

NATIONAL COMMITTEE TO DEFEAT THE MUNDT BILL
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STERling 5685

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A C T I O N B U L L E T I N # 5
April 11, 1950

Washington Delegations

The representative delegations to Washington, of which you were notified in Action Bulletin #4, have been urged to arrive in time for a briefing session at 8 P.M. Monday, April 17 at the Jackson Room of the Willard Hotel, 14th Street and Pennsylvania Avenue N.W. They will then be able to spend all day Tuesday on Capitol Hill.

The full facilities of the national office will, however, be available to assist delegations arriving April 18 and 19.

You are urged to wire your Senators for appointments in advance. Send us copies of your requests, and we will follow up for you. If assistance in reserving housing is needed, send us full details as soon as possible.

Legislative Situation

As indicated in our previous bulletin, opponents of F.E.P.C. would like to displace it with the Mundt bill when it comes to the Senate floor. Mundt bill opponents must therefore keep their eyes on the F.E.P.C. timetable. The civil rights measure has been scheduled to come up the week of April 17. A Democratic policy meeting is scheduled April 11 on the position to be taken on F. E. P. C. by Administration supporters in the Senate. Majority leader Lucas reportedly wants to bring up E.C.A. legislation next. He has repeatedly postponed F.E.P.C. on the Senate calendar, but civil rights advocates this time are vigorously resisting further delay. If F.E.P.C. consideration is again deferred, the resulting reshuffle of the legislative calendar would bring the threat that the Mundt bill would be brought to the floor. The next few weeks are critical in the Senate.

The House is in recess until April 17, with most members not planning to return until April 18. You have previously been notified of the opportunity to contact your Congressmen at home during the Easter recess.

The House Committee on Un-American Activities has not closed its hearings on the Mundt-Nixon bill, although it had originally planned to report the bill to the House by March 31. The volume of opposition waiting to be heard compelled the committee to extend the hearings to April 4. On April 4, the committee failed to report the bill, and acting Chairman Walter (Dem., Pa.) told the National Committee to Defeat the Mundt Bill that hearings would be resumed at a later date to permit testimony by organizations not yet heard. The committee chairman, Rep. Wood, has left Washington to engage in his primary campaign in Georgia. Six other committee members left April 8 for a three-week investigation of Hawaii. Organizations which have not yet testified before the House Committee on Un-American Activities against the Mundt-Nixon bill should immediately write the committee for time to present their views in person. This applies even to those which have already submitted written statements. Prominent individuals should also be urged to ask for time to testify. As soon as we have definite information when the hearings will be resumed, you will be notified.

Change in Telephone Number

Your attention is called to the fact that the telephone number of the National Committee to Defeat the Mundt Bill has been changed to STERling 5685. Our address remains the same.

Statements Against H.R. 7595 (Mundt-Nixon bill)
Filed with House Un-American Activities Committee

Excerpts are produced below from statements submitted to the House Committee on Un-American Activities in opposition to H.R. 7595 (the Mundt-Nixon bill) during hearings which began March 21, 1950.

American Federation of Labor (George D. Riley, legislative representative, testified March 24): "...The American Federation of Labor is one of the 66 actively participating organizations in the Anti-Communist conferences now proceeding. Senator Mundt addressed that conference recently. But it should be noted that the conference failed to endorse the Mundt bill or the Nixon bill or the Wood bill...We are on record from several conventions as opposed to the manner in which this bill has been drawn. Following is the language of our Executive Council from 1949, which report was adopted unanimously by the St. Paul Convention:...'The bill would permit the setting of precedents which might result disastrously to labor organizations themselves.'...There are some labor groups which stand for adequate housing programs, national health programs, government regulation of utilities, including telegraph and railroads. And there are some others which think that poll taxes should be abolished. At the same time the Communists have seized upon these themes as something to allow them to make headway by cashing in on this or that campaign. How easy it can be for an Attorney General or, in the present bill, the Board administering the 'Subversive Activities Control Act of 1950' to find that because Communists sponsor some of the same things as some labor unions that the unions per se are guilty of supporting Communism."

Congress of Industrial Organizations (Thomas E. Harris, assistant general counsel, testified April 4. He told Rep. Velde the C.I.O. statement was prepared after consultation with Philip Murray):..."The way to deal with espionage is by punishing spying. If the present statutes against spying are defective, the proper remedy is to amend them...The Report of this Committee last year, reporting out the Mundt-Nixon Bill, stated that existing legislation was inadequate because the Communist Party operated secretly. This statement is a non sequitur. Secrecy may increase the problem of detection, but can hardly be met by passing more laws...A very basic objection to both of these bills is that their purpose is to police and regulate not action or conduct, but thought and expression. Under these bills, organizations and individuals are punished, restrained, and regimented solely on the basis of political opinions, rather than on the basis of overt acts of disloyalty...The provision in the bill that resistance to efforts to obtain membership lists is a hallmark of a 'Communist political organization' is particularly objectionable to labor organizations, which have learned through long experience that the submission of such lists is the first step to a blacklist through which an organization may be completely destroyed...The Nixon Bill is a serious threat to our most cherished constitutional safeguards. It imposes penalties upon association and opinion rather than upon overt actions. The bill is so loosely drawn that it could impose a blackout upon the civil rights of thousands of individuals who would be driven from progressive organizations out of fear that the vague provisions might be made applicable to them. Penalties and disabilities are imposed upon individuals, not as a result of unlawful activities but merely upon the basis of affiliation or association. Moreover, the operation of various provisions would permit the creation of a blacklist, so obnoxious to our traditions. The bill wipes out the fundamental protections for defendants in criminal cases. It substitutes administrative procedure for due process of law. The definitions of the bill would make it possible for the Attorney General to proceed against labor organizations, and the vague character of the bill's standards would make possible a tremendous expansion of its scope."

N.A.A.C.P. (Clarence Mitchell, labor secretary, filed written statement April 7. N.A.A.C.P. has also asked for time to testify in person): "The National Association for the Advancement of Colored People is opposed to H.R. 7595 now under consideration by your committee. I wish to make it clear at the outset the NAACP's decision to oppose this proposal is based on our traditional fight to protect civil rights. In taking our stand, we have not been influenced by other groups and organizations. Our opinion represents the views of American citizens who make up their own minds without coercion or pressure. This bill purports to protect the United States against certain un-American and subversive activities. It is impossible to see how proposals of this kind can do anything other than undermine the basic freedoms of our country. The net effect of such a law would be to replace the supposed menace of communism with a concentration camp atmosphere in which all persons who seek to promote social change would be suspected of activities against the best interests of

the United States. Many of them would be unjustly harassed and prosecuted under this law. The powers vested in the three-man loyalty board which the bill would establish are so sweeping that almost any organization might be affected ranging from a college fraternity which holds secret meetings to a labor union which refuses to divulge a list of its members. We cannot overcome a real or imagined threat of foreign ideologies by the enactment of harsh legislation which will silence the voice of reform in our own country. If we are to win in the present battle for first place in world leadership, we must give positive evidence of action to safeguard the civil liberties of all of our citizens, even those with whom we may vigorously disagree."

American Civil Liberties Union (Arthur Garfield Hays, general counsel, testified March 28): "...It would be tragic if we were to deprive ourselves of those civil liberties which distinguish our political system from totalitarianism in a misguided effort to combat that totalitarianism...There are already adequate laws now on the statute books to combat any 'clear and present danger' from Communism, which is all the proponents of this bill seek to safeguard against. Among these are the Espionage Act, operative only in time of war (50 U.S.C.A. 33), the Peace Time Seditious Act, (18 U.S.C.A., Sections 9 to 13), the Subversive Organizations Registration Act, (18 U.S.C.A., Sections 14 to 17), and the Foreign Agents Registration Act, (22 U.S.C.A., Sections 611 to 621)...Section 4 creates criminal penalties entirely independent of any organizational registration or non-registration...The avowed purpose of the Nixon Bill is to prevent the establishment of a totalitarian dictatorship. If the bill becomes law, and a person advocates its repeal, is he then performing an 'act which would substantially contribute to the establishment.....of a totalitarian dictatorship?' Is an attorney who defends a Communist in a political case guilty under this section? If a group files a brief amicus in the appeal of the Communist leaders from their conviction under the Smith Act and helps secure its reversal, is this a criminal conspiracy? Is a person who contributes to the defense funds of the Communists a criminal under this subsection? Is publication of a pamphlet proposing peaceful and legal amendment of the Constitution to establish a 'totalitarian dictatorship' outlawed? If Mrs. Roosevelt again invites Paul Robeson to appear on her television program, is she to be indictable under this section? Do the publishers of the 'Daily Worker' publish at their peril? Is it criminal to publish 'Das Kapital' or to put it in a library? Where is the line to be drawn? We believe this section to be clearly unconstitutional on its face. As the U.S. Supreme Court stated in the case of Winters v. New York, 333 U.S. 196, 'Where a statute is so vague as to make criminal an innocent act, a conviction under it cannot be sustained. Herndon v. Lowery, 301 U.S. 242, 259.' It should also be noted that the Court in the Winters case cited as authority the case of State v. Diamond, 27 N.M. 477, 202 P. 988, which held unconstitutional a statute punishing 'any act of any kind whatsoever which has for its purposes or aim the destruction of organized government.....or to do or cause to be done any act which is antagonistic to or in opposition to such organized government.....' The language of that statute was remarkably similar to Section 4(a) of H.R. 7595. See also Stromberg v. California, 283, U.S. 359, 369...The fact that a bill whose avowed purpose is disclosure will paradoxically result in an attempt at complete concealment, would seem persuasive evidence that the bill would do more harm than good were it to become law...While Congress may define conspiracy, it is the responsibility of the courts alone to decide what groups fall within the definition. The definition of a 'Communist political organization' is an ill-disguised method to define the Communist Party as an international conspiracy. The use of the term 'Communist' brings the statute within the Lovett case's dictum that 'legislative acts, no matter what their form, that apply to named individuals or to easily ascertainable members of a group.....are bills of attainder.' United States v. Lovett, supra, 315... The only important fear which we need have of Communists in this country today is that they will provoke us into suicide, by destruction of our own free activities. Judgment as well as emotion must be used in combating our enemies; it does one little good to attempt to crush his enemy below by jumping out of a tall building in the hope he will score a direct hit."