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THE CASE OF CALIFORNIA AGAINST THE COMMUNIST PARTY

BY

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INTRODUCTION

In this time of world strife, one of the most important questions facing the American people today is what should we do and what can we do, about the activities of foreign powers who are striving to overthrow our government.

This state of anxiety is not due to the silly fears of a group of alarmists, it is an unquestioned fact that has been known for some time. The question has not been whether or not we should do something about this condition, but can we do something about it.

It is the purpose of this thesis, then, not only to show what the conditions facing us are, but also to show that we can and must do something about it. It is the contention of the "let them alone" group that, granting that the condition is serious, there is nothing we can do to these foreign agents because of the rights of free speech and free press guaranteed in the Bill of Rights in the Constitution. But can the Communist claim these rights which are so dear to every true American? Can they demand protection under a document which they have sworn to destroy?

We have seen the fate of France. A sad affair which should serve as a grim reminder of what lies in
store for a country that delays too long in taking firm steps to control subversive activities. Australia is a democracy which did not think it was sacrificing any democratic principles by dealing swiftly and firmly with a similar menace that was threatening the continued existence of her form of government.

In the development of the thesis, the writer will attempt to show that legal steps should immediately be taken and that relief can be had under the Constitution as it stands without violating any democratic principles.

It is indeed regrettable that the government should have to take any steps to curb the activities of certain individuals, and to deny to them the rights granted to loyal American citizens. This consideration, however, should not be allowed to influence the swift and stern way the situation must be met, for self-preservation comes ahead of generosity.

The writer wishes, at this time, to extend a sincere vote of thanks to Reverend Father J. F. Walsh for his many and valuable suggestions for the improvement of this treatise, but he cannot be held responsible for its conclusions or its errors.
CHAPTER I

COMMUNISM (IN GENERAL)

On October the seventh, 1940, Governor Olsen signed a legislative act outlawing the Communist Party from the California ballot. This act caused a furor among many people, including many conscientious citizens who believed that this was an infringement on the constitutional right of free expression, despite the fact that they were convinced that Communism was basically wrong.¹

The purpose of this treatise is to show that the state of California was justified in outlawing the Communist Party, and did not, by this act, violate our democratic right of free expression.

In order to discuss this question fairly and completely it is necessary to go back to a study of Communism, and what it stands for.

In 1917, fifteen years after the book, "What is to be Done?" appeared, Lenin wrote the book, "Revolution and the State." It is the most remarkable of all his writings. For in this book he mapped out a plan for

¹ R. J. McGinnis, "Must the Constitution Protect Those Who Would Destroy It?" America, December 7, 1940.
the organization of revolution and of political power. More remarkable than the plan is that he carried it out. In this he differs from Marx who had no concrete ideas as to how Communism was to be carried out and what form the dictatorship of the proletariat would take. Lenin held that eventually the state would die out as an unnecessary thing, but in the transitional period between Capitalism and Communism (an indefinite period), the state would even increase. As to the part that the state would play in this transitional period, he quotes Engels: "While the proletariat still needs the state, it needs it not in the interests of freedom but in order to crush its opponents." They hold that Democracy cannot evolve into Communism. A bourgeois democratic government must be destroyed before Communism can be realized, and democracy is unnecessary and harmful after the triumph of the proletarian revolution because it is opposed to dictatorship.

Democratic liberties only hinder work against the final realization of Communism. Lenin did not believe in the liberties proclaimed by democracies, he believed that they merely served to hide the dominance of the capitalist.

Communism is either negative or positive. Negative Communism, which no sane man would propose or
could defend, would make everything positively common. That is to say that all property would be owned by no one, not by an individual or by the whole community, but anyone could use any individual piece of property according to his need or desire.

Hobbes fancied that this was the natural state of things before the formation of civil society and hence concluded that the natural state of men is a state of warfare of all against one for the use and possession of material good.

Positive Communism demands that the commonity or civil society should hold dominion over material goods. It is either absolute or limited; Absolute Communism entrusts the dominion of all goods whatsoever to the community; it commits the equitable distribution of them according to the need of each one to the care of administrators, who ought also to regulate production, at least as far as such regulation is required for a suitable abundance and variety of material goods. The principal advocates of this system were: In France, Saint-Simon and his followers (1760-1825) and Fournier (1772-1873); in England, Robert Owen (1771-1825); in America many communities made a trial of this communism, and in most cases with unhappy results.

Limited Communism is divided into Socialism and
Anarchy. Socialism is variously described by those who call themselves Socialists. Nevertheless, the following is admitted by all factions and can therefore be considered as the essentials of the new economic order: a) The collective and undivided dominion of goods required for the conservation of life and for the progress of the whole community; b) the common administration of all the activities by which such are produced and distributed.²

Under the first head, namely the collective and undivided dominion of goods required for the conservation of life and for the progress of the whole community, are included fields, mines and forests, rivers and canals, factories and machines, railroads and electric power, all means of transportation and commerce, money and the produced goods before distribution.

Goods and instruments which are immediately directed for personal or family use are exempt. Under the second head are included the determination of things to be produced according to the needs of the whole community, a general direction of labor, the purchasing, the invention and the adaptation of machinery, the exchange of the products of various regions and industries, the determination of the comparative value of goods of various kinds,

². I. W. Cox, Liberty - Its Use and Abuse.
the decision as to what must be reserved as capital or to pay expenses of administration, the assignment of the compensation to be given to laborers the provision to be made for those who are exempt, such as the old, the weak, the sick and the young.

In general, the Socialists wish that this administration should be arranged so as to give to individual municipalities and provinces the care of those things which are necessary to them and can be therein produced, and besides industries, the care of lesser affairs. The high directors are to be engaged in establishing an equilibrium between production and distribution, and in providing and administrating those things which are necessary for the common utility of all the parts of society. Therefore, the civil state in this theory is to be democratic, federated, economic, and in no way, as far as possible, political. It is to be organized to administrate things and not to regulate persons. We may, therefore, define Socialism as:

The political and economic system which advocates the transfer of all productive goods to the state and the production and distribution of all goods through the state democratically organized.

Anarchy rejects all authority, especially public

3. Ibid.
authority with the right of force; it tolerates no other social bonds except the agreements by which men freely associate themselves in corporations and municipalities to which are entrusted the dominion and the administration of goods to be produced. Moreover, it proposes to destroy the present social order by force. The Syndicalists are similar to the Anarchists and wish all the workers to be united in organizations according to the arts and economic function which they perform. The members of these associations would possess in common the goods and instruments of their trades and would administer these by councils democratically appointed. Federations both provincial and national, would attain harmony among these various societies. The social order as a whole would be built on economics. There would be no employers and employees, but the workmen would govern themselves, and the whole republic would be governed by provincial and national councils, elected by a vote of the people. The means by which the Syndicalists would destroy the present order and set up the new one are, strike and sabotage.

The "Industrial Workers of the World" hold ideas similar to those proposed by the Anarchists and the Syndicalists in aiming at an International Union. They reject a mere federation of industrial societies. All sub-
ordinate societies are to be closely connected in one great union. Full power to command what is for the common good of all, is to be in the hands of the directors, especially to determine and to direct the use of the means by which they strive to promote revolution against the present social order. In general these means are to imbue class hatred between the employer and the employee, to encourage strikes, to destroy raw materials and machinery or damage them, and lastly, armed revolution.

Guild Socialism was born in England and vigorously promoted there. It proposes that all productive goods, including sources, material, buildings, machinery, and so forth, belong to the community as a whole. The people should be divided into groups according to the kind of work they did, such as guilds and industrial unions. The consumers as a whole would form a common society which would be governed by the state. Goods and all machinery of production would belong to these groups by perpetual lease.

The supreme power would rest in the hands of the General council of these groups, and the particular councils of the different groups would have subordinate power over the whole field of production and distribution, including special education in the arts and the duties to be performed.
The state, that is, municipal and provincial councils and the national parliament, is only the source of administration for whatever has reference to the good of citizens as consumers. The advocates of this system deny to the state, the supreme power of jurisdiction. This type of socialism takes its name from the guilds of the middle ages, whose members, working with their own materials and their own instruments, guided themselves by their own rules.
CHAPTER II

COMMUNISM AND POLITICAL RIGHTS

The constitution of the Russian Socialist Federal Soviet Republic of July 1918 followed the "declaration of the right of the laboring and exploited people" which had been adopted in January 1918. The Congress of Soviets and the Central Executive Committee are constitutionally the supreme departments of authority in the Soviet Government, but the actual administrative work is taken care of by still another body. This body, which compares with the cabinet or ministry in parliamentary governments, is called the Soviet of People's Commissars, or Sovnarkom.

This first Soviet of People's Commissars was chosen by the military committee of the soviets, and was approved of by the second congress of soviets of the Russian Socialist Federal Soviet Republic on December 8, 1917, as a provisional government pending the convocation of the constituent assembly. In this assembly were included the most important Bolshevik leaders assembled from all over the world. Lenin was the first president of the Soviet of People's Commissars. In charge of the different divisions or departments, were Rykov for interior, Lunacharski for education, Trotsky for foreign affairs and
Stalin for nationalities. There were thirteen commissars in all. Not long afterwards, five more commissars were appointed. The constituent assembly was dissolved in 1917 and in January 1918, the third congress of Soviets of the Russian Socialist Federal Soviet Republic. At that time it was decided that the system of authority in existence should cease to be provisional. Instead it should become the only legal authority, and the Soviet of People's Commissars should become the permanent government of the RSFSR (Russian Socialist Federal Soviet Republic). This was decided in July 1918 when the constitution of the RSFSR was adopted. From that time on the Soviet of People's Commissar was regarded as the head of the affairs of the republic.

The 41st article of the Constitution gave it the right to enforce on its own authority any measure which it decided was of sufficient urgency. This provision gave the Sovnarkom (Soviet of People's Commissars) dictatorial powers, in case of emergency, and it was up to them to decide what constituted an emergency. This included all matters of a military nature and those concerning foreign affairs.

Since the Sovnarkom plays such an important part in the government of the USSR, its organization and structure are of primary importance. At the head of each com-
missariat, or department, is a people's commissar supposedly elected and recalled by the Central Executive Committee, known as the VTsIK. In practice, however, this power belongs to the leaders in the polit-bureau of the Central Committee of the Russian Communist party who submit a list of the Soviet of the People's Commissar to be approved by the Central Executive Committee without any discussion or question.

In keeping with the Soviet's system of control, a check was placed on the activities of each of the people's commissars. The Central Executive Committee could not take care of it, so when the constitution of the RSFSR was adopted in 1918, it was made clear that there should be, in connection with each people's commissar, a group whose members would be appointed by the Soviet of the People's Commissar as a whole. Then the commissar was to inform this group of every decision made, and if one of the members disagreed, he could bring the matter in question before the Soviet of the People's Commissar as a whole.

Because the scope of power and authority of the Soviet of the People's Commissar was so vast, part of the power was delegated to two new branches of the government, namely, the Small Soviet of the People's Commissars and the Soviet of labor and defense. The duties of
the Small Soviet of the People's Commissar were to work out all questions of a legislative nature falling within the scope of the Soviet of the People's Commissars, and to decide all matters of administrative character given to it by the Central Executive Committee, the Soviet of the People's Commissars, and the Soviet of Labor and Defense.

From the outside, this Soviet constitution appears to be quite democratic, as all the Soviet councils are elected by the people. The franchise is given to all citizens over eighteen years of age, which is three years under our age limit of twenty-one years of age. The franchise goes on further to disregard sex, race, nationality, religion, and so on, but a closer examination reveals a totally different picture.

The charter has still another side that looks just like the old familiar Soviet dictatorship. Everybody knows that Russia is being ruled by a few leading communists. The most powerful of them, Stalin, rules Russia, not in the capacity of an official of the Russian State, but as Secretary General and virtual leader of the Communist party. This state of thing is not being changed by the new charter adopted in 1936. As it has been in the past, Russia will continue to be ruled exclusively by a few top men in the Communist party. An
examination of the charter will show this to be true.¹

The first chapter of the draft contains the theory of the Communist party as it stands today, and it noticeably follows Marxist Socialism in its social organization. Although it is true that every constitution is based on certain principles, it should be noted here that democracies, on this point, concern themselves only with the methods of government not its philosophy. Public opinion can be shaped by the press, freedom of speech, and of assembly, but they are procedures and not ends in themselves. A totalitarian state, on the other hand, also formulates the doctrine that determines political action. To go further than that, a totalitarian state does not give the people the freedom to decide on political, social and economic issues as do the democracies which do not, constitutionally, have any preconceived doctrine.

Under the provisions of the new Russian charter, the people do not even have the power to determine by whom this doctrine is to be carried out. The people have been given a franchise, but they do not get to select the men who are up for election. The Communist party organizations, trade unions, cooperatives, youth organizations

and cultural societies have this exclusive right. But the charter states that the Communist party represents "the leading nucleus of all organizations of the toilers, both public and state." That means that the party controls all organizations having the right to put forward candidates, or, in other words, that the party has the monopoly of putting them forward.  

According to definition, a free election entails the choice between several possibilities. But under the new charter, the voters will have to choose between the men who have been selected and nominated by the leaders of the ruling party, the Communist party. Although the departments of the Soviet state are in form democratic, they have been and will continue to be mere tools of the bosses of the Communist party. This trick of hiding your hand is not original with the Russians; by moving a little west on the map, we see Nationalist Socialist Germany where they still allow the German voter the right to elect the members of the Reichstag by both direct and secret vote. But here, as in Russia, the Nazi party now in power selects the candidates who are eligible for election. It is easy to see how such a system would result in overwhelming victories for the party in

2. Ibid.
power.

However, there is yet another way in which the Soviet leaders could establish some degree of democratic freedom. They could, if they so desired, establish it in the very framework of the party itself. It is easily seen, that in a one party state, this one party is bound to be organized in a manner much different from that of a party in the traditional democracy which normally has several parties. Under such a system, the practice of unlimited admission would necessarily be replaced by a system of selection as to members.

Assuming that the Russian Communist Party, in contrast to other dictatorships, accept all the morally, mentally and bodily best fit citizens into the party, the case could be different. In such a case, it would be possible that, at least within this body of select men and women, acting as trustees of the nation, truly democratic principle would be applied. This would mean that the leaders could be elected by and be responsible to their fellow party members.

But the new Soviet charter allows for no such occurrence. It does not, in any manner whatsoever, touch the constitution of the Communist Party, so, by inference at least, it approves and upholds the already existing autocratic rule of a few powerful leaders. This prac-
tice is upheld by the strict military discipline which is imposed upon the membership, and which threatens them permanently with the famous, or infamous, periodi-cal cleanups designed to eliminate all undesirable elements, or factions.

Examination of the newly established freedom of the press and freedom of religious worship is further evidence of the two-faced nature of this new Soviet charter. Close inspection reveals this, that the press is free to do whatever it can to strengthen the socialist system. And, of course, the government itself decides what will strengthen the socialist system, and what will not. On top of that, the government has complete ownership of all printing presses and printing supplies. It follows from this, that government approval is required before an organization can even get the necessary materials. It is clear to all that a press which is strictly limited as to what it can print, and is entirely dependent on the government for its very existence, cannot enjoy any freedom whatsoever, as regards its attitude toward that government.

As might be already suspected, the charter does not really provide for religious freedom in the way we ordinarily think of it. What the charter effects is to provide the right to reform all religious rites, and gra-
ciously recognizes the freedom of anti-religious propaganda for all of her citizens. This means that all propaganda in favor of religion is not allowed. The deduction is simple, propaganda can be undertaken only by an organization, all organizations are in the Soviet Union, and are, therefore, under the control of the Communist Party. The party is, and always has been, not concerned with propaganda for religion. On the contrary, it fights religion, going on the principle that religion is opium for the people. There is no religion in the schools and the church is banned. If any religion is to remain, it is in the home.

Under these new provisions, the members of the different religions can, as stated, worship as they please, but there is a point more important than that. The children now being reared will continue to be exposed to this anti-religious propaganda without being efficiently influenced by propaganda in favor of religion. It all comes down to this, that religion as such does not have any protection or guarantee under the constitution as it stands today. To put it briefly, the charter indicates that the constitution will remain unchanged in the religious field as well as every other field.

It may be true that under present day politics
and social conditions, fundamental changes, in many coun-
tries, may be effected only by the continued rule of one
party or one group. One can scarcely blame the Russians
if they believe that it is necessary for the fulfillment
of their aims to continue their present system of govern-
ment.

Having discussed Communism as to its foundation
and its political setup, including the political rights
of the people living under such a regime, we now turn to
Communism as it exists in our country and the means and
methods that have been used, and those that are now be-
ing used to establish it among the American people.
CHAPTER III

HUMAN RIGHTS AND THE U. S. CONSTITUTION

On July 4, 1776, a group of men representing the peoples of America signed a document that was to become one of the most famous articles in the world. It was the United States' Declaration of Independence. One of the most important lines in that document is:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among them are life, liberty and the pursuit of happiness.

The important part of this is that there are certain self-evident truths, truths that need no demonstration. The first right, the right to life, is the right to uninterrupted enjoyment of one's life, limbs, body health and reputation. This right is natural; not being my own creator, but depending for my life on God, I am not master of my life, but am bound to use and conserve that life of body and soul according to the will of God; that is, I have a duty with regard to my life. Therefore, I have a right to my life and to immunity from injury of body and soul, i.e. from injury to my body, my soul, my mind, my will and my reputation.

1. The Declaration of Independence.
"Life is the immediate gift of God, a right inherent by nature in every individual." 2

The fact of being involves the right to be. Though the relation of Creator and creature excludes the idea of right to existence on the part of the latter, the moment existence is conferred that relation bestows on it the character of a right which neither its possessor nor any other creature is entitled to dispute. The right to be involves the right to continue to be. In this natural right to continue our existence, we behold the origin of the right of self-defense, and of the laws which we enact for the security of the person. 3

The second right mentioned in the Declaration of Independence is the right to liberty. The right to personal liberty is the right to enjoy one's freedom, subject to no restraint except that imposed by the law of God or the law of the State. This right is natural, because each human being by reason of the freedom of his will is his own master in all things not prohibited by law of God, or, if he be a member of civil society, by the laws of the State. "Personal liberty consists in

the entire freedom of a person to act or to forbear."\(^4\)

From the third right, the right to happiness, comes the right to private property. The right to private property is the right to acquire, enjoy and dispose of property, personal or real. "Property includes whatever is capable of being exclusively possessed and enjoyed whether it be corporeal or incorporeal, movable or immovable."\(^5\)

This right is natural because, taking man as he is and as he has been historically, the only way man can fulfill the individual and social purposes of his nature is by possessing private property. For it is clear that private property is demanded by the individual requirements of his nature, because man must not merely secure food and clothing and lodging for each day, but must provide for the future. From psychology and history, it is proved that private property is the greatest natural incentive to human advancement. The four factors that make for and are required for progress are: personal motive for action, personal liberty as to activity in which to engage, definite, personal responsibility, and proper rivalry with others. These four factors are necessarily

\(^4\) Robinson's Elementary Law, No. 39.
\(^5\) Ibid., No. 43.
linked with private property.

Private property is also demanded by social requirements. Domestic life requires that parents may properly provide for the care and education of their children. In civil society, when a thing is common property, nobody takes care of it. Social life in a State would be a futile, worthless thing, degenerating into a general state of lethargy or into a state where the arm of every man would be raised against his brother.

Chancellor Kent says correctly:

To suppose a state of man prior to the existence of any notions of separate property, when all things were common, and when men, throughout the world, lived without law or government, in innocence and simplicity, is a mere dream of the imagination. The sense of property is inherent in the human breast, and the general enlargement and cultivation of that sense, from its feeble force in the savage state to its full vigor and maturity among polished nations, forms a very instructive portion of the history of civil society and government, and the acquisition and enjoyment of property. It is, to speak correctly, the law of his nature, and, by obedience to this law, he brings all his faculties into exercise, and is enabled to display the various and exalted powers of the human mind.6

For these very reasons, every truly socialistic experiment has failed and carried internally the seed of failure.

As can easily be seen in the above explanations, there can be no rights unless you postulate the existence of God, for God is the source of all rights and the creator of all things. A right is the moral power to do, say, or hold something. Essentially it is the means to carry out an obligation. This obligation arises in this manner. There can be no facts without a reason for them. The universe is an ordered arrangement of many things in a unity of plan. This order is a very complex one, comprising many subordinate orders. It is a constant and uniform order in which the same laws work out the same results in spite of the greatest differences in time and space.

The intelligent cause of this universe has a right that this order be kept in order that everything might fulfill the purpose of its being. This order is kept by each following its nature. Man's nature is both physical and moral. Just as there is a permanent natural order of things in regard to his physical nature, as we see in the science of medicine, so there is a natural order in his moral life. This order corresponds to the relations which man as a creature possesses necessarily towards God, as a social entity towards his fellow-men, and as a being possessed of various faculties towards himself. Man's obligation to follow this order is the natural law,
and the means given to man to keep this obligation are human rights. The fundamental right on which all depend is the right to life.

The rights of our Constitution are found in the Bill of Rights, and run as follows:

AMENDMENT 1.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

AMENDMENT 2.

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

AMENDMENT 3.

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT 4.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT 5.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a
presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

AMENDMENT 6.

In all criminal prosecution, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witness in his favor, and to have the assistance of counsel for his defense.

AMENDMENT 7.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

AMENDMENT 8.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT 9.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.
AMENDMENT 10.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The right we are concerned with in this treatise is the right of free expression, treated in the first Amendment. The right of free speech is the right to lay before others the views which we ourselves entertain. This is a natural right, because, having by nature an intellect capable of grasping truth and the faculty of speech whereby we may manifest these thoughts to others, it does not reside within anybody's power to restrain us. However, freedom of speech is not license of speech. This freedom is restricted by each man's natural duty to observe the Natural Law, which forbids both my thinking and my asserting what is wrong, and secondly, by the natural rights of others not to be injured in any of their basic relations.

Blackstone says:

Where blasphemous, immoral, treasonable, schismatical, seditious or scandalous libels are punished . . . some with greater, others with a less degree of severity, the liberty of the press, properly understood, is by no means infringed or violated. The liberty of the press is indeed essen-

tial to the nature of a free state; but this consists in having no previous restraints upon publications, and not in freedom from censure for criminal matter when published. Every freeman has an undoubted right to lay whatever sentiments he pleases before the public; to forbid this is to destroy the freedom of the press; but if he publishes what is improper, mischievous, or illegal, he must take the consequence of his own temerity. . . . A man may be allowed to keep poisons in his closet, but not publicly vend them as cordials.®

Now no nation can give the right to anyone to destroy it, just as no individual can give to anyone the right to take his life. But this is what the Communists demand under this right of free speech as we will show in the next chapter.

CHAPTER IV

COMMUNISM IN THE U. S. A.

Communism in this country is nothing new. As far back as 1919, the Communists met in a convention in Chicago and adopted the following line of action. First of all they were to effect the collapse of Capitalism; secondly, replace the state by a dictatorship of the proletarian; thirdly, re-organize society on communistic basis; fourthly, abolish all private property, nationalize all big business; and lastly, to achieve these ends by mass action of the proletariat.

This movement is growing by leaps and bounds. In 1932, there were 14,000 recognized Communists, and their candidate for the presidency got 32,000 votes. In 1934, the Communists numbered upwards of 24,000, and in 1935, they numbered 31,000. When Browder ran for president in 1936, he polled between 80,000 and 90,000 votes. In 1938, the Communists, recognized as such, numbered well over 50,000.

For membership, the applicant must be over eighteen years of age. The amount of dues is determined by the amount of money the man makes. For example, a man making fifteen dollars a week is asked to give ten cents of that to the party.
The organization is elaborate. There are 610 National Communistic Organizations, 26 Districts, 187 Sub-districts, and many other smaller divisions. They publish between three and four hundred newspapers in nineteen different languages. They have world-wide news service and wire service. Some of their pamphlets run over three million copies. They look out for their members too: International Labor Defense spent $280,000 to defend arrested Communists.

The organization of the Communist Party is built up in the following way:

1. Nucleus- Two or three members.

2. Unit- twenty members - place of meeting changed each time.

3. Section.

4. Section Convention.

5. District Convention.


The United States is divided, by the Communists, into twenty-nine districts.¹

1. Boston and area.
2. New York City and area.
4. Buffalo and area.
5. Pittsburgh and area.
6. Cleveland and area.
7. Detroit and area.
8. Chicago and area.
10. Milwaukee and area.
11. Omaha and area.
12. Kansas City and area.
15. San Francisco and area.
17. Birmingham, Ala. and area.
18. Milwaukee and area.
20. Fort Worth, Tex. and area.
22. Wheeling and area.

¹ Saturday Evening Post, February 22, 1936.
The West Coast has always been a hot-bed for radicals of different sorts, probably because of the different foreign elements which gather there as a result of the large amount of shipping done there. The Communists have not been idle there; industrial groups up and down the Pacific Coast, including manufacturers, merchants, and large shippers, have been aroused to the fact that their problem at the bottom is one of immigration restriction. Harry Bridges, brains of the radical drive, is an Australian; his chief lieutenant, Henry Schrimpf is also an Australian; Fred Frater, Secretary-treasurer of the longshoremen, is a Canadian who has taken out his first American papers only. A large block of the sailors and longshoremen are also aliens. In a list of more than seventy known alien Communist agitators in San Francisco, the division between nationalities is as follows: nineteen Mexicans, six Italians, six Russians, five Swedes, eight South Americans, three Germans, three Norwegians, three Austrians, three Spaniards, four Finns, two Poles and two Irish.
Combined export lumber shipments of British Columbia, Oregon and Washington during the month of October, 1935, totaled 108,931,000 board feet; Oregon and Washington mills, with eighty per cent of the capacity, shipped only 35,000,000 feet, or thirty-two per cent; while British Columbia mills, with twenty per cent of the capacity, shipped 73,000,000 feet, or sixty-eight per cent. Prior to the recent labor trouble on the West Coast, lumber shipments to open markets were in a fair ratio to the installed capacity in Canada and the United States, or about eighty per cent Oregon and Washington, and twenty per cent British Columbia.

An investigation of the Communist party and its affiliated organizations in the U. S. was made during the first session of the 74th Congress by a committee, with Congressman John W. McCormick as chairman. Report No. 153 was submitted to the Congress of the United States on February 15, 1935.

The following excerpt was taken from that report:

This committee took the testimony of several prominent Communist leaders. In December, 1934, it held a series of public hearings at Washington D.C., at which representatives from various organizations and agencies that have recently been investigating Communism presented statements of their findings accompanied by one or more recommendations.

The Communist party of the United States is not a national political party concerned primarily and legitimately with conditions in this country. Nei-
ther does it operate on American principles for the maintenance and improvement of the form of government established by the organic law of the land.

The nature and extent of organized Communist activity in the United States have been established by testimony and the objectives of such activities clearly defined. Both from documentary evidence submitted to the committee and from the frank admission of Communist leaders these objectives include:

1. The overthrow by force and violence of the republican form of government guaranteed by Article IV, section 4, of the Federal Constitution.

2. The substitution of a soviet form of government based on class domination to be achieved by abolition of elected representatives both to the legislative and executive branches, as provided by article I, by the several sections of article II of the same Constitution and by the fourteenth amendment.

3. The confiscation of private property by governmental decree, without the due process of law and compensation guaranteed by the fifth amendment.

4. Restriction of the right of religious freedom, of speech, and of the press as guaranteed by the first amendment.

These specific purposes by Communist admission are to be achieved not by peaceable exercise of the ballot under constitutional right, but by revolutionary upheaval by fomenting class hatred, by incitement to class warfare and by other illegal, as well as by legal methods. The tactics and specific stages to be followed for the accomplishment of this end are set forth in circumstantial detail in the official program of the American Communist Party adopted at the convention held at Cleveland on April 2 to 8, 1934.

The executive secretary of the Communist Party of the United States testified to this committee that his party was "a section of the Communist International"; that it participates in all the gatherings which decide the policies of the Communist International and sends delegates to the various conferences in Moscow. This admission con-
firmed by the records available. Because it constitutes a virtual plea of guilty to charges that have been made against the Communist Party of America, we submit in full the testimony of Earl Browder, general secretary of that party. This testimony was corroborated by James W. Ford, a member of the executive committee of that party.

From the excerpt quoted above it is plain to see that there was plenty of cause of such an investigation. The following is the exact testimony of Earl Browder, the foremost Communist in the United States.

Testimony of Earl Browder.
(The witness was duly affirmed.)

The Chairman: Please give your name and address.

Mr. Browder: Earl Browder, 35 East Twelfth Street. (N. Y.)

The Chairman: Mr. Browder, will you state, please, your official position with the Communist Party in America?

Mr. Browder: I am executive secretary of the central committee.

The Chairman: Is there a central committee?

Mr. Browder: There is a central committee.

The Chairman: How many does that committee comprise?

Mr. Browder: Twenty-nine members and six alternates.

The Chairman: That central committee determines the policy of the party?

Mr. Browder: Yes.

The Chairman: And its affiliates in the United States?

Mr. Browder: Between conventions.

The Chairman: Between conventions, and the committee is elected at conventions?

Mr. Browder: Yes.

The Chairman: The convention is composed of delegates of the various organizations and affiliates throughout the United States?

Mr. Browder: The convention is composed of delegates elected by districts at district conventions. District conventions are composed of dele-
gates on a broader basis.

The Chairman: And the National Communist Party—is that the name?

Mr. Browder: The Communist Party of the United States.

The Chairman: The Communist Party of the United States is affiliated with the Third International?

Mr. Browder: It is a section of the Communist International.

The Chairman: It is in contact with the Third International?

Mr. Browder: At intervals, yes.

The Chairman: There is contact between them?

Mr. Browder: The American party as a section of this Communist International participates in all of the gatherings which decide the policies of the Communist International.

The Chairman: And send delegates to the Third International and their various meetings?

Mr. Browder: Yes.

The Chairman: In other words, it is an affiliate? Would you call it a regional party of the Third International? I would rather you would put it in your own language.

Mr. Browder: To give an exact idea, you cannot draw a strict parallel with other party organizations inasmuch as it is a world party; a world party.

The Chairman: But the Third International is the central body?

Mr. Browder: Yes.

The Chairman: In April, 1934, was there a convention in Cleveland in the United States?

Mr. Browder: That is correct.

The Chairman: Have you copies of the resolutions, Mr. Browder?

Mr. Browder: I have. This pamphlet contains all of the decisions; that is the manifesto of the convention, the resolution of the present situation, and the tasks of the Communist Party, the lessons of economic struggles and tasks of the Communists in the trade unions, and a resolution on the winning of the working class youth. These were the decisions of the Cleveland convention.

The Chairman: On what page will we find the resolution that was adopted as a result of the passage of a similar resolution by the Third In-
ternational in December 1933?

Mr. Browder: Pages 35 or 36 of this pamphlet.

The Chairman: That is the only one we are really concerned with now. This here is on pages 35 and 36 in the pamphlet?

Mr. Browder: Yes.

The Chairman: That resolution was adopted in the convention?

Mr. Browder: Yes.

The Chairman: Is it identically the same resolution that was adopted at the Third International?

Mr. Browder: The resolution of the Third International is not in its entirety reproduced in this pamphlet.

The Chairman: Is not in what?

Mr. Browder: In its entirety reproduced, but reference is made to the thesis of the Thirteenth plenum of the Communist International, and this resolution declares that this fully applies also to the United States.

The Chairman: Was this resolution adopted as a result of the action of the thirteenth plenum of the Third International?

Mr. Browder: No; I would not say that.

The Chairman: In part?

Mr. Browder: I would not say that.

The Chairman: Well, in part was it adopted as a result of it?

Mr. Browder: Well, I would say that it is fully in harmony with it and expresses its approval.

The Chairman: Of the action of the Third International?

Mr. Browder: Of the action of the thirteenth plenum.

The Chairman: Were instructions received from the Third International with reference to the adoption of the resolution which they adopted in December 1933?

Mr. Browder: No instruction; no.

The Chairman: You knew of a resolution being adopted in the Third International in December, 1933, did you not?

Mr. Browder: Yes; this resolution was published by us in our official journal, The Communist, for February, 1934.

The Chairman: On what page, Mr. Browder?
Mr. Browder: It begins with page 131 of this issue and continues to page 144.

The Chairman: May we have this?

Mr. Browder: Yes.

The Chairman: I introduce this as an exhibit, entitled, "The Way Out," and that part of it which is pages 35 and 36, I believe.

Mr. Browder: Yes.

The Chairman: And this book entitled, "The Communist" and so much as relates to the pages which Mr. Browder has referred to.

(The documents were marked "Exhibits 1 and 2."

The Chairman: Both of these pamphlets will now be made a part of this record and will be marked "Exhibits Nos. 27 and 28" of this hearing.

The Chairman: In January, did the executive committee of the Communist Party of the United States adopt a similar resolution to that which was adopted at the Cleveland convention?

Mr. Browder: In January the central committee met and expressed its agreement with the resolution adopted by the Communist International.

The Chairman: So, in chronological order, what happened was in December the thirteenth session of the Third International—

Mr. Browder: That is right.

The Chairman: Adopted a resolution, of which you were made cognizant?

Mr. Browder: Yes.

The Chairman: And of which movement the party in the United States was made cognizant?

Mr. Browder: Yes.

The Chairman: The executive committee in January, 1934, adopted a resolution based along the same lines?

Mr. Browder: Declaring its agreement with it.

The Chairman: Declaring its agreement with it?

Mr. Browder: With the contents of that document.

The Chairman: That action in January, is it fair to assume that that action in January was the result of the action of the thirteenth session of the Third International in the preceding month?

Mr. Browder: I think it would be more correct to say that it was a result of the fact that the leadership of the party in the United States
was in agreement with the action that was taken.

The Chairman: I want you to put it your own way. I want you to put it in the way that it occurred, but one followed the other?

Mr. Browder: One followed the other.

The Chairman: And the action at the convention at Cleveland in April was also a follow-up of the action of the Third International and the agreement of the leaders in the United States thereto?

Mr. Browder: I think your formulation will perhaps narrow the understanding of the Cleveland convention too much.

The Chairman: I am talking only so far as this particular resolution is concerned, but will you explain that?

Mr. Browder: Yes.

Mr. Chairman: You have charge of the national office?

Mr. Browder: I have charge of the national office.

Mr. Chairman: If later the committee desires, would you co-operate in every way possible with the examination of the records and the accounts?

Mr. Browder: Yes.

The Chairman: Thank you.

Another committee was set up to investigate un-American activities in the United States. It is the Special Committee on Un-American Activities, of which Congressman Martin Dies is the chairman. This committee has worked during the past year against the background of war in Europe and Asia and a vast plan of national defense here in the United States. This situation has aroused the people into active concern about all anti-democratic and anti-American groups. It is important

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2. *Isms*, compiled by the American Legion, 16-24.
to distinguish between the agencies of foreign powers, and those Americans who hold minority opinions about different social and economic views. The right of free Americans must be guarded as zealously as the agents of foreign powers must be fought.

In May, 1940, the committee obtained some evidence indicating the possible existence of trickery and misrepresentation in getting signatures to the Communist Party's nominating petitions. Immediately, the committee instituted an investigation in a number of states, Maryland, West Virginia, Pennsylvania, Kentucky, New Jersey, and Ohio. The committee obtained photostatic copies of the Communist Party's nominating petitions which had been filed with the various secretaries of state. To check the names of the petition, the committee wrote a letter to each individual whose name appeared on the petition, the committee asking him if he had signed the petition or if it had been placed there without his consent.

Within twenty-four hours, thousands of letters had been received in Washington. From these letters it was plain that thousands of people whose names had appeared on the petition had not signed the petition, did not know such a petition existed, and were at a loss to explain how their names came to be placed on the docu-
ment. Many others had seen the petition and had signed it without realizing the true nature of it. Upon comparing the signatures it was found that many had been signed in the same handwriting, indicating forgery. Names of people who had been dead for ten or fifteen years, appeared also. Others were the names of children less than two years of age. Fifteen thousand of the names checked were fake, as there were no such persons existing.

After the committee's expose, aroused local governments began a series of investigations of their own. In Allegheny county alone, the grand jury, in July, 1940, indicted 43 persons who had circulated these petitions, charging deceit, false statements and fraudulent representation. Many of those so charged were soon convicted. All those convicted were not mere workers; in West Virginia, Oscar Wheeler, the Communist Party's gubernatorial candidate, was sentenced to from six to fifteen years in the penitentiary for fraud in failing to reveal the identity of the political party for which he was collecting signatures on the nominating petitions. The Communist Party had worked mostly among the negro population, getting thousands of signatures on the story that the petitions were for better housing and the passage of an anti-lynching bill. The situation was brought to the
attention of the grand jury at Baltimore and convictions were obtained.

The Communist party in Ohio collected thirty-four thousand names on their petition. Copies of the petitions were obtained from the secretary of state. As in other states, when the people learned of the true nature of the petition they wrote in by the thousands repudiating their signatures on the grounds that the petitions were falsely represented to them.

As might well be expected, the committee's work was greeted by cries of persecutions and violation of civil liberties and so on. It should be pointed out here that while civil liberties are one thing, fraud and misrepresentation are another.

Propaganda is flooding this country by the tons every month, coming in by boat to the ports of both coasts. Through the medium of the International publishers, whose head is Alexander Trachtenberh, extensive Soviet propaganda is subsidized in the United States. Both the American Communist Party and the Soviet Government are involved in this ostensibly commercial concern which distributes foreign-subsidized books and pamphlets in the United States.

The tie between the Soviet Government and the American Communist Party is expressed in numerous propa-
ganda services masking as news agencies and involving
cable tools and other forms of subsidy which effective-
ly aid the Stalin conspiracy on American soil. Numer-
ous witnesses testified before the committee that Mos-
cow has from the very beginning of the Communist Party
in the United States supplied the party with funds for
its subversive activities. Some of these witnesses
brought these funds from Moscow to the United States.
CHAPTER V

COMMUNISM AND MORALITY

Morality is a word often misused, and has come to mean, to most people, misbehavior as regards sex conduct. In reality, it has reference to all types of misconduct. The dictionary defines the word as follows:

Morality- Moral practice of action; rectitude of life. Morals; ethics. The relation of conformity or nonconformity to moral righteousness; quality of an intention, a character, an action, a principle, or a sentiment, when tried by the standard of right.¹

In this chapter, morality is used in its broader meaning, that is, as regards nonconformity to moral righteousness. It is a violation of morality to pay a laborer unjust wages or to force a workingman to labor under unhealthy conditions. It is immoral to destroy an employer's property or to violently attack a workingman who has been hired in your place. It is immoral to murder, whether it be one or many. It is plain, therefore, that when it is stated that Communism is basically immoral, the term is used in its technical sense and is not restricted solely to sexual matters.

It is necessary, first of all, to examine the

¹. Webster's Collegiate Dictionary.
philosophy of Communism, its ideology, and see what Marxian doctrines, as interpreted by Lenin, really hold in theory on this question of morality. It must be said here, however, that there is a vast difference between the logical consequences of communistic teaching and what inhabitants of the USSR carry out in practice. There is a difference, thanks to the fundamental morality in mankind regardless of what modern philosophies teach.

In this chapter, we deal only with what Communism teaches, and not necessarily what a Communist may carry out in practice.

Logically, no Communist can even talk of morality or ethics, because for a Communist there is no such thing as morals or ethics. They believe that there is no such a thing as a free will and consequently, no such thing as morality. If there is no morality, then one is no more to blame for murder or theft or rape than an insane man or an infant. Human beings are then no better than animals. Worse, really, because animals have instinct which guides their actions, and man has nothing.

The norm of morality, according to the Communists, is not the Ten Commandments of God, but rather: Does it help or hinder the Soviet Republic? If it helps, then it is good, regardless of the intrinsic value of the ac-
tion; and if it hinders, it is bad, regardless of what the action itself might be.

Marx himself says this:

Law, morality, religion, are to him (the proletarian) so many bourgeois prejudices behind which lurk in ambush just as many bourgeois interests.

This is truly a confession of guilt, and if further proof is desired, consider the following quotation of which Mr. Lenin is the author:

But is there such a thing as Communist ethics? Is there such a thing as Communist Morality? Of course, there is. It is frequently asserted that we have no ethics, and very frequently the bourgeoisie make the charge that we Communists deny all morality. That is one of their methods of confusing the issue, of throwing dust into the eyes of the workers and peasants.

In what sense do we deny ethics, morals?

In the sense in which they are preached by the bourgeoisie, which deduces these morals from God's commandments. Of course, we say that we do not believe in God. We know perfectly well that the clergy, the landlords, the bourgeoisie all claimed to speak in the name of God, in order to protect their own interests as exploiters. Or, instead of deducing their ethics from the commandments of morality, from the commandments of God, they deduced them from idealistic or semi-idealistic phrases which in substance were always very similar to the divine commandments.

We deny all morality taken from superhuman
or non-class conceptions. We say that this is a deception, a swindle, a befogging of the minds of the workers and peasants in the interests of the landlords and capitalists.

We say that our morality is wholly subordinated to the interests of the class-struggle of the proletariat . . .

That is why we say that a morality taken from outside of human society does not exist for us; it is a fraud. For us morality is subordinated to the interests of the proletarian class-struggle.

The end justifies any means is the commonplace phrasing of Communist ethics. The end is the perpetuation of Communism and the means are whatever is necessary. In countries like our own United States, we condemn and punish such a philosophy of life; in proletarian USSR, such philosophy is called "Class consciousness." We do not mean to say that such views are not held in our country, for they are. Every thief, every murderer, every rapist, is following this same theory. Satisfaction by robbery, murder and rape is working on the theory that the end justifies the means. In the USSR, it displays itself more in wholesale form, mass murders as in the Ukraine, mass theft as in the collectivization of land, mass immorality as when it teaches young boys and girls they are simply male and female.

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animals.

Communism is more than immoral, it is ruthless. In the words of Lenin:

The scientific concept, dictatorship, means nothing more nor less than power which directly rests in violence, which is not limited by any law or any absolute rules. Dictatorship means, unlimited power resting on violence, not on law. 

This simple quotation crystallizes the Soviet policy, it is a frank confession of guilt of every act of Russian ruthlessness you have ever written about.

Communism bluntly rejects all rights of the individual, deliberately scraps the home and reduces all rights and duties to the will of the State, which in practice is the will of Stalin. Herein lies the clear-cut cleavage between democracy and Communism.

CHAPTER VI

CALIFORNIA LAW REGARDING FREE EXPRESSION

There has been little state legislation dealing with freedom of speech and assembly as this matter has been rather explicitly set forth in the United States Constitution.

In the California state constitution they have adopted the Bill of Rights in principle, and in some places, in form. Section 9 of the California constitution reads as follows:

Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.¹

Section 10 of that same constitution, which deals with freedom of assembly, reads:

The people shall have the right to freely assemble together to consult for the common good, to instruct their representative, and to petition the legislature for redress of grievances.²

In the statutes of the state of California, there is but one attempt to enforce the restriction, "Being

¹ Constitution of the State of California, Section 9, 2.
² Ibid., Section 10, 3.
responsible for the abuse of that right," as set forth in section 9 of the state constitution. This one attempt was made on October 7, 1940, when Governor Olson signed a legislative act which reads as follows:

An act to add sections 2540.4, and 2540.9 to the Elections Code, relating to the recognition and qualification of political parties.

The people of the State of California do enact as follows:

Section 1. Section 2540.3 is hereby added to the Election Code, to read as follows:
2540.3. Notwithstanding any other provisions of this code, no party shall be recognized or qualified to participate in any primary election which uses or adopts as any part of its party designation the word "communist" or any derivative of the word "communist."

Section 2. Section 2540.4 is hereby added to the Election Code, to read as follows:
2540.4. Notwithstanding any other provisions of this code, no party shall be recognized or qualified to participate in any primary election which is directly or indirectly affiliated, by any means whatsoever, with the Communist Party of the United States, the Third Communist International, or any other foreign agency, political party, organization or government or which either directly carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against, the Government of the United States or of this State.

Section 3. Section 2540.9 is hereby added to the Elections Code, to read as follows:
2540.9. The secretary of State shall, with the advice and consent of the Attorney General, determine which parties are qualified to participate in any primary election. Such determination shall be subject to review by the courts in accordance with law.
Section 4. This act is hereby declared to be enacted in the exercise of the police power of this State for the protection of the public peace, safety and general welfare of the residents of this State.

Section 5. If any provision of this act, or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances, shall not be affected thereby.

California is not alone in such an action, several other states have taken similar action. Twelve States barred the Communist party from the election ballot, five of them on the grounds that the party favors the overthrow of the American form of government. The States are Arizona, Arkansas, Georgia, Illinois, Kansas, Kentucky, New York, Ohio, Tennessee, Washington and West Virginia. Wisconsin refused the party places on the ballot because it had failed to poll a sufficient number of votes in prior elections, but permitted four of its candidates to run as independents. States banning the party on the ground that it desires the overthrow of the government are Arizona, Arkansas, Georgia, Tennessee, and Washington. In New York State it was charged that signatures to the nominating petition were obtained by fraud.

3. Assembly Bill No. 1. Passed by Governor Olson on October 7, 1940.
CONCLUSION

In spite of recent and widespread disclosures of Communistic activities in the United States, there are still many citizens who really believe that the Constitution requires that we continue to do nothing with regard to these un-American groups. They believe that the provisions under the Constitution dealing with freedom of speech, press and assembly protect these intellectual saboteurs from any action that can legally be taken by our Government.

Let us investigate our Constitution, that instrument we praise so highly as the guarantee of personal rights and liberties, written by Americans expressly for Americans. It was never intended to cover any peoples except those claiming the American flag as their flag. Never in our history have we ever tried to impose the Constitution on any people or peoples outside the Union of our forty-eight states. It should be clear that the Constitution was and is meant to apply only to Americans.

As the investigation of subversive groups showed, most of the trouble makers, who were Russian, German, Italian, and a few French, Australian, and Norwegian, had no legal status of American citizenship, while others were illegally in this country. Besides this, those who
are technically citizens admit that they owe a prior allegiance to the Russian Government, and receive their instructions, orders, aims and inspirations from Moscow. No court in the land will rule that any group or organization which vows to forcibly destroy our form of government can be called an American institution. Now, since our Constitution was designed to protect only American institutions, why should we hesitate to protect ourselves against organizations which openly profess that their ultimate aim is the overthrow of all that we hold dear. We will grant that our citizens have the right to change our form of government, should such a change become desirable to the majority of the citizens, but we do insist that any change be brought about by American citizens in due democratic procedure.

To the most squeamish citizen, it must seem absurd to suppose that those men should have the right to form political parties for the express purpose of overthrowing the government, and then appeal to that government for protection.

Such wrong notions are mostly due to a misunderstanding of the First Amendment to the Constitution, the first of our treasured Bill of Rights, in the matter of free speech and free press. It is true that while the Constitution guarantees these rights, it also has the
power to suspend them temporarily. Those clear thinking men who made up our Constitution considered the writ of Habeas Corpus far more important than the right of free press and free speech, and made sure to include this right in Article I of the Constitution, but, in doing so, they included the right of the Republic to suspend even this gem of freedom in cases of rebellion and invasion or under martial law. If, then, the Constitution gives the right to suspend even that guarantee of freedom when emergency demands, how much more does it intend that we should deny the protection of our laws to people who place the dictates of outside destructive forces above the peace and freedom of the American people. It should also be remembered that the right of free speech and free press is a given right and not a license.

It is not the essence of a democracy, or any other form of government or any organization, that it should render itself helpless. It is a contradiction in terms to suppose that a government would be so set up as to render itself easy prey to any subversive group or groups. If a government has the right to exist, then it implicitly has the right to ordinary means of preserving its existence.

To prove that the present status of the Communist
party is illogical and inconsistent with democracy, consider the following quotation:

The outlawing of Communism by State or Federal action depends, of course, upon the majority will of the people; but a few instances like the following one now being fought out by a certain Pennsylvania community serve to crystallize public opinion rapidly. This community's school board recently discharged a high-school teacher for signing a Communist petition. Of course, there was more behind the action than the signing of the petition, the school board's solicitor contending that the teacher had been accused of "a course of action" extending over a year, resulting in the teacher's transfer from the teaching of history.¹

Now it is clear to see that such a procedure is not logical; it must be admitted, it is true, that the parents of the boys and girls in school have the right to insist that their children not be subjected to subversive teachings. On the other hand, it is equally true that the teacher, being a free citizen, had the right to join any organization enjoying legal status in the State. These two rights contradict each other, and contradictories cannot both be true at the same time and under the same circumstances. The right of the parents over the education of their children is a primary right and cannot be infringed upon at any time.

If this right is true, and it is, the other, namely the

right of the Communist party to enjoy legal status in the state, must be false.

The difficulty does not stop here, for the teacher could and did appeal to the State's Teachers' Tenure Act which lists causes for dismissal and political activities is not listed. Technically the dismissed teacher is well within his rights against the aggressions of dictator nations.

The huge Italian and German populations in both North and South America are the Black and Brown opportunities. Our huge masses of labor are the prime Red opportunity.

Each dictatorship, whatever its color, has the same idea: To create and use a huge American following as a political weapon. Stalin, Mussolini and Hitler can then whistle up threats of internal violence or exert mass pressure from inside on democratic governments.

Russian Communism said frankly at the Comintern meeting in Moscow in 1935 that they intended to take their place in the American political life in order to exercise a determining influence on the new America. American Communists were then openly instructed to stop playing revolution and to acquire controlling influence in American liberal and radical movements by boring from within. Early in 1938, Stalin openly called on the work-
ing classes of the world to rally around the Soviet Union in the war with the "bourgeois" countries that he assured the faithful was right around the corner.

It is clear that Communism can never be reconciled with the spirit of democracy, for it condemns and abolishes all that democracy stands for. But America must act and act now. That is what the State of California was doing when it outlawed the Communist party on October 7, 1940; it was acting to defend, because the State puts its blessing on the party when it allowed the party legal status in the state.

Communism represents a fanatic international party which, in the only country where it has had a free hand, indulges in mass-starvation for millions of peasants, mass-executions without public trial, the utter suppression of free speech and free assemblage—and the hypocrisy of labeling "democratic" a new Soviet Constitution which allows only one political party to exist. Communist ideology belongs nowhere in our country, which vigorously wrote civil liberty into its constitution.

Orders from Moscow set Communists to worming their way into American labor unions, there to stimulate hatreds, foment violence, and sabotage responsible efforts to reduce social and economic strains. If lumping Communists with Nazis as enemies of freedom sounds like
nonsense, read what Homer Martin, leader in the CIO, has to say: "The Stalin dictatorship in this country is as dangerous and as anti-democratic as either Nazism or Fascism."\(^2\)

All over the world, Red, Black and Brown are carrying on an insidious, chiseling war on democracy. Italian cooperation with Fascism in Canada, German subsidies for Chilean Fascists, Communist sabotage of the Popular Front in France, Italian military scholarships for South American cadets, Red armies in China, all furnish proof that democracies must be increasingly on guard for America and democracy. For if we persist in tolerating a condition which we know to be destructive and un-American, we may soon find things beyond our control. The fate of France should serve as a grim reminder of what price delay may cost. Legislation follows public opinion and public opinion is now being crystallized by the flagrant abuse of the rights which Americans hold so dear.

\(^2\) Ibid.
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