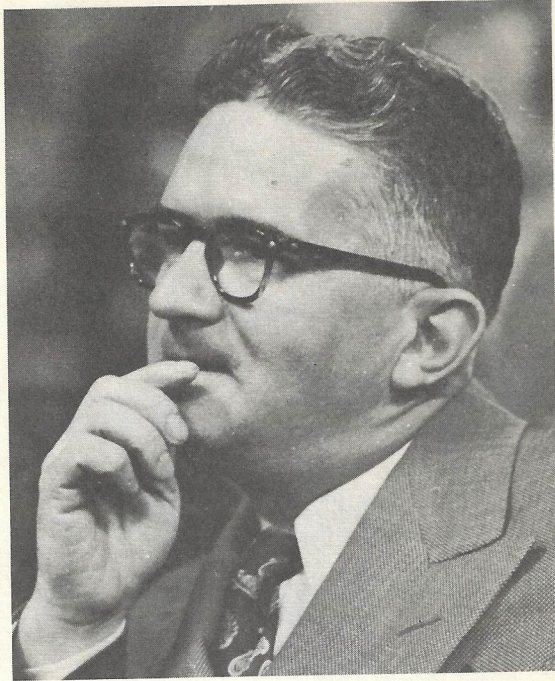




How legislative inquisitions
stifle integration and
social progress

10

“My beliefs
and my
associations
are none of
the business
of this
committee.”



CARL BRADEN

Publication of this pamphlet was made possible by a grant from the FRANK BANCROFT MEMORIAL FUND. FRANK BANCROFT, who was killed in a plane crash in 1959, devoted his life to the struggle for civil rights and civil liberties and was always aware of the link between the two.

HOW THE INQUISITION AFFECTS YOU

The quotation on the front cover is from a statement made by Carl Braden to the House Committee on Un-American Activities in Atlanta, Ga., in 1958.

Mr. Braden was being questioned by Rep. Edwin C. Willis of Louisiana when this exchange took place:

MR. BRADEN: My beliefs and associations are none of the business of this committee.

MR. WILLIS: In other words, you are maintaining your attitude of refusing to answer.

MR. BRADEN: On the grounds of the First Amendment to the United States Constitution, which protects the right of all citizens to practice beliefs and associations, freedom of the press, freedom of religion, and freedom of assembly. On that ground I stand, sir.

MR. WILLIS: . . . If I am not mistaken, the witness refused to answer the question, but did not invoke the privileges against self-incrimination provided in the Fifth Amendment to the Constitution of the United States. That is correct, is it not?

MR. BRADEN: And I stated my grounds on the First Amendment, on the grounds that the question has no possible pertinency to any legislation.

By this time, you may be wondering what Carl Braden did to be subjected to this kind of questioning by a committee of the U. S. Congress. Had he committed some crime? Was he trying to overthrow the government of the United States by force and violence?

No. According to the record of the hearing before the committee, he had done the following things: He attended a meeting of an integrationist organization in Atlanta; he wrote a letter to friends all over the country urging opposition to legislation favored by the Un-American Committee; and he took a

vacation in Rhode Island with friends who had publicly opposed the Committee's activities. For refusing to answer questions about these things, he was charged with contempt.

Previous to this, Carl Braden had been in trouble in Kentucky. That was in 1954. He and his wife Anne helped a Negro family, the Wades, buy a home in a segregated suburb of Louisville, where they live.

Local real estate practices made it impossible for the Wades to buy the kind of house they wanted direct, so the Bradens bought the house from the builder and transferred it to the Wades. Racists blew up the home with dynamite, and narrowly missed killing several persons.

The prosecuting attorney knew the name of at least one of the dynamiters, but he chose to prosecute the Bradens instead—under a state sedition law. He said they bought the house for the Wades in a seditious plot to stir up racial strife and thus bring about a political revolution that would result in the overthrow of the governments of Kentucky and the U. S. A.*

Carl Braden was sentenced to 15 years in prison and served eight months, all told. Kentucky's highest court reversed his conviction in 1956.

But after that, instead of dropping his activities for integration, he increased them. He and his wife went to work as field secretaries for the Southern Conference Educational Fund, a Southwide interracial organization working to end segregation. They are also editors of *The Southern Patriot*, published by the SCEF.

This is the kind of person the Un-American Committee attacks. Carl Braden was sentenced to a year in prison for his refusal to cooperate with the committee. His case is now in the U. S. Supreme Court. He is one of 47 American citizens who have recently served prison terms, are now in prison, or

* This whole fantastic story is told in *The Wall Between*, a book on race relations written by Anne Braden and published by Monthly Review Press, 66 Barrow St., New York 14, N. Y. \$5. Paperback edition published by Prometheus Books, 100 W. 23rd St., New York 11, N. Y. \$1.85.

are threatened with prison for asserting First Amendment rights before legislative committees. These committees include the House Un-American Committee, Senator James Eastland's Internal Security Subcommittee, and state committees modeled after the national ones.

