic flaw had been compounded by two further errors: (1) I had travelled to Cuba during the summer of 1964 and (2) I had become indirectly involved in the campus screening of a film prepared by the Viet Nameese Liberation Front (accompanied to the campus by a contingent of FBI agents). This was altogether too much trouble for a university in Garden City, L. I., and it was felt necessary to be rid of me—although many dispute the haste with which this was done.

The situation at Adelphi, however, should not be taken as a unique act of injustice. It is only a reflection of the contradictions of American academic life carried to their ultimate conclusion by an institution untutored in the refinements of public relations. Nor must Adelphi's administrators be viewed as particularly sinister agents bent upon destroying academic freedom—they are merely business people moving in response to pressure brought to bear upon them.

For almost its entire history (and with few exceptions) American educational establishments have been more concerned with the sources of their funds than with intellectual content; with decisions that were administratively expedient than those which would reflect the desires of the instructional staff or the student body. To paraphrase Clark Kerr's recent statements, an American university basically is concerned with the sale of personnel to business and government to carry out such operations that these clients deem revelant. Like any other segment of the service industry, a university either remains sensitive to its real customers in the community or it goes out of business. And sensitivity, as all businessmen know, requires awareness of customer likes *and* dislikes.

It is not to the credit of the larger, more hoary institutions in America that they have not only learned this lesson but have learned, as well, the subtleties of public relations to handle cases of undue or unwarranted controversiality. Those felt to be responsible are in general dealt with in a variety of refined ways: they may be promoted to an outside post, be discreetly passed along to a naive establishment, or be relieved of their position in a genteel fashion without running afoul of the A.A.U.P. or civil liberties groups. Adelphi had been preoccupied over the last several years with the expansion of its facilities to meet the demands for B.A. degrees from new suburbanites. Adelphi's error, in handling the dismissal, was not its haste but its honesty and forthrightness. Only when Americans become aware of the nature of the American educational establishment in its totality (as many did at Berkeley—staff and student alike) can the problem of academic freedom be dealt with effectively.

Organizing the Knowledge Industry

by C. Clark Kissinger, National Secretary,
Students for a Democratic Society

In his recent book *The Uses of the University*, President Clark Kerr of the University of California attempted to characterize the role of the university in the contemporary society: "The university has become a prime instrument of national purpose. This is new. This is the essence of the transformation now engulfing our universities. Basic to this transformation is the growth of the 'knowledge industry,' which is coming to permeate government and business and to draw into it more and more people raised to higher and higher levels of skill. The production, distribution, and consumption of 'knowledge' in all its forms is said to account for 29% of the gross national product . . ."

With this characterization of the university drawn so sharply, it is not surprising to see the opposite side of the coin propounded by Paul Goodman: "At present in the United States, students—middle-class youth—are the major exploited class. (Negroes, small farmers, the aged are rather out-caste groups; their labor is not needed and they are not wanted.) The labor of intelligent youth is needed and they are accordingly subjected to tight scheduling, speedup, and other factory methods. Then it is not surprising if they organize their CIO. It is frivolous to tell them to go elsewhere if they don't like the rules, for they have no choice but to go to college, and one factory is like another."

While it must not be carried to extremes for obvious reasons, the factory analogy of the large educational system gives us a new grasp on the problems found in them. Most problems arising in the University are not the results of "breakdowns in communication" or "failure to follow proper procedures," but rather an expression of basic conflicts of interest. Conflicts which cannot be resolved until all the constituent parts of the university (and students in particular) are allowed to participate in a meaningful way in the decision making processes of the institution. Too often the minor blow-ups, which we lump awkwardly into the categories of academic freedom violations and *in loco parentis* problems, are simply the direct result of arbitrary and absolute rule by administrative elites. And it is this basic disease, not the symptoms, which we must treat.

What is needed then is the promulgation on the part of students of a *basic charter of university democracy*. And what is needed of society is a Wagner Act for the university working class. For we must realize from the start only through the organization within the universities of a real national union of students and sympathetic faculty can the democratization of the university take place.

The only rights which any people anywhere possess are those which they demand effectively.

Persecution in Bloomington

by *Joyce De Groot, National Secretary*
Committee to Aid the Bloomington Students

In a split decision on January 25, 1965, the Indiana Supreme Court upheld indictments against three Indiana University students, Tom Morgan, Ralph Levitt, and James Bingham, and ruled that the Indiana Anti-Communism Act was constitutional. This ruling has again brought the case into national prominence and has made the case of the Bloomington students one of the most important civil liberties fights in the country today.

The case began in 1963, when Thomas Hoadley, newly elected prosecutor of Monroe County, indicted the three officers of the Indiana University chapter of the Young Socialist Alliance for "assembling" on March 25, 1963, "for the purpose of advocating the violent overthrow of the government of Indiana and the United States." The meeting to which he referred was a public speech, given on the Indiana University campus by Leroy McRae, a Negro and national officer of the Young Socialist Alliance, on the "Black Revolt in America." One hundred twenty-five students and professors attended the meeting, but the indictment was leveled only against the three YSA officers.

When this indictment was quashed on a technicality, Prosecutor Hoadley reindicted the students on two counts. The first was the original indictment listed above. The second count was that the defendants had again "assembled" on May 2—the day after the first indictment. And indeed they had "assembled," in the basement apartment of a friend, in order to discuss their defense against the first indictment. It later turned out that Hoadley had the landlord tape record various private conversations of the three students and their friends at which they discussed their legal defense.

The law under which the students are indicted is the Indiana State Anti-Communism Act, passed in 1951 during the heyday of McCarthyism. The stated aim of this thought control law is to "exterminate communism, communists, and any or all teachings of the same." On resisting this first application of the law the students are contesting its constitutionality.

Along with the indictment, Hoadley used the witch hunt tactics of the 1950's in an attempt to discredit the defendants and mobilize public opinion against the YSA. He charged that the YSA was "recruiting by using marijuana" and was founded by "Moscow trained agents," and made sure that his attacks, although completely false, received wide publicity in the local press. To further isolate the defendants from any support in the community, he published in the local paper, the names of all those people who had contributed to the defense of the students.

To meet this witch hunting attack and to tell the truth about the

case, the Committee to Aid the Bloomington Students was founded. It became a national organization with local CABS chapters on major college and university campuses throughout the country. Professors and other notable persons were enlisted as sponsors (the list now includes over 700 names on 60 campuses). The three defendants made national speaking tours, meeting extremely receptive and sympathetic audiences throughout this country and in Canada. The Emergency Civil Liberties Committee provided the legal services of Mr. Leonard Boudin, and Mr. Daniel Taylor III of Louisville was retained by CABS as co-counsel with Boudin.

As a result of this defense work, the first victory for the Bloomington Case was won at the pre-trial arguments on March 20, 1964, when Judge Nat U. Hill in Bloomington declared unconstitutional the section of the law under which the students were indicted. Prosecutor Hoadley appealed this decision to the Indiana Supreme Court, which reversed Judge Hill's ruling on January 25, 1965.

There are three main issues which are raised by the case which make it of such vital importance.

1. The indictments are a direct attack on academic freedom.

This is the first time in American history that students have been indicted for their ideas. It is clear that the purpose of this prosecution is to intimidate students and faculty members and to inhibit free discussion, inquiry and advocacy on the campus.

As the Indiana Civil Liberties Union put it, "in the atmosphere generated by such a statute and under the threat of punishment which it imposes, neither the educational institutions of this state nor its inhabitants generally can discuss social problems, nor can citizens air their grievances in the tradition of freedom. . . ."

2. The law is a direct violation of the Bill of Rights. The law and the indictments make peaceful assembly a crime. The students are charged with advocating certain "doctrines" and ideas, a clear restriction of freedom of speech and assembly protected by the Bill of Rights. Hoadley has stated that ". . . the indictment is not based exclusively upon any one meeting or gathering, but upon the totality of events constituting a conspiracy, encompassing the defendants' participation in Fair Play for Cuba, Ad Hoc Committee to Oppose United States Aggression, and the YSA." In other words, Hoadley is prosecuting the three students for their ideas and activities as socialists.

3. The Indiana Supreme Court ruling favors states rights.

In the *Pennsylvania vs. Nelson* case in 1956, the United States Supreme Court held that prosecution of "subversion" is pre-empted by the Federal government allowing no such action by state authorities. The decision of the Indiana Supreme Court enforces the means whereby states can use reactionary state legislation to prosecute any type of change within the state. If this ruling stands, then gains made during the post McCarthy period with the Nelson decision will be lost.

One of the devices used against Negroes in the South is "states rights." Through the device of state "sedition" and "anti-subversion"

laws, Southern officials are attempting to outlaw or cripple civil rights organizations.

At the present time, the Southern Conference Educational Fund, an anti-segregationist organization, has appealed to the Supreme Court. The issue is the Louisiana law similar to the Indiana law, under which state officials raided SCEF headquarters and confiscated its files. It was no accident that Hoadley filed a friend-of-the-court-brief for Louisiana in this case.

The defendants are in the process of appealing the decision of the Indiana Supreme Court. To pay the costs of these appeals and to publicize the truth about the case, funds are urgently needed. Send a contribution today to:

The Committee to Aid the Bloomington Students
Box 213 Cooper Station
New York, New York

The ruling by the Indiana Supreme Court in favor of this reactionary witch hunting law is a blow against freedom. It is a blow aimed at the campus, at the Negro, and at all Americans. The freedoms of all are at stake and the fight against this law and for the Bloomington students deserves the support of all.

Political Surveillance and Informing on the Campus

by Frank Donner,

Author of "The Un-Americans"

Since the beginning of the Smith Act prosecutions in the forties, the American obsession with security and anti-subversive laws and regulations, not to speak of the Congressional committee investigations has made political informing, surveillance and dossier-compiling a common-place in American life and a sinister threat to our freedoms. These practices—official and unofficial—have become institutionalized; indeed, the political informer has become a hero of our time.

Political surveillance and informing, originally justified solely as investigative, law enforcement or counter-espionage measures, have become ends in themselves. Enormously effective, they yield a maximum return of intimidation for a minimum investment of official power. Because they are conducted in secret, they enable units of government—Federal, state and local—to escape responsibility for policing and censoring our basic freedoms. The surveillance and informing operation permits us to boast of how free we are, free without running the risks which freedom entails.

Spying pervades many sectors of our society. It is common among youth generally and on the campus in particular.

There have always been special reasons which have brought FBI campus. These include: investigation of applications, for certain types

agents and other representatives of the security establishment to the of government and defense employment; surveillance of suspected radicals and liberals; and investigation in connection with the draft. A system of informing, surveillance, and dossier building particularly on larger campuses, has become deeply rooted in the academic landscape. The campus itself is now regarded as a theatre of actual or potential subversion thus requiring constant political policing.

An interesting development of today is the permanent assignment to campuses such as California and Chicago of FBI agents who look and dress like students. These agents maintain surveillance over the student body, keep contact with informers, consult the bulletin boards for announcements of promising events and meetings which they then attend and report on. There are other agents who operate out of a field office and only check the campus from time to time. They establish a relationship with the Administration in order to review the files of students whose activities interest them.

The intensification of FBI activity on the campus reflects the growing conviction of the Bureau and J. Edgar Hoover that youth's heightened political activity is the product of a Communist bloc. In 1960, Hoover wrote in "Communist Target—Youth":

The successful Communist exploitation and manipulation of youth and student groups throughout the world today are a major challenge which free world forces must meet and defeat . . . In the United States, the Communist Party is jubilant about success it has had recently in developing and exploiting youth and student groups.

He went on to charge that, since 1959, the Party had made an organized effort to use and indoctrinate the student to "exploit such controversial issues on campuses as civil rights, academic freedom, and other so-called peace issues." It was inevitable that the FBI would use Communist infiltration as a pretext for broadening the scope of its campus surveillance. Today all sorts of campus groups—SANE, CORE, SPU, SLATE—have complained of surveillance at meetings, tailing, and opened mail.

About three years ago Carl T. Megel reported to the American Federation of Teachers that American seats of higher learning were rife with FBI agents spying on professors, students, and other organizations, and even on administrative personnel. He stated that nearly every controversial professor in the social sciences was under surveillance.

The full extent of FBI concentration on the campus is mirrored in the extraordinary activity which attends the appearance of a known Communist. When Daniel Rubin, Communist Youth director, visits a campus he is openly trailed. On one occasion, Rubin was followed on the University of Chicago campus by four cars. When he entered a University building, the agents followed him. They identified themselves as AP newsmen, but were unable to produce press cards. After Rubin left the student lounge, he got into a car with a MAROON editor and continued to be tailed by FBI agents. For nearly an hour

Rubin and his companions tried to shake the agents. They complained to a patrolman but he could not help because, he said, it was an FBI car.

When leftists or Communists come to a campus it frequently happens that students who have any kind of relationship with them are placed under scrutiny. Recently Rubin strolled into a lounge in Ohio State University and began to speak. Nearly 100 students, including the Dean of Students, an ex-FBI man, heard him. For months a search went on to find out if any student had invited him.

In fact, student contacts with such visitors frequently lead to investigations. A Carleton College junior was recently investigated after he sent a check to pay Rubin for a speech made on campus. An FBI agent in his home town questioned a friend about the student's politics and urged the latter to keep the investigation secret. The local press was a little curious about how the FBI got a tip on the fact that the check had been sent and suggested that Rubin's mail had been opened.

Different forms of surveillance are conducted by representatives of other government agencies, such as the Army and the Navy. When a student's draft questionnaire leaves doubts as to his loyalty in the minds of the authorities, Army counter-intelligence takes over and subjects him to an investigation.

Also there is no question that the ROTC units are involved in the collection of intelligence information about students. For example, in October, 1960, a regular ROTC student at the University of California was called in to the office of his commanding officer after making a speech about the U-2 flight at a campus public meeting. The student called in was then chairman of the student group SLATE which the Captain had earlier described as "pink-tinged." The Captain and the Executive Officer spoke disparagingly of the student's comments on the U-2 episode. The Captain then opened his desk drawer and produced a folder stamped "Confidential." The material, headed "Twelfth Naval District, Intelligence," was classified information, but he said the student had security clearance to read it. The introductory matter called attention to the existence on the campus of a large number of left-wing organizations. The pages of the folder contained capsule biographies of a number of the student's friends and associates. Two months later, after a series of questioning sessions, the student was informed that he was being dropped from the program on charges of "ineptitude—failure to demonstrate the qualities of leadership required of a naval officer." In September, 1960, the Captain had commended him for outstanding aptitude, for being one of the top two or three for two and one-half years.

The CIA also has a jurisdictional foothold in the academic world because of the growing number of foreign students who are brought here through government exchange and scholarship programs. It is known that the CIA maintains "politically reliable" under-cover representatives among these foreign students who report on fellow students who get out of line. The CIA also checks with professors on the behavior of students who are suspect.

There is some evidence that the CIA also has concerned itself with peace movements. One student confessed to his friends that he had been asked to take films of a peace demonstration by a representative of the CIA and to report names of left-wing students.

Another form of governmental surveillance is conducted by local red squads. The Berkeley police department has at least one such full time man. Listen to a letter from a student at the University of California:

“ . . . I have seen him at most rallies I have addressed in the years 1959-1962. This affable, balding gentleman is now so familiar to us that he has taken to coming up to the platform ahead of a meeting and asking for a list of speakers. Denied this, he stands in the crowd and listens. . . . ”

In late 1959, the University of California was scandalized by the presence at a campus meeting of two men from the Alameda County District Attorney's office. They stood at the SLATE rally, one behind the other. The man behind took pictures with a miniature camera over the shoulder of his buddy. When discovered, they repaired swiftly away to their car.”

Other cities use similar tactics. The city of Chicago operates a red squad which includes the University within its area of responsibility.

In many areas, State troopers also probe into campus activities. When Communist leader Herbert Aptheker spoke at Wayne University, a state trooper in the audience was assigned to take his picture. An Illinois State trooper has boasted that he has on file the names of all students who had belonged to campus political groups since 1950.

What role does the administration of a university or college play in this surveillance security operation? The most obvious is the use of the so-called security police whose responsibilities embrace not only the protection of property, but surveillance and dossier-keeping.

Many are familiar, or should be, with the incident at Yale not too long ago involving one John W. Powell. Powell, an ex-FBI agent, was Security Director and Dean of Students. He was accused of keeping secret “subversive” files on Yale students. Presumably the information he collected was available to outside agencies. It is not clear whether the administration had been aware of Powell's activities before the public disclosure was made; however, when the story was printed in the college newspaper, the administration issued the following policy statement, directed to Powell:

. . . it is understood that you are not authorized to engage in the investigation of student or faculty political activities or views . . . it is understood that no record or information concerning Yale students, faculty, or staff shall be divulged to non-university people except when requested in the course of a legitimate legal investigation or enforcement action; when requested in connection with an employment or other recommendation it will be furnished only through the academic Dean in whose school the student was enrolled.

Often, the security policeman is an ex-FBI. He compiles dossiers on students, keeps them under observation and cooperates with the FBI. One of the most notorious of these security watch-dogs is Hugh Clegg, a former assistant head of the FBI and now educational advisor to the Governor of Mississippi. He clears speakers and keeps track of any stirring of integrationism on the Mississippi campus.

Some university administrations are so security-conscious that surveillance is virtually an open policy. At Ohio State, the FBI is welcomed with open arms and has produced a vast record of repression and harassment. One student, for example, found that he could not keep dates because the Dean of Women had told the girls that he was not the kind of man that their mothers would like them to associate with.

One of the most energetic of these security obsessed institutions is Queens College of New York City. Queens is the sort of school which requires members of all organizations to list their names with the administration. The names are then made available to the FBI. A Queens teacher lost his job because he refused to give names to the FBI.

The University of Chicago also has released names to intelligence agencies. Following is an account of that practice from a correspondent:

A former director of student activities at the University of Chicago, reported that representatives of various official agencies called on him frequently. Most popular object of their visits were the membership lists of various student organizations—especially student government, Fair Play for Cuba, UC Students for Civil Liberties, and, ludicrously enough, the Folklore Society, which, it seems, acquired a reputation in the early 1950's for a Stalinist membership. It had long been the university's policy to release the names of members of various organizations to the FBI, Army and Navy Counter-Intelligence, and the Chicago city police subversive squad, as well as to a similar division of state troopers. . . .

On the other hand some universities, such as Cornell, have adopted the policy of revealing only the student's academic transcript. But, it seems that most universities fall into an intermediate category. They do not actively compile material on students' politics, but give the FBI whatever information may happen to be in the students' files. How this information comes into the file is not known. Although there is some tendency among these universities to refuse to divulge data to the FBI before giving the student an opportunity to reply and comment on it, this does not justify recording such information to begin with.

Then, quite apart from the official policy of the university, is the problem of the response of professors to inquiries about loyalty and the like. Professors in the social sciences are most frequently asked about the politics of their students. Sometimes they are requested to give an estimate from classroom recitations and term papers of the students' loyalty. A strong stand on this issue was taken by the Dean

of the Columbia School of Journalism in 1953. He announced that he would no longer cooperate with Federal and state police agencies investigating students, "except on written request and advice of counsel." Unfortunately, few university officials are willing to commit themselves to such a civil libertarian position.

Often professors themselves are targets of surveillance, both governmental and private. With the increasing participation of academic leaders in political life, the scrutiny of professors will undoubtedly become sharper. Already the surveillance of professors by ultra rightists has become a routine operation. Apparently such surveillance has, in some places, become systematized. In 1961, the Burns Detective Agency sent university presidents an offer to plant agents in classes taught by "controversial" professors. The agency wrote that a number of schools were already using the system and found it "very beneficial and informative." But, who were these "controversial" professors? The agency assured the presidents that practically every department of a college had its teacher who could bear watching; especially, Religion, Philosophy, English Literature, Biology, History, Government, Journalism, Speech and Drama. The agency also offered to keep an eye out for trouble among kitchen help and janitors by planting agents in these departments too.

In Mississippi, students worked as detectives. Here the ultra-rightist student body cooperated with Senator Eastland's Judiciary Subcommittee, to finger deviant professors. In December, 1962, Eastland revealed at a luncheon that investigators for the Senate Judiciary Committee have been gathering evidence from students against their professors at the University of Mississippi. The Senator read excerpts from a dozen student affidavits which "my staff checked out."

It appears that the most important source of information are the student informers or undercover agents, "the FBI scholarship boys." There is great pressure on students to become informers, partly because the FBI has trouble functioning with the same freedom on the campus as in the non-academic community.

Students are often highly vulnerable to such pressure. This is partly because students usually need money and the FBI is generous. Back in the 1940's they paid Ralph Cloutz \$450 a month to spy at the University of North Carolina; today the pay is equally good. In 1962 I got this note from a student: "One student was visited many times this summer by Federal Agents, and 'invited' down to the FBI office. They offered him a large sum of money to spy on the Advance Youth Organization."

However, money is not the only inducement to such activity. There are other forms of pressures on students and young people generally. Pressure often arises from conflicts with parents or urgings by parents. There was a case of a girl from a radical home and unhappy in her home situation. In 1961 this girl was exposed as an informer in the youth group, Advance. There was also a case of a young high school student who became involved in Fair Play for Cuba and YSA in 1961. The FBI warned her parents that unless they kept her out

of these political activities the father's business would be endangered.

Then, there are those students who regard informing as either a political responsibility or as a lark. Prior to the World Youth Festival no less than 10 students came to HUAC and offered to act as informers. Two of them were hired and ultimately testified before the House Committee.

Undoubtedly the ultra-rightist is eager for this kind of work. It is a way of getting at the enemy and incidentally a draft deferment. Moreover it is easy for a student to slip into the life of the informer. Even if he despises and hates the ideology of the group which he infiltrates, he has no real trouble infiltrating it. He is a student and has a perfect cover—he looks, dresses, and sounds like everybody else.

Students like the rest of society tend to ignore the surveillance-informing system as an inevitable evil. Yet this system makes a mockery of the guarantees of academic freedom and free association. More important, this practice destroys the entire concept of an academic community. It poisons the relationship of trust which must prevail between university and student, between professor and student, and between student and student. Beyond this, it flouts our most deeply-held ethical and moral convictions and soils not only the people who engage in it, but the government which sponsors or tolerates it.

HUAC Gets \$370,000 Over Stiff Opposition

Attacking in greater numbers than in any year since HUAC was made a standing committee in 1945, the anti-HUAC forces of the House rallied 64 Congressmen to vote for a motion to send the recommended appropriation back to the Administration Committee for a public hearing. The motion was defeated by a negative vote of 338.

The demand for a public hearing has been made by the Emergency Civil Liberties Committee for the last six years but it was made "respectable" this year when the conservative Republican Representative Curtis of Missouri made the same suggestion on the floor of the House on February 8. Unfortunately when Rep. Edwards of California made the motion to send the appropriation back for the public hearings which Rep. Curtis had suggested, Rep. Curtis voted against the motion.

Nevertheless the speeches and the number of participants in the attack on HUAC went further than ever before. After the motion to recommit was lost, the House voted on the appropriation and 32 (including 3 who were paired) voted against. This was a gain of 50% over a similar vote two years ago when only 20 voted against the appropriation.

The following is the Honor Roll and some extracts from the speeches made on the floor on February 25th:

THE HONOR ROLL

(On the motion to send the recommended appropriation back for a public hearing, the listed Congressmen all voted "aye." Those who were absent but paired in favor of the motion are indicated by (P.). Those who also voted against the appropriation after the motion to recommit was lost have an asterisk).

<p><i>California</i> Brown* Burton* Cameron Dyal Edwards* Hawkins* Leggett* Roosevelt* Roybal* Tunney <i>Hawaii,</i> Matsunaga Mink* <i>Illinois</i> O'Hara* <i>Iowa</i> Culver Schmidhauser <i>Maryland</i> Sickles <i>Michigan</i> Clevenger Conyers* Diggs* Dingell* W. D. Ford Mackie* Nedzi* O'Hara Todd Vivian* <i>Minnesota</i> Blatnik Frazer* <i>New Jersey</i> Helstoski* Thompson <i>New Mexico</i> Walker <i>New York</i> Bingham*</p>	<p>Dow* Farbstein* Gilbert* Lindsay Multer* (P) Ottinger* Resnick* Rosenthal* Ryan* Scheuer* Tenzer Wolff <i>Ohio</i> Ashley <i>Oregon</i> Duncan* Green* (P) <i>Pennsylvania</i> Barrett Byrne (P) Craley* Green Holland* (P) Moorhead Nix (P) Toll (P) <i>Texas</i> Gonzales <i>Utah</i> King <i>Washington</i> Adams Hicks Meeds <i>West Virginia</i> Hechler <i>Wisconsin</i> Kastenmeier* Reuss <i>Wyoming</i> Roncalio</p>
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(All the above are Democrats except Lindsay of N. Y.)

Extracts from Speeches
by Congressmen Against HUAC

Mr. Edwards of California. Mr. Speaker, I think it appropriate for me to try to analyze why we are faced with this problem today, why there are some of us Members who feel that we have no choice but to oppose this resolution of appropriation for the House Committee on Un-American Activities, and why we are supported by great numbers of patriotic Americans, by distinguished lawyers, professors, scholars, by world-respected newspapers and eminent religious leaders.

Our objectives are fundamental. They are constitutional. They are not assuaged in the least by recent announcements that the committee now contemplates inquiry into the activities of the Ku Klux Klan, the Minutemen, the Black Muslims, or any other group that may be described as a part of the radical right. The same constitutional disabilities exist regardless of the political philosophy of the committee's targets.

The rub is that the House Committee on Un-American Activities never should have been created by this body as a standing committee. Let me review with you for a moment what happened here in this very Chamber.

When the 79th Congress convened on January 3, 1945, the mandate of the Dies committee, predecessor to the House Committee on Un-American Activities, had expired. It had been established as a temporary investigative committee and would have needed new authorization and appropriation in the Congress just convened. Congressman Sabbath offered the usual resolution to the effect that the rules of the 79th Congress be the same as those of the 78th Congress but at that moment Congressman John Rankin, of Mississippi, offered a permanent standing committee. A spirited debate followed and the majority leader, the gentleman from Massachusetts (Mr. McCormack), now our distinguished Speaker, protested the Rankin amendment as follows:

I do not know when in the history of our country the National House of Representatives has ever provided by rule for a permanent investigative committee. Mark what we are doing. This is not a question of establishing an investigating committee to investigate conditions that arise from time to time; it is a question of amending the rules of the House to provide for a permanent standing committee that does not consider legislation, but has one subject, one field, the field of investigating and making a report. There is a big difference between establishing a standing committee to investigate and establishing a special investigation committee for a particular Congress. If this amendment is adopted, as far as I know, it will be the first time in the history of this body that a committee of this kind was ever established as a permanent or standing committee.

After further debate the previous question was ordered and a division demanded. The resolution lost by a vote of 134 to 146, Con-

gressman Rankin asked for the yeas and nays. The Rankin amendment prevailed by a vote of 208 to 186 thus establishing the House Committee on Un-American Activities as a standing committee. It is significant to note, however, that those voting in the negative included the majority leader, Mr. McCormack, Mr. Francis Walter of Pennsylvania, later to become the committee's chairman, and the following other distinguished Members of the House: Messrs. Cannon, Holifield, Kefauver, Keogh, King, Kirwan, Madden, Mansfield, Miller of California, Monroney, Patman, Poage, Price of Illinois, Sheppard, Sparkman, Thomas of Texas, and Vinson. . . .

The Supreme Court held in the Watkins case that committees of Congress lack the authority under the Constitution to investigate and hold hearings for the purpose of exposure and punishment. There must always be a legislative purpose.

The committee's public statements made before the Watkins case were quite candid in stating that its function was to "expose to the merciless glare of publicity" individuals it thought were or had been Communists or Communist sympathizers or dupes. I can furnish the House with many statements made by committee members and staff to the effect that the committee's function is to "expose for the sake of exposure."

Since the Watkins case the committee has avoided such statements. However, in spite of that, there has been no change in the committee procedure of exposure and punishment, the pattern of calling unfriendly witnesses and asking them questions about activities sometimes going as far back as 30 or even 40 years ago, with no discernible legislative purpose.

It is clear that the committee is ignoring the ruling in the Watkins case except to mouth at the beginning of each hearing a statement certifying to the "legislative purpose" of the proceedings.

And one might also ask, where is the legislation that in due course results from these investigations and hearings which can only be constitutional if they have a legislative purpose? In its more than 20 years of existence as a standing committee the House Committee on Un-American Activities has reported only three bills which have become law.

Since the Watkins decision in 1957 requiring that all committee investigations have a legislative purpose, the House Committee on Un-American Activities has spent \$2,627,000, an average of more than \$327,000 per year, and has produced two bills that became law, and one of those was to make a minor correction in an earlier law and was unopposed.

It seems very clear that under the Watkins decision alone the committee is operating in violation of the U.S. Constitution.

The second area where I charge the committee to be contrary to the Constitution is that it conducts legislative trials contrary to section 9, article I of the Constitution that proscribes the passage of bills of attainder.

Now, Mr. Speaker, we know that Congress would not and could

not pass the classic type of bill of attainder forbidden in section 9, article I. Our Founding Fathers were very sensitive to the perils of bills of attainder. The English Parliament had not too many years earlier by passage of a bill banished and disgraced one, John Lilburne, and the men who wrote our Constitution were determined, as Justice Black pointed out in the *Barenblatt* dissent, that the punishment of American citizens was "too serious a matter to be entrusted to any group other than an independent judiciary and a jury of 12 men acting on previously passed, unambiguous laws, with all the procedural safeguards which included the right to counsel, compulsory process for witnesses, specific indictments, confrontation of accusers, as well as protection against self-incriminations, double jeopardy, and cruel and unusual punishment—in short, due process of law."

Punishment of an American citizen by bringing him before a congressional committee for the purpose of exposure is a legislative trial and is unconstitutional as a bill of attainder. It makes no difference that these individuals might be unattractive to others, or whether they be members of the Ku Klux Klan, the Black Muslim, the Minutemen, or the Communist Party. . . .

Our Constitution is explicit. Only the courts can punish and only then pursuant to due process. The legislative branch has no power to punish. Only in totalitarian countries can this awesome power be found in the legislature.

This House of Representatives, through its authorized committee, the House Committee on Un-American Activities punishes citizen after citizen for prior actions, opinions and associations which are not crimes, but which the committee considers so distasteful that the citizen must be punished regardless, and by the committee, not the courts. . . .

Mr. Burton of California. The House Committee on Un-American Activities spent over two times more per member of their committee than any other committee of this house. . . . I would think a full hearing by the Committee on House Administration would give all of us an opportunity to put this committee in its proper focus and to discuss its proper relationship to the other committees of the House of Representatives . . .

Mr. O'Hara of Illinois. Mr. Speaker, in 1948 I ran for Congress. Mine was a strong Republican district. One of the issues was the Committee on Un-American Activities. This arose from the fact that members of that committee at that time had come into the district and they said that every person at the University of Chicago was a Communist, including the atomic scientists, who had given to the cause of the free world the atomic bomb, and all without one break in the secrecy required.

I have never known a feeling of resentment to run stronger than it ran in my district. Women as well as men worked through the day and through the night to accomplish my election as a rebuke to a congressional committee that had become wild, reckless and irresponsible. That was almost 17 years ago.

As everyone knows, I have always voted against the Committee on Un-American Activities and also, as everyone knows, there is no one in the Congress who is more determined and dedicated in the fight against communism. . . .

Mr. Rosenthal from New York. However familiar this issue may seem to many of us, we ought to realize that there is nothing so strong as an idea whose time has come. Well, the time has come for taking up, in depth and with responsibility, the Committee on Un-American Activities and its future in the House of Representatives.

Many of the distortions on which the committee used to thrive have largely disappeared. National red scares and witch hunts seem very much a part of the past. No such events followed the assassination of John F. Kennedy. And the greater part of the electorate has made it clear that extremism is alien to our tradition and irrelevant to our future. The activities of extremist groups are now generally accepted as the concern of properly constituted legal agencies and grand juries, rather than spontaneous vigilante committees. The age of paranoid politics in America could well be over.

Yet the Committee on Un-American Activities still exists. It still requests appropriations to engage in activities that go far beyond Congress' proper function. It still requests appropriations for "investigations" without any justification in legal procedure or ethics. Many of its activities continue to demean this House, mocking the country's traditions and corrupting the Democratic procedures we are anxious to see prevail throughout the world.

At the very least, the House must be prepared to discuss at length the many objections to the Committee that have been put forth over the past several years. We must deal with the argument that the existence of the Committee is incompatible with the spirit of the Bill of Rights. We must take into account the fact that the House Committee on Un-American Activities, originally intended as a legislative committee of the Congress, has been responsible for only three laws since 1938. We should be prepared to discuss the position that the committee misuses the power of the subpoena, and in so doing can restrict the civil liberties of individual citizens. There is no reason why these matters should not be taken up by the House. Those who are as yet convinced that the committee should be abolished will have an opportunity to hear those who are convinced that it must be. . . .

Mrs. Mink of Hawaii. Over the years the House Un-American Activities Committee has thrived upon the fear of its very existence and every challenge was suspect. It has swept its operations across the length and breadth of our country without concern for the innocent lives and careers it has destroyed. To any loyal American the worst crime to be publicly accused of is being un-American, for no defense of words can ever remove the innuendo thereafter; and yet these are the aftermath of hearings before this committee.

As a college student in the hey day of the McCarthy era, I con-

fess a great fear I had in expressing my thoughts and ideas as I searched for a purpose in life, as due all young people, for I watched intimidated by the investigation that seared the integrity of many of our most esteemed college campuses.

Just what is propaganda; just what is un-American propaganda is highly relative to a particular time and is based upon acceptance or popularity of an idea of thought. To attempt to classify thoughts and ideas as American or un-American, I find contrary to the most basic and fundamental rights of freedom. Such a program evolves from fear and insecurity and, being based upon fear, so it generates fear, and freedom of speech and expression are shackled by this fear of reprisal. . . .

I believe in the strength and wisdom of the American public to be able to judge for themselves those within their own communities whose ideas should be rejected. I do not believe that America needs congressional censure regulating and determining for our citizens what ideas are American or un-American. Let us return to our people the confidence and integrity they deserve as loyal Americans. . . .

Mr. Ryan from New York. Mr. Speaker, I rise in opposition to House Resolution 188 which with the committee amendment appropriates \$370,000 for the Committee on Un-American Activities for 1965. With this appropriation, the committee will be able to continue for another year the kind of activities that constitute a continuing assault on our constitutional liberties.

In the 88th Congress only four committees received higher appropriations than the House Un-American Activities Committee. The committee's \$660,000 appropriations was higher than Interstate and Foreign Commerce—\$597,450; Education and Labor—\$475,000; Foreign Affairs—\$222,500; and Armed Services—\$150,000.

This year the appropriation is the fourth highest, with \$370,000. The appropriation for the House Un-American Activities Committee is greater than such important committees as the Judiciary Committee—\$340,000; Interstate and Foreign Commerce Committee—\$262,000; Banking and Currency Committee—\$225,000; and Armed Services—\$100,000.

During the 6 months from July 1 to December 31, 1964, the Un-American Activities Committee employed a total of 58 people—the fourth largest staff in the House. It had a larger staff than such committees as Judiciary—56; Education and Labor—55; and Banking and Currency—54.

As I have done every year since I have been in Congress, I again protest giving any money at all to a committee which, as shown by its record, has no legislative usefulness. Whatever legislation this committee considers, whatever hearings it holds, whatever material it prints, belongs within the jurisdiction of another standing committee of the House. These other committees are perfectly competent to hold their own hearings on any legislation within their jurisdiction. They hardly need the Un-American Activities Committee to conduct investigations for them. . . .

Mr. Speaker, the fact is that this committee specializes in hearings. The result of these hearings is not to produce legislation. The result of the hearings is to discourage certain ideas of which the committee does not approve—it alone defines what is American and Un-American—and to impair freedom of expression. The committee's investigations and hearings concerning the political beliefs of American citizens is antithetical to our constitutional guarantees of free speech and free assembly. Any American, whatever his beliefs, who is called before this committee is subjected to the scorn of his community. That was the effect of the committee's hearings in Minneapolis and Buffalo last year. No legislation resulted, but individuals were subjected to the predictable consequences of being called before the committee.

Consider the example of the committee's hearings last year in which 42 persons, mostly students, who had traveled to Cuba, were called. The committee claimed that there was a legislative purpose to the hearings. But when the Chairman introduced a bill at the conclusion of the hearing, it was referred to the Judiciary Committee because it dealt with passport legislation. What better acknowledgment that the proper jurisdiction for such hearings was the Judiciary Committee.

Then there were 10 executive hearings conducted during 1964 relative to the Immigration and Nationality Act. These hearings came to public attention when three witnesses refused to testify in what they regarded as a "star chamber" proceedings.

It is perfectly clear that any legislative recommendation that could conceivably have resulted from these hearings would have to be referred to the Judiciary Committee's Immigration and Nationality Subcommittee, which has exclusive jurisdiction over the Immigration and Nationality Act.

There were other hearings even further removed from any legislative purpose. The committee refers to them as "consultations." One of the past "consultations" was with Fred Schwartz, who heads what he calls the Christian Anti-Communist Crusade. The committee printed up this "consultation" and distributed it in great quantities. Altogether over 175,000 pieces of rightwing-type propaganda were printed or reprinted by the Un-American Activities Committee during the 88th Congress.

Mr. Speaker, the time has come for the House to end its support of a committee that does not serve a legislative purpose of its own, but rather roams at will through the jurisdictions of other standing committees. By appropriating for this committee one-third of a million dollars per year, the House permits it to make a travesty of the committee system, threatening Americans who exercise their right to petition, freedom of expression and belief, and other freedoms which are granted all of us in the Constitution of the United States.

The New York Times on January 4, 1965, commented editorially:
The Un-American Activities Committee is unneeded, untrustworthy,

and basically unconstitutional. The new House could not make a better start than by getting rid of it.

HUAC or HUSC

Now that the South has the majority of members of HUAC it has been suggested that the name be changed to House Un-Southern Activities Committee or HUSC for short. The members and their States are as follows:

Democrats

Edwin E. Willis (Chairman) La.
William M. Tuck, Va.
Joe R. Pool, Texas
Richard H. Ichord, Mo.
George F. Senner, Ariz.
Charles L. Weltner, Ga.

Republicans

John M. Ashbrook, Ohio
Del Clawson, Calif.
John H. Buchanan, Jr., Ala.

Mr. Farbstein from New York. Almost without fail, this committee's public hearings are characterized by the subpoenaing of a witness whom the committee knows full well will not answer questions. With the legislative workload facing this House, we must ask ourselves if this practice is really necessary. One crucial question is invariably put to unfriendly witnesses an affirmative answer to which would place the witness in jeopardy of prosecution under the McCarran Act, the one major piece of legislation to come out of this committee in its 26-year history.

The practice can only be one of predestined futility unless it is for the non-legislative purpose of exposure.

Yet the committee itself denies, in the statement by its director, Francis J. McNamara, placed in the RECORD February 8, that its purpose is exposure. . . .

Mr. Todd from Michigan. Mr. Speaker, I am certain that my colleagues will be interested in the following resolution of the Democratic Party of Michigan, adopted at its State convention on February 13, 1965. I hope this resolution will be duly considered in our discussion of the committee. The resolution follows:

"Resolved, That the House Un-American Activities Committee, having fulfilled no useful legislative function, and having tarnished the reputations of many innocent people by having been called before the committee without due cause or the right to confront their accusers, and having extravagantly squandered the taxpayers' money on irrelevant and immaterial junkets, should be denied any further funds for its fruitless investigations.

Further, since the Federal Government has duly authorized agencies and courts which fulfill the necessary functions of investigating persons accused of unlawful acts, the House Committee on Un-American Activities should be abolished."

Mr. Bingham from New York. . . . I would have preferred to have

a debate in this House and a vote on the direct question of the desirability of continuing the House Un-American Activities Committee as a standing committee of this House. Along with a number of other Congressmen, I have introduced a resolution which would eliminate the House Un-American Activities Committee and would give to the Judiciary Committee express jurisdiction over "sabotage and other overt acts affecting internal security." Such a change would be logical since it would give to the Judiciary Committee the power to make investigations and recommend legislation dealing with all crimes, instead of having a limited number of crimes handled in a different fashion. It would also remove the temptation to investigate thought and discussion, which is now embodied in the broad highly questionable jurisdiction of the House Un-American Activities Committee. The resolutions calling for such a change are presently in the Rules Committee and it appears that this House will not have the opportunity to debate or vote upon them. . . .

Mr. Ashley from Ohio. . . . The individual freedoms guaranteed in the Bill of Rights can be lost or diluted through our own action or inaction, and if this is allowed to happen by our own hand, the loss of liberty is no less than if imposed by an alien adversary. We must be as ready to defend our individual freedoms in this House as we are on the battlefield and we should not be stayed from doing so by fear of taking a position which may be misunderstood. . . .

Mr. Duncan from Oregon. . . . The single, most distinguished feature that differentiates our society from that of the Communists, is the respect which we have for the rights of the individual against the power of the state. Under the Communist philosophy the state is supreme and the individual nothing. In our society we, many years ago, cloaked the individual in the protection of the Bill of Rights. These rights did not come easily. They were wrested one by one from the power of the throne at the cost of much suffering, bloodshed, and death. I do not propose to surrender them easily.

Perhaps I spent too long at the bar of justice, perhaps my belief that an American citizen is presumed innocent until he is proven guilty beyond a reasonable doubt is outmoded. Perhaps my belief that anyone accused is entitled to be confronted by his accuser, to know the charges placed against him, to enjoy the right of cross-examination of his accusers and finally to have his guilt or innocence determined by a jury of his peers is no longer the view held by this body. But I know that is not so. . . .

Mr. Scheuer from New York. . . . There is one fact, however, on which all parties agree; namely, that across our land there exists the deepest suspicion and most profound reservations on the part of many of our thoughtful citizens as to the fashion in which the House Un-American Activities Committee had comported itself in the past, and whether, indeed, it has any useful role to play in the future. . . .

Guest Editorial

From THE CHURCHMAN, March, 1965

The United States Supreme Court has agreed to hear a second appeal regarding the 1962 anti-communist mail law. The law requires the Post Office to detain all mail constituting "communist political propaganda" prepared in a foreign country, to notify the addressee of the detention, and to deliver it only upon the addressee's request.

Dr. Corliss Lamont is to be thanked for again strengthening the American individual's right to protection under the U.S. Constitution. He brought the appeal to the Supreme Court after a 3-judge federal court in New York decided the 1962 anti-communist law was legal. Meanwhile a 3-judge panel in San Francisco held in a similar case brought by Leif Heilbern, that the law is unconstitutional.

In January, 1964, the American Civil Liberties Union filed a complaint in a Federal Court, New York, challenging the constitutionality of the law, in which the Post Office acts as censor of unsealed mail from 26 foreign countries. The ACLU suit maintained that the requirements of an addressee to signify his desire to receive matter labeled as "communist political propaganda" by government officials is an embarrassment to the addressee. The ACLU says the law violates constitutional guarantees of freedom of speech and press. It also raises the question of censorship on the part of the Post Office, whose employees would have the power to determine, according to their often biased judgement, what constitutes "communist propaganda."

It was discovered that postmasters in various part of the United States were handing over the lists that they obtained through this statute to the House Un-American Activities Committee. Thus everyone, including representatives of the religious and secular press, who said they wanted the detained mailed, was immediately placed on a blacklist. The so-called "communist political propaganda" applies to all press releases from church headquarters.

Gratitude is due Dr. Lamont, the Emergency Civil Liberties Committee, which has supported his case and whose General Council, Leonard B. Boudin, is his attorney, and to the ACLU. They care enough about the constitutional protection of our citizens and a free press to keep it as clear, vital and functioning as our forefathers who wrote the Constitution intended it to be.

GUEST EDITORIAL

Heil, Gronouski

Washington Post, Jan. 27, 1965

In an obvious aping of Communist methods Congress decided in 1962 to protect Americans from the lure of Communist propaganda by blindfolding them and keeping the propaganda out of their hands. The prevailing view in Congress appears to have been that communism was so attractive and American devotion to democracy so weak that, left to its own devices, the country would be subverted overnight.

The 1962 statute authorized the Post Office Department to withhold any mail from abroad which the Customs Bureau deems to be Communist propaganda, unless the addressee makes a written request to have it delivered. Not unnaturally, addressees are reluctant to say that they want to read material which an all-wise Customs Commissioner says is subversive; consequently, they often forego the old-fashioned American practices of judging for themselves. And this tendency is fortified by knowledge that the Postmaster General follows the totalitarian practice of compiling a list of all those who insist on looking at their own mail; and in the past similar lists have been routinely turned over to that ultimate arbiter of political purity, the House Committee on Un-American Activities.

Fortunately, the Supreme Court is going to review all this nonsense to see whether it can be considered compatible with the First Amendment. It has noted probable jurisdiction in the *Lamont* case from New York—in which a three-judge Federal Court held the issue to be moot when the Post office gave Mr. Lamont the mail he had refused to request. And the Government has asked the Court to review at the same time the *Heilberg* case from San Francisco in which another three-judge Federal Court declared flatly that the statute is “unconstitutional on its face” and is a “clear and direct invasion of First Amendment territory.”

Whatever the outcome of the constitutional question, the law itself must be set down as a flagrant piece of anti-American propaganda. It treats Americans as fools.

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