

NATIONAL COMMITTEE TO DEFEAT THE MUNDT BILL  
902 20th Street, N.W.  
Washington, D.C.  
Room 2-C

Jerry J. O'Connell, Chairman

Bruce Waybur, Treasurer

March 6th, 1950

ACTION BULLETIN #1

Judiciary Committee Approves Bill

On Saturday, March 4th, the Senate Judiciary Committee voted at a special meeting to approve the Mundt-Ferguson bill, S. 2311. The only dissenting vote was cast by Senator William Langer of North Dakota.

We are informed that of those who had previously indicated opposition, Senators Kilgore and Magnuson voted for the bill, Senator Kefauver did not vote, but stated publicly that he would oppose the bill on the floor unless it was extensively amended, and Senator Graham was absent. Senator Donnell of Missouri, who might possibly have opposed the bill, was also absent. Only insignificant amendments were voted before approval. These are summarized in the attached memorandum.

Significance of Vote

The fact that all Democrats present who voted, voted for the bill or did not oppose it, including the Senators mentioned who are presumed to be a part of the more liberal section of that Party, indicates bi-partisan support of the most formidable character. The conclusion is inescapable that the Senate as a whole is so seized by unthinking hysteria or fear, that the bill will certainly pass the Senate unless a campaign of unprecedented proportions is launched immediately for its defeat. The situation in the House is believed to be even worse. It must be understood that our democratic institutions are at stake in this fight; that no half measures or half-effort will be equal to the situation. The character of the fight waged will determine whether the American people care enough about liberty to deserve to retain it. The President of the United States recently took occasion to compare this period to the time when the Alien and Sedition Laws were enacted. He added that the country did not go to hell then and it will not do so now. Our democratic institutions were preserved then because Thomas Jefferson and those lovers of liberty who followed his leadership waged a tireless and unceasing battle until those bills were effaced. If our democratic institutions are now to be preserved we shall have to emulate their example.

Action Suggestions

1. The people must be alerted to the danger. Organizations should adopt and publicize statements denouncing the bills. The local groups affiliated to national organizations should do the same. Individuals should seek the adherence of others to their statements and do likewise. In each State and City Citizens Committees for the defeat of the bill should be organized at once. They should organize and coordinate the effort in their area. Literature will be made available by this Committee on request for local distribution. These Committees should organize speakers bureaus and seek opportunities to discuss the bill before organizations and on the radio; they should seek to engage local group leaders and governmental bodies (legislatures and City Councils) in the fight, wherever this seems possible.

2. As to action on the Congressional leaders, first emphasis should be upon the Majority Leader of the Senate Scott W. Lucas. He controls the calendar, or rather directs the Senate Democratic Policy Committee which controls it. Time to mobilize opposition is vital. Items are now scheduled on the calendar including FEPC, which should consume at least one month, but this could be changed. Thereafter, this Committee could also expedite or delay consideration of the bill. If the leadership understands that the people oppose this bill it may not be anxious to expedite consideration, especially in an election year. Letters should be supplemented by delegations beginning as soon as possible.

Second emphasis is upon the Senators from the State of the individual or group concerned. Letters from organizations and from individuals, supplemented by delegations which indicate to the Senators how strongly their constituents feel about the bill in unlimited number are indispensably needed.

3. In all of the above actions, it is suggested that emphasis be placed on two points:

a. The bill is unnecessary to meet any real danger. We have ample legislation already. This legislation is described on page 11 of the pamphlet distributed by this Committee which you should have entitled "The Bill of Rights and the Mundt-Ferguson Bills" a publication prepared by the National Lawyers Guild.

b. The bill is irreconcileable with the guarantees of the Constitution, and with our democratic institutions. The pamphlet mentioned above will give you the requisite information on this point. No really fundamental changes have been made in the bill from its form as S. 1194 and S. 1196. (There is now a Commission of three to be appointed by the President to determine which organizations must register. Its findings are conclusive on review by the U.S. Court of Appeals if supported by the preponderance of the evidence.) The main constitutional points are: (1) The bill is so vague and indefinite that no organization or individual can know whether the bill affects it or him; (2) Mere speech, or assemblies to express views are punishable without proof of illegal intent or action; (3) The unconstitutional doctrine of guilt by association is applied; (4) People and groups can be branded as traitorous foreign agents without any proof germane to such a finding; (5) Voluntary associations of people can be destroyed, and members reduced to second class citizens, without a judicial trial before a court or jury or proof beyond a reasonable doubt; (6) A requirement of registration as a condition for expressing views or associating together is an abridgment of free speech.

#### Committee Needs

The funds now in possession of the Committee amount to less than \$50. If it is to provide the requisite leadership, coordination and materials it must have an office and staff immediately, it must prepare and distribute many thousands of pamphlets, it must contact hundreds of people. Funds are needed immediately. Checks should be drawn to the order of the Committee and sent to the address at the head of this Bulletin.

#### Organizations which Have Opposed the Bill in its Early Forms

The following is a partial list of opponents of the bill: The C.I.O. ("Those bills would substantially curtail civil rights guaranteed to every American by the Constitution. Liberty is indivisible and repression contagious. Unless the civil rights of Communists are protected, those of others will not be."); The A.F.L. ("...Freedom to express oppositional or unpopular views, and to assemble with others holding similar views could not continue for long in an atmosphere such as would be created by the Bills in question. ... This threat arises inevitably from any attempt to penalize for beliefs and ideas, no matter how unorthodox or unpopular they may be, and from providing for guilt by association, ... More specifically, as respects labor organizations, the same opportunity to brand them as Communist groups or Communist-front groups that was present in the 1948 Mundt-Nixon Bill continues to exist under the present Bills"); Brotherhood of Railroad Trainmen ("It is our belief that the measures ... are in the category of those proposals that undermine individual integrity and destroy those social institutions which are the very foundations of democracy"); the American Jewish Congress ("Although the alleged target of the Mundt-Ferguson Bills is the 'world conspiracy,' the real victim is American democracy."); American Civil Liberties Union and Americans for Democratic Action ("It is our conviction that the two measures pending before this Committee are unconstitutional; that they seriously curtail free speech and free thought, ..."); the National Lawyers Guild ("It believes that these bills if enacted will go far towards destroying the very foundations of our democratic system, for they would outlaw any effective voice in serious opposition to the existing order."); the N.A.A.C.P.; the Progressive Party; the Civil Rights Congress; Professor Zechariah Chafee, Jr., of Harvard; Osmond K. Fraenkel; Professor Thomas I. Emerson of Yale; Charles Evans Hughes, Jr.; John W. Davis; Charles P. Curtis, Jr. of Boston; O. John Rogge; Rev. Erwin A. Gaede, Madison Ministerial Association (Wisconsin); Editorials in the New York Times (8/24/49) and the Washington Post (8/23/49).

For the Committee

Bruce Waybur, Treasurer.