

Nixon and Kennedy Joined in Passage of Thought Control Law Now Before Court

Another Fundamental Issue No One Talks About in This Phony Campaign

If there were a major third party devoted to civil liberties in this campaign, it would be calling attention to the part played by Vice President Nixon and Senator Kennedy in the Internal Security Act of 1950 the constitutionality of which has just been argued in the U.S. Supreme Court. In statements released by the American Civil Liberties Union Oct. 5, Nixon deplored the "erosion" of First Amendment rights and Kennedy called for "moral leadership" to restore fundamental freedoms. It is a pity there is no major third candidate to ask where they stand now on the Internal Security Act.

Kennedy Voted to Override Truman's Veto

Nixon helped to write it; in its original form it was the Mundt-Nixon bill. Kennedy helped to make it law by voting in the House to override President Truman's veto of the bill as one which would "make a mockery of the Bill of Rights" and put the Government "in the thought control business." In 1950, Nixon and Kennedy agreed in favoring restriction of basic liberties. In 1960, they assure the ACLU they are all for the Bill of Rights. Opportunism and lack of real conviction is evident in the record of both men. The records of both show that characteristic cold war fervor about crusading for liberty abroad while remaining indifferent to its evaporation at home. Or is the liberty they defend abroad only freedom of exploitation?

The Internal Security Act of 1950 is a sleeping monster. If upheld by the Supreme Court, it would make available in any future period of hysteria or crisis a means of repression far beyond those of Congressional witch hunt committees. The Subversive Activities Control Board established by the Act would have the power to determine what organizations were "Communist action", "Communist fronts" and "Communist infiltrated", and to impose severe restrictions on the employment and travel rights of members, and to make it virtually impossible for them to exercise their rights of speech and press. The organizations so stigmatized would be determined by a combination of political espionage and proof by drawing "parallels" between the positions they espoused and those of the Communists. One need only recall Nixon's attacks on Democratic party rule as "twenty years of treason" to realize that unscrupulous men, a new McCarthy, could use these weapons against a major party as well as against minority radical groups. There are few if any progressive issues which the Communists have not also supported from time to

Surveillance or Entrapment?

The Supreme Court has just granted a hearing to the appeal of Bernhard Deutch from a House Un-American Activities Committee contempt citation. The case raises two interesting questions, one political, the other legal. The legal question is whether any valid legislative purpose is served by requiring disclosure of names from a witness who has otherwise answered all questions about his own past activities as a Communist and those of his group. Deutch's position, in refusing only to name others, is thus much like that of Watkins.

The other question is the propriety of having FBI agents work in the Communist party not only as informers but as organizers and recruiters of those upon whom they spy. This, in a criminal case, would be attacked as entrapment. Mr. Deutch as a young man was a member of a Communist group for several years at Cornell. "The entire tragi-comic operation on the campus," his petition to the Court points out, "was conducted under the auspices of, and apparently largely through, the management of an employee of the FBI—the same Ross Richardson who conducted petitioner to the last few meetings he attended (the last 'meeting' was with Richardson alone!), collected his dues to the Party and ultimately named him as a member."

time. Once a group had been ordered to register, publications adjudged to speak for it would be required to carry the "yellow badge" of a notation saying, "This is a Communist publication. . . ." Worst of all, persons regarded as radicals could be arrested for failure to register under the Act and subjected to prolonged litigation to prove they were not Communists under pain of \$10,000 fine or five years in jail or both. *Each day of failure to register is made a separate offense by this Act.*

The first test case involves the Communist Party which has been ordered to register. Its registration would set the machinery of the Act in motion. The main obstacle is the Fifth Amendment. Can the government constitutionally force people to register themselves as Communist, when by that act they would be incriminating themselves? A more fundamental issue arises under the First Amendment. Can a free government in a free society lawfully set up a board to determine what thoughts are dangerous, and impose severe sanctions against those who express them? We'll have more to say later about this and related test cases. But is there no way to inject these fundamental questions into the campaign?

Dodd's One Man Inquisition Another Test of Nixon-Kennedy on Civil Liberty

Another civil liberties test of Nixon and Kennedy is the question put to them in an open letter by a group of citizens asking whether they approve of the one-man witch hunt Senator Dodd has been conducting through the Senate Internal Security Committee against members of the National Committee for A Sane Nuclear Policy.

The open letter says in part, "American citizens in considerable numbers, accused of no crime or wrongdoing of any kind, are now being summoned to Washington and questioned in closed session about their acts, utterances and opinions. This process has been going on for several weeks; we understand that it still continues. The targets of this activity are leading workers in a nationwide move-

ment for the ending of nuclear test explosions and for international inspected disarmament. Their inquisitor is a U. S. Senator—Thomas E. Dodd, Democrat, of Conn., who has announced himself in favor of more nuclear test explosions and an increased arms race. . . . Do you approve or disapprove of the activities of Senator Dodd?" Among the signers are Rev. Henry Hitt Crane of Detroit, Rev. Gardner M. Day of Cambridge, Rabbi Roland Gittelsohn of Boston, Russell Johnson of the Friends Service Committee, and Prof. H. H. Wilson of Princeton.

We suggest that the best way to test where the candidates really stand on civil liberties is to write and ask them whether they approve Dodd's nuclear witch-hunt.

Castro's Speech to UN Too Impressive to Be Hooted Down Except in This Country**State Dept. Reply Disingenuous, Evasive and A Little Ludicrous**

Fidel Castro's speech to the UN General Assembly Sept. 26 was treated by the American press as if he were some kind of stupid hysteric, but foreign newspapermen reacted quite differently. The London *Observer's* special correspondent at the UN, Cyril Dunn, said of it (Oct. 2), "American judgment has been unfair to Fidel. His enormous speech has been treated only with derision; someone has said it covered everything except 'the row between the British and Iceland over the sardine harvest.' In fact it was, though long, an impressively coherent version of Cuba's sad history, as seen by a revolutionary Socialist as old-fashioned as Keir Hardie." * I did not hear the speech and had no chance to read it until several days later, but I found those Latin Americans with whom I spoke about it at the UN very impressed with it. It was a tour de force, with some exaggerations perhaps but none as great as those U.S. spokesmen apply to Castro. Apparently the State Department decided that it could not be hooted down, and on October 13 it filed a 10,000 word reply.

No More Monopolies in the USA!

The reply may impress North Americans with little knowledge of Cuban history but to the Latins it will appear disingenuous, evasive and a little ludicrous. It is late in the day, for example, to pretend, as the State Dept. reply does, that the Platt amendment was a form of benevolent aid to the new Cuban republic; that the Guantanamo base lease (at the bargain basement rental of \$2,000 a year) was the result of free negotiation; or that the U.S. was unaware that Batista was using our military aid to maintain his savage dictatorship over the Cuban people. It is disingenuous to answer Castro's charge that the ten-year balance of payments between the U.S. and Cuba was \$1 billion in our favor, with figures about trade balances alone which were only a quarter billion in our favor. This omits such major items as remittances on U.S. investments in Cuba and Cuban payments to U.S. owned transport facilities. Castro was not too far wrong when he

* No U.S. paper I saw was fair enough to note that Dr. Castro did not support Khrushchov's proposals on the secretariate, and that Cuba's representative at the special emergency session voted with the other neutrals Sept. 19 to uphold the Secretary General's authority in the Congo.

Mercenary Adventurer

Boston, Oct. 13 (UPI)—The ex-wife of Anthony Zarba who was executed today in Cuba said today he plotted to overthrow the Cuban government and "make a lot of money." . . . "He's been talking about it for about two years, saying that if he succeeds in all this, he'd make a lot of money."

—San Francisco News-Call Bulletin, Oct. 13.

complained that by this billion dollars in our favor "a poor and under-developed country in the Caribbean area, with 600,000 unemployed, was contributing greatly to the economic development of the most highly industrialized country in the world." The funniest item in the reply was the State Dept.'s insistence that Castro was wrong in talking about U.S. monopolies. "As for monopolies," the reply said, "U.S. industries are forbidden by law from engaging in monopolistic practices—by the Sherman Anti-Trust Act of 1890 and the Clayton Anti-Trust Act of 1913, both of which are actively enforced by the U.S. government. The Marxist idea of 'monopolies' applied to the U.S. is a hundred years out of date." This disappearance of monopolies may explain the reply's failure even to mention Cuba's little dispute with those little business men from Standard Oil and Texaco.

Unfortunately our dispute with Cuba is not a peaceful debate before an impartial hemispheric jury. Castro complained to the UN that Kennedy in a recent speech said that "The forces that are struggling for freedom in exile and in the mountains of Cuba must be supplied and assisted." This seems to be the Administration's policy. Anti-Castro groups are carrying on recruiting and money-raising campaigns in violation of the neutrality act without interference; Americans are landing with insurgent forces. In our free society with its presumably responsible government, no one knows whether CIA with the secret funds at its disposal is taking a hand in these armed attempts to stir civil war in Cuba. These expeditions plus our new trade restrictions represent forms of aggression fostered by our government. A few years ago we criticized the Russians for smashing Hungarian attempts to be free of their neighboring Big Brother. We seem to be moving in the same direction against Cuba.

State Dept. Claims We Didn't Know What Batista Was Doing With U. S. Arms

"Any use made by the Batista government of this [U. S. aid] equipment, or of military training provided by the U. S., in order to combat Cuban revolutionaries, was done without the consent of the U. S. authorities and in disregard of the agreement. . . . When it became evident that Cuba was undergoing a revolution which had the support of a large part of the Cuban population, the U. S. showed its determination to stay out of Cuba's internal conflict by suspending all sales and shipments of arms to the Batista government. This suspension was publicly announced in March 1958, ten months before the Castro forces took power."

—U. S. official reply to Castro at UN, Oct. 13

"For five years, five months and four days [under the Batista dictatorship] the six million people of Cuba were to know the whiplash of cruel oppression. About nineteen thousand of them were murdered. Tens of thousands fled

into exile. The tortures and mutilations were almost beyond belief. . . . Two men should have known the sickening story in Cuba. They were Arthur Gardner and his successor, Earl E. T. Smith, U. S. Ambassadors to Cuba . . . frequent guests of Dictator Batista. . . . for the four and a half years of terrorism in Cuba the U. S. sold warplanes, bombs, guns and ammunition to Batista . . . in the name of 'hemispheric defense.' . . . It was March 14, 1958, less than ten months before the end of the 25-month war [by Castro against Batista], before Washington developed enough hindsight to embargo all arms shipments to Cuba, and by that time Batista had practically all the weapons he needed. The embargo was a real hardship only on the Rebels, seeking desperately for the tools to fight and paying enormous prices for them."

—Castro, *Cuba and Justice*, by Ray Brennan (Double-day, 1959), then *Chicago Sun-Times* correspondent in Cuba.