Among those under attack are a number of other persons active in the integration movement. There are also people who have actively worked for world peace, others who were leaders in the labor movement; teachers, newspapermen, a lawyer, an engineer, factory workers, a folk singer.

The 47 represent a wide variety of political and philosophic views. The only thing they have in common perhaps is that they are all to some extent non-conformists living in an age of conformity. All have worked in some way for some form of social change, for an end to the current evils of our society—whether these be segregation, war, or economic injustice. Essentially investigations of the type Carl Braden faced in Atlanta are efforts to crush such movements for change.

What Is The Un-American Committee?

The Un-American Activities Committee was established by the U.S. House of Representatives in 1938, supposedly to investigate "un-American" propaganda in the United States. Actually it was an attempt to discredit and destroy the New Deal of President Franklin D. Roosevelt.

The 1930's were a time of profound social change in America; it was a time when average citizens were joining organizations, petitioning their government, attending protest meetings by the millions. Throughout history, in every period of social change, there are those who fear the change, who want things to remain as they are. And the usual defense of frightened men, confronted by change, has been to identify those advocating change with some "foreign ideology," to label them "subversive" and alien to their way of life.

Thus, in the early days of America, people who feared the new democratic ideas of Thomas Jefferson and his followers branded them as "subversive," as "agents of the French," and as "Red Republicans." And thus in the

20th Century, with the rise of communism in the world, it was natural that defenders of the status quo in America came to identify all movements toward social change with communism.

The Un-American Committee did investigate some communists. But once you have accepted the false premise that all movements for change reflect a "foreign" ideology, it is easy to identify everything you fear and dislike with that ideology. Thus, from the beginning, the main targets of the Un-American Committee were the liberals in the New Deal government who were implementing Roosevelt's program and the citizens who were supporting it. The attack eventually widened to include almost everyone with a non-conforming idea, and finally anyone who might have associated with such a person in the dim and distant past.

After World War II, with the increased fear of communism in this country, the Committee was able to scare more people with its technique of identifying all social change with communism. Its headlines became bigger; its power rose. And in 1950 it succeeded in sending to jail 10 Hollywood Writers—more generally known as the Hollywood Ten.

In the early 1950's, Senator Joseph McCarthy borrowed the techniques of the Un-American Committee and made all the front pages with his flamboyant investigations. McCarthy was so excessive, he subpoenaed so many people, and he rode roughshod over so many rights that the American people soon reacted against him and repudiated him. He died politically long before his actual death.

But, although McCarthy died in 1957, McCarthyism did not die with him. He left America a legacy, and this legacy was an insidious public acceptance of the idea that governmental agencies and committees do have a right to question private citizens about their beliefs, their associations, and their perfectly legal activities. This is truly an "un-American" idea, one that is truly "foreign" to our way of life and our long tradition of freedom. But today many people accept it, and it has eaten into the very heart of our democracy.

On this legacy, the Un-American Committee has built anew and continued its inquisitions. The technique of the committee is to subpoena before it men and women with independent and unorthodox ideas and to ask them questions about their beliefs and associations. If they refuse to answer such questions, they can be cited for contempt and sent to jail.

But even if a person is not jailed, the very fact that a man is subpoenaed often changes his life for all time to come. He usually finds himself fired from his job, and shunned by former acquaintances who fear that association with him will bring them under attack too. His reputation in his community is destroyed. Thus, the Un-American Committee, in its 20-odd years of existence, has left behind it a tragic wreckage of human lives and careers. Teachers have been driven from their classrooms, scientists from their laboratories, social workers from the field. Some of our best minds have been isolated and rendered impotent to contribute to society. Some have even killed themselves. The ultimate loser in this process has of course been our democracy.



Herblock, Washington Post & Times Herald

**“ALL WE WANT IS THE TRUTH
AS WE SEE IT”**

Racism: The Touchstone of the Witch Hunt

From the beginning, many of the victims of the Un-American Committee have been persons opposed to racial discrimination.

One reason for this became dramatically clear in 1960 when two newspapers, *The York, Pa. Gazette and Daily* and *The Washington Post*, revealed that committee personnel is closely linked to professional racists.

According to these newspapers, Richard Arens, staff counsel of the Un-American Committee who drew \$16,000 a year in that post, made another \$3,000 a year for serving as consultant to Wycliffe Draper of New York.*

Draper is a multi-millionaire who makes grants for research projects designed to prove that Negroes are genetically "inferior." Many of the nation's most reputable scientists have heard of Draper and most have turned down his grants. One told *The York, Pa. Gazette and Daily*:

"He (Draper) did not really know any genetics himself and was a racist of the usual type. He wished to prove simply that Negroes were inferior to other people and wished to promote some program to send them all to Africa."

Two committees dispense Draper grants. Arens worked for one of them and admitted to a reporter that he served as a consultant channeling research funds into certain aspects of "genetics and immigration." