

NATIONAL COMMITTEE TO DEFEAT THE MUNDT BILL  
Room 514 930 F Street N.W.  
Washington 4, D.C.  
Sterling 5468

Jerry J. O'Connell, Chairman

Bruce Waybur, Treasurer

ACTION BULLETIN #2  
March 16, 1950

## House Hearings To Begin March 21

The House Committee on Un-American Activities is scheduled to begin hearings March 21 on the Nixon bill, (H.R. 7595). This bill is substantially the same as the Mundt bill in the Senate (S. 2311). Duration of the hearings depends upon the number of witnesses who ask to testify. The Un-American Committee will undoubtedly follow the example of the Senate Judiciary Committee last year in requiring that witnesses, as a precondition to testimony, state whether they have held membership in the Communist Party or in any organization listed as "subversive" by the Justice Department or other Government agencies.

**Objectives:** The Un-American Committee, which fathered the original version of the Mundt bill and is presumably committed to its enactment, undoubtedly hopes to use the hearing for this purpose. Its expectation is that opposition will be confined to isolated left-wing groups. Instead of debating the bill on its merits, it will seek to turn the testimony of opponents into an investigation of the organizations seeking to testify, whenever this is possible.

Strategy: The National Committee to Defeat the Mundt Bill has already wired a selected group of prominent individuals who have stated their opposition to thought-control legislation, asking them to come to Washington to testify. In each community, similar contact should be made with leading individuals, preferably of some national reputation, who are qualified to discuss the bill on its merits and not be sidetracked by the committee's red-herring interrogation. The hearing can be turned into a boomerang against the Mundt-Nixon bill, if the broadest possible opposition is presented. Unless such opposition is mobilized in the field, there is danger that the bill may be rushed through the House. Such speedy House action would concentrate pressure on the Senate, increasing the danger of passage there.

### Reports of Local Activity

From the field, reports of organizational work are now coming in to the national office. It is urged that every community which has set up a citizens' committee arrange to make a weekly consolidated report to the national office of all work being done in that area.

An indication of the volume of work already done throughout the country is an estimate, from figures supplied this committee, that 30,000 individual protests have already been sent to Congress, the bulk of which were concentrated upon Senate Majority Leader Scott Lucas. Please keep us posted.

## Repudiation of Mundt Bill Support Begins in Senate Judiciary Committee

As public protests mount, two of the 12 Senate Judiciary Committee members who voted for the Mundt Bill in committee have now announced they expect to oppose it if it reaches the Senate floor. A third committee member, while professing support for the bill's general aims, has expressed serious reservations about the important criminal conspiracy provisions.

Senator Kefauver (Dem., Tenn.): "In order that the Senate may have an opportunity of considering this legislation, I have voted to report it. I have grave doubts as to the constitutionality in that it may violate guarantees of freedom of the press, speech and individual liberty. I also have many questions and reservations as to certain provisions, especially those contained in Sec. 4. I am afraid that Sec. 4, sub-sec. a, is too indefinite for a criminal provision statute.

Sec. 4, sub-sec. b, as now written, applies to several million American citizens, many of whom (such as those employed by a private corporation

where the RFC owns part of its stock) may not know that they come within the provisions of the section. It may make them subject to prosecution for innocently repeating information to a representative of a foreign country, even though such representative may be of a friendly country and even though they may not know it is classified, and even though the conversation where such information is repeated may be in the transaction of legitimate business between the two countries.

Sec. 4, sub-sec. c, is too drastic and harsh and would limit necessary discussions between representatives of this country and friendly allies. It, for instance, would automatically make guilty the Prime Minister of Canada or of Britain, if they should attempt to obtain or receive information from an official of this Government, even though they did not know the information was classified and not for public use.

A full discussion on the floor of the Senate will reveal these and many other weaknesses of this legislation. Unless several amendments are adopted, I shall vote against its final passage and I reserve the right to vote for any amendments which I think are necessary to lawfully carry out the purposes of this bill with which I agree." (March 4, 1950)

Senator Kilgore (Dem., W. Va.), letter to Chairman McCarran March 6, 1950: On studying, over the weekend, the final committee draft of S. 2311 that was before the Judiciary Committee on Saturday afternoon, I am obliged to conclude that it remains subject to the central vice that has always made it a dangerous proposal. It is fundamentally a sedition bill and, in the hands of a prejudiced prosecutor or national administration, can be used against organized labor and in fact against other organizations, whether churches, farm, business or any of the multitude of legitimate American organizations against which a hostile prosecutor or administration might want to use it. Samuel Gompers, when head of the American Federation of Labor, and confronted with more than 70 kinds of sedition bills pending in Congress, made this fact clear for good and all. He said that no matter how a sedition bill may be drafted, it can and sometimes will be used against organized labor. He said the language of sedition bills usually looks fair and desirable, but, used in periods of hysteria, such bills would enslave labor and should be called slave bills. He recognized that the bills proposed in his time were directed against the bitterest enemies of the AFL, such as the IWW's, the Communists, and the Socialists of the time, but he saw that, used first against the enemies of conservative labor, a sedition law, no matter how phrased, would in time be turned against labor also. I hope to send a fuller memorandum of my views on the current bill shortly.

Senator Magnuson (Dem., Wash.) told the press he opposed the provisions in Section 4 of the Mundt bill, relating to criminal conspiracy "which would substantially contribute to the establishment . . . of a totalitarian dictatorship." He said he planned to file a minority report on this section with the committee, and thought Senator Donnell (Rep., Mo.) would join him. Although the committee report has not yet been published, it appears that considerably more pressure from their constituents will be required to insure that the Senators actively oppose Section 4.

#### Other Expressions of Opposition to Mundt Bill

New York Bar Association: The extremely influential Association of the Bar of the City of New York is now on record against the Mundt Bill. Its Committee on Federal Legislation recommended to the association that it should "not favor the enactment of S. 2311" and reported, "The committee . . . is unanimously opposed to the enactment of the bill because of the disapproval of the sedition provisions. A majority of the committee, however, also opposed the bill because of disapproval of some or all of its other provisions under existing conditions . . ." On March 14, this committee report was approved by the association, which is headed by Robert P. Patterson, former Secretary of War.

Marquis Childs, columnist (Washington Post, March 14): "Senator Karl Mundt of South Dakota is pressing hard for the Mundt-Nixon bill, which would put a strait jacket around an undetermined segment of political freedom. . . These men and others like them seem to distrust freedom. They seem

to distrust the democratic process itself. . . But whether they know it or not, the end they are driving toward is a stockade in which just about all the American people would finally be confined."

Pamphlets Available on Mundt Bill

The following material will be furnished on request by the National Committee to Defeat the Mundt Bill:

**HEY, BROTHER—THERE'S A LAW AGAINST YOU!** Last year's popular pamphlet against the Mundt Bill has been completely rewritten to conform with changes in this year's bill. It is the only pamphlet containing the specific action proposals of the national committee. In addition, it lists the principal organizations on record against the bill, and quotes excerpts from statements of many individuals and organizations. Available @ 5¢ a copy.

**MINORITY REPORT OF THE SENATE JUDICIARY COMMITTEE.** A reprint of the statement made in the Senate by Senator Langer (Rep., N. Dak.) on Friday, March 10, 1950, pages 3217-3221. Congressional Record. This report contains a stirring preamble denouncing the general purpose of the thought-control bill, and follows with a section-by-section analysis, the most detailed available. 10¢ a copy.

Excerpts from the Langer statement follow:

"This bill, if enacted, would constitute the greatest threat to American civil liberties since the Alien and Sedition Laws of 1798. Like that bill, it is the product of hysteria and frantic, unthinking fear. Like the bill, it would strike at the very foundations of our democratic institutions—the right of the people to speak their minds, to hear every viewpoint on public questions, and to associate together freely to advance their common views. Like that bill, it merits the opposition of all who cherish liberty. . . Under these vague powers trade unions and other organizations which may seek to alter the status quo or oppose this or that government policy, by lawful means, with no evil intent, could be branded as traitorous agents of foreign governments or movements. Their members could be relegated to the position of second-class citizens—made subject to economic and social outlawry."

**MASSACHUSETTS A.C.L.U. REPORT.** Excellent short summary of the Mundt bill, published by the Civil Liberties Union of Massachusetts. Available @ 2¢ a copy from the National Committee to Defeat the Mundt Bill.

Excerpts follow:

"If one political party, such as the Communist, can be destroyed by legislation today, other political parties can be put out of existence tomorrow. . . This law becomes the instrument by which every independent or unorthodox or protest movement can be destroyed. . . Beyond question, the Supreme Court would rule many sections unconstitutional. Nevertheless, the bill constitutes an extreme menace to our liberties. Usually several years elapse before a Supreme Court decision can be obtained. During that time this law would have killed many forward-looking organizations beyond resurrection, branded causes and policies in public estimation beyond reclaim, wrecked countless lives."

FUNDS NEEDED BY COMMITTEE TO FIGHT MUNDT BILL

Your national co-ordinating committee has the most urgent and immediate need for contributions, large and small, to enable it to continue activities on the scale required. Funds are needed now, or essential work will be jeopardized. You are our representative in your community, and only through your efforts can the necessary money be raised. Get in touch with organizations and individuals, asking for donations; remind them that whatever cause is closest to their hearts will itself be lost if the struggle against the Mundt bill is not won.

For the Committee

Jerry J. O'Connell, Chairman