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Freedom in the United States, 1950.



## FREEDOM IN THE UNITED STATES

For How Long?

October 29, 1950

In this hour of crisis our liberties are being menaced both from within and from without. We all clearly recognize, I believe, the menace from without, the serious threat to our liberties and to all human liberties involved in dictatorship of the right or of the left, which dictatorships destroy all human freedoms, as we conceive them. Perhaps we have exaggerated the strength of dictatorship in the world, and so, underestimated our power and the power of democratic countries elsewhere to contain aggressive dictatorship, to defend ourselves, our democratic way of life; that in the fear of it we have not only done much which needed to be done by way of organizing against dictatorship, alerting ourselves and the rest of the free peoples of the earth against it, mobilizing our strength, assisting economically the free peoples of the earth to grow stronger and thus be enabled to resist the invasion and infiltration of dictatorship; but perhaps we have also done much at home that need not have been done. We adopted extreme measures which betray fear, panic, bordering on hysteria. And in my humble judgment it is these measures which menace our liberties from within, which may destroy the very thing which we are seeking to protect - our free way of life.

In the last three lectures in this series, I have spoken of the threat of Communist aggression abroad. How serious is the Communist threat at home? Is it of such proportions as to justify the present mood and all the measures of suppression which are being taken? My own personal opinion, of course, may be discounted as the personal opinion of every individual, for we have no access really to the best and most authoritative sources of information on this subject, but surely the President of the United States has access to all these sources of authoritative information - surely he is the best informed man in the United States on this subject. What does he think about the proportion, the size of the Communist threat here in the United States.



On April 24, 1950 the President of the United States addressed the Federal Bar Association in Washington, and he said, "We know that the greatest threat to us does not come from the Communists in this country, where they are a noisy but small universally despised group." "A noisy, but small universally despised group." "The greatest threat comes from Communist imperialism abroad, where the center of its military and economic strength lies." In this same address of April of this year he stated:

The fact of the matter is - because of the measures we are taking - the internal security of the United States is not seriously threatened by the Communists in this country. There are proportionately fewer Communists in this country than in any other large country on earth. They are noisy and they are troublesome, but they are not a major threat.

Moreover, they have been steadily losing ground since their peak in 1932, at the depth of our greatest depression, when they polled the largest number of votes in their history.

This is what the Chief Executive of our country says in answer to the question, how serious is the Communist threat in the United States, and if he is correct - and I have no doubt but what his judgment is the final judgment in this matter - if he is correct, then we are justified in asking ourselves, why the rash of loyalty oaths? Why the witch hunting among American schools and colleges and universities? Why the wild McCarthy fulminations against our State Department being honeycombed with Communist agents, and our government offices filled with disloyal and traitorous employees? Why the Internal Security Act which was adopted a few short weeks ago over the President's veto, a measure which the President characterized as a "mockery of our Bill of Rights".

The answer, I believe, is to be found in the Korean War and in the approaching elections. War creates a state of nervous anxiety when apprehensions are inflated beyond all reason or proportion. And elections encourage all forms of demagoguery and whatever can pull in the votes seems to be fair grist to the politicians' mill. The war and the elections have whipped up almost into a frenzy this fear of the power of Communism in our midst and has been responsible for laws and for practices which do



violence to the basic conceptions of free America.

In April of this year, in this same address to which I am referring, the President declared that "there is right way and a wrong way to fight Communism." The right way consists in "strengthening our own defenses and aiding free nations . . . so that we and they can effectively resist Communist aggression, . . . in working to improve our democracy so as to give proof . . . that democracy is the best system of government that man has yet devised, . . . and finally in working quietly but effectively, without headlines or hysteria, against Communist subversion in this country wherever it appears, . . . but doing it within the framework of the democratic liberties which we cherish." That's the right way.

The wrong way which the President advises our people to eschew and to forego consists in measures which do hurt and violence to American freedom.

Now I am going to tell you how we are not going to fight Communism. We are not going to transform our fine F.B.I. into a Gestapo-like secret police. We are not going to try to control what our people read and say and think. We are not going to turn the United States into a Right-Wing totalitarian country in order to deal with a Left-Wing totalitarian threat.

In short, we are not going to end democracy. We are going to keep the Bill of Rights on the books. We are going to keep those ancient, hard-earned liberties which you lawyers have done so much to preserve and to protect.

He was addressing a Bar Association - hence, the reference to lawyers.

Now, nothing has changed in our country since April of this year as regards the spread of Communism in our midst. There has been no increase in Communist ranks, and yet, our people have been so propagandized into such a state of fear that they are prepared to accept, I am afraid, and tolerate, amazing suppressive legislation and other measures and invasions of their civil liberties which they would not dream of doing under normal conditions. They are consenting to laws and practices which avowedly are intended to protect their liberties, but which actually are subtly undermining them, and they are even becoming intolerant and suspicious of those people who caution them against this self-consuming hysteria. A champion of basic Americanism and of the Bill of Rights today in the United States is definitely a suspect person.



Now, it is terribly important that America shall remain free, not alone for its own sake, ~~but~~ <sup>and</sup> for the sake of its own people, but for the sake of the world. If freedom perishes here in the oldest and strongest democracy in the world, it will die everywhere. Destiny has singled out the American people to be not the opponent of this economic system or that economic system - economic systems come and go and change, vary and fluctuate from age to age and from generation to generation - destiny has singled out the American people not to be the champions of capitalism or Socialism or Communism or the opponents, but to champion a free and democratic life for mankind. But if in opposing a certain economic system, we sacrifice freedom here at home, we will have lamentably and tragically betrayed mankind. The United States, with its Constitution, with its Declaration of Independence, with its Bill of Rights is a light unto the world, a challenging hope, inspiring and invincible. A United States with McCarthyism and Franco-ism, with alien and sedition laws, with inquisitions into the hearts and minds of people, with attack on academic freedom, with attempts to control thought and to terrorize unorthodox and unpopular opinion - such a United States will only be a bedraggled knight in tarnished armor with a dented shield and a broken lance.

We had the same problem which we have today 150 years ago when our Republic was very young, much smaller, much poorer, much less stable and less secure than our country is today. The United States, which had just then emerged from a revolution and had just set up its government, was beset by many enemies, and bedevilled by agitators both native and alien, by the Red adherents of the French Revolution which was as obnoxious to many people in those days as the Soviet Revolution is in our day. And in 1798 four measures were adopted which have come to be known as the Alien and Sedition Acts to defend this new government against subversive activities. It provided penalties for combining to oppose government measures and for any false, scandalous or malicious writing against the government or any of its high officials. In those days the Congress of the United States was driven to adopt desperate measures in their hope of protecting themselves against what they regarded as a grave and imminent menace.



And the man who fought the Alien and Sedition Acts most vigorously and who brought to play upon it all the colossal power of his mind was the man who framed the Declaration of Independence, Thomas Jefferson. We did not need laws against agitators, he said. Ours, he said, was the strongest country on earth - that little country at the edge of the wilderness which had just been bled white by eight years of revolution and war - almost bankrupt, with the threat of war hanging over it - this little country, Thomas Jefferson declared, was the strongest government on earth. Why? Because it was grounded in the strength and the loyalty of free men, and his attack and those of men like unto him, brought about the quick revocation of these laws, and with it, the destruction of the Federalist Party, which was responsible for the alien and sedition laws.

And for 150 years America has had no sedition laws in peace-time. But last month the Congress of the United States rushed through an Internal Security Act which the President of the United States characterized as "a terrible mistake" which he vetoed. But they passed it over his veto. They were very near to the election. This measure calls for the registration of all Communist organizations and so-called Communist-front organizations, and makes it mandatory for them to divulge information about themselves, their officers, their finances, and imposes severe penalties upon Communists and those covered by the terms, and it makes sweeping changes in our immigration laws governing the admission of aliens to the United States and their naturalization as citizens.

In vetoing this measure the President of the United States declared - and this is very significant - that the Department of Justice, the Department of Defense, the Central Intelligence Agency and the Department of State had all advised him that "the bill would seriously damage the security and intelligence operations for which they are responsible, and that they had expressed the hope that the bill would not become law." In other words, those agencies charged with the responsibility of defending this country in peace and in war advised against the enactment of this sedition law, as did the President himself, but Congress thought otherwise. It rushed through pell-mell this measure, hell-bent, as it were, upon votes in the coming election.



What were the objections of President Truman against this measure which he vetoed?

He wrote:

It would aid potential enemies by requiring the publication of a complete list of vital defense plants, laboratories and other installations. It would require the Department of Justice and its Federal Bureau of Investigation to waste immense amounts of time and energy attempting to carry out its unworkable registration provisions. It would deprive us of the great assistance of many aliens in intelligence matters. It would antagonize friendly governments. It would put the Government of the United States in the thought control business. It would make it easier for subversive aliens to become naturalized citizens of the United States. It would give Government officials vast powers to harass all of our citizens in the exercise of their right of free speech.

With reference to the value to be derived from registering Communist organizations, the President said this:

The idea of requiring Communist organizations to divulge information about themselves is simple and attractive, but it is about as practical as requiring thieves to register with the sheriff. Obviously, no such organization as the Communist party is likely to register voluntarily.

But the greater danger is not in what this measure means to do to the official Communist Party, but what it proposes should be done to what is called Communist-front organizations. What is a Communist front organization? Who can define it? What are the limits of this definition? "Insofar as the bill would require registration of the Communist Party itself," said the President, "it does not endanger our traditional liberties. However, the application of the registration requirements to so-called Communist-front organizations can be the greatest danger to freedom of speech, press and assembly, since the Alien and Sedition Laws of 1798. This danger arises out of the criteria or standards to be applied in determining whether an organization is a Communist-front organization.

"The provision could easily be used to classify as a Communist-front organization any organization which is advocating a single policy or objective which is also being urged by the Communist Party or by a Communist foreign government.



"Thus, an organization which advocates low-cost housing for sincere humanitarian reasons might be classified as a Communist-front organization because the Communists regularly exploit slum conditions as one of their fifth-column techniques. It is not enough to say that this ~~probably~~ would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions which happen to be stated also by Communists.

"The basic error of these sections is that they move in the direction of suppressing opinion and belief. This would be a very dangerous course to take, not because we have any sympathy for Communist opinions, but because any governmental stifling of the free expression of opinion is a long step toward totalitarianism.

"There is no more fundamental axiom of American freedom than the familiar statement: in a free country, we punish men for the crimes they commit, but never for the opinions they have. And the reason this is so fundamental to freedom is not, as many suppose, that it protects the few unorthodox from suppression by the majority. To permit freedom of expression is primarily for the benefit of the majority because it protects criticism, and criticism leads to progress."

The English do this/<sup>thing</sup>quite differently, even the Conservative Britishers. Early this month the Conservative Party held its annual conference in Blackpool and resolved to "employ every legitimate means to combat Communism,"but refused to urge the outlaw of the Communist Party. And one of its leaders, Harold MacMillan, declared - and it is interesting that he took practically the same position that the President of the United States did, in saying that "Communists should be fought, should be outwitted, that all the instrumentalities of education and information should be used to expose them, but that no laws should be adopted which would constrict thought and limit the expression of free opinion in England".

Now, the extent of our hysteria, which is reminiscent of the Palmer days following the First World War and the expulsion of the five Socialist members from the New York State Assembly in 1920, which some of you may recall - reminiscent of those times



and of that hysteria is the action which was recently taken by the Regents of the University of California in ordering the dismissal of 31 members of the faculty who refused to sign a loyalty statement. Not one of these 31 was a Communist. Not one of them was ever accused or tainted with disloyalty or with the charge of subversive activities. Some of them records of 30 years of service with the University. A goodly number of them served in World War I and II. Good, wholesome American citizens - but they would not submit to the unwarranted procedure of signing a loyalty declaration which they regarded as an invasion of academic freedom and a subtle threat to the freedom of thought and a subtle approach to forms of dictatorship which, above all other men, teachers and professors must zealously guard the nation against.

Now, I am persuaded that these men who refused to sign this loyalty declaration, were the most loyal to the best American tradition.

A former Attorney General of the United States, Francis Biddle, made this very incisive and correct observation. "Spies," - and that's what we are afraid of - "spies in and out of the government are caught by counter-espionage, not by loyalty tests." A spy will not go to a public office and register himself as a spy. There is a definite menace developing against the intellectual integrity and freedom of the whole American educational system. For weeks in the Senate of the United States, a United States Senator from Wisconsin, a political charlatan if there ever was one, a man who had been censured by the Supreme Court of his own state for violating his oath as an attorney, was allowed to hold forth recklessly and to make baseless and unsubstantiated charges against reputable American citizens, public officials, of the type of Jessup and Latimore, and to smear men with a Communist label and to indulge in what amounts to character assassination in ~~the~~ his belief - and I believe not at all unfounded was his belief - that a substantial section of the American people approved of his tactics because presumably he was protecting them against Communism. He knew, he said - he had definite knowledge and information - of 205 employees of the State Department who were members of the Communist Party. That's a very serious charge.



When he was asked to produce the names of the 205, he could not produce them. Later he reduced the number to 57. He was asked to produce the name of 57, and he did not produce the names of 57. And finally he said that he would rest his case on one case alone, that of Owen Lattimore, a professor at Johns Hopkins University. And not a single piece of evidence was produced in the hearings by himself or by the other witnesses that he brought in, including some former Communist agents who had seen the light and had become nice, good people, like Louis Budenz. Not a single scrap of evidence was produced to substantiate the charge that this man Lattimore is, was or at any time was associated with the Communist Party.

The halls of Congress are being used, in my humble judgment, to terrorize American citizens whose views may not be popular with certain politicians, who for one reason or another have made themselves the mouthpiece of certain lobbies in Washington.

Now, my good friends, we are facing a long struggle with dictatorships. It began a generation ago. It will last for a long time. I believe we can win. I believe that democracy and liberty and freedom will ultimately win this battle of the centuries. But we can win only if we ourselves, here at home, remain free - if we do not get panicky, impatient and fearful. We shall not save democracy by suppressing civil liberties. We shall not protect freedom by any attempts at thought control. "We have to fight the big lie," as Eisenhower put it, "with the big truth."

There is the danger that this fear of Communist infiltration might check our social progress here at home. The fear of the French Revolution, it is said, blocked political and social reform in England for a generation until that fear was dissipated, because every measure that had any inkling of progress, that in any way approximated some of the ideals proclaimed by the French Revolution was immediately denounced as revolutionary, and rejected.

We must remember that the right of dissent, the right to criticize authority, the right to speak out, the right of free speech and of free press, free assembly, is basic to our way of life and our system of government. The moment we become afraid of



new ideas, we are lost. There need be no fear of democracy, my good friends, in this country - from Communists, from agitators, from street-corner orators, and even from an organized Communist party. There need be fear for the survival of our free institutions, if there is a breakdown in our economic life, if we have the kind of things we had in 1932, with 16,000,000 of our people unemployed, with farmers and businessmen going bankrupt, with misery spreading through the land. That is the one thing, the one real danger, we must guard ourselves against. But if we continue to provide increasingly for the economic security of our people, for protection against unemployment and against the disabilities of life, if we continue to raise the standard of living of our people, if we continue to give to our young people a feeling that this is still a land of opportunity for them, that there are wonderful horizons beckoning them - if we continue to give our people the feeling that this is their country, their government - that the government is interested in them and in their families and their well-being - you need never have any fear of anything or anyone undermining the strength of the great American democracy.

As Thomas Jefferson said 150 years ago, "This is the strongest government on earth." And it will remain the strongest government on earth as long as it is rooted in the goodwill and the contentment and the unfrustrated idealism of free men, and the true lover of America then thinks in these larger terms and sees the problem in the wider perspectives and doesn't run to these stupid, fruitless, ineffective, but terribly disruptive dangerous measures of snooping and spying and of espionage, repressing, Gestapo - that is not the way of salvation. That's the way of panic and hysteria.

I hope, dear friends, that the discussions of the last four weeks, "This Hour of Crisis", may have helped us to a better understanding of our position in the world today and of the role which we, the citizens of this great Republic, can play in solving in part the terribly serious economic, political and social problems of our day, and in preserving what has been handed down to us, a glorious country and a glorious tradition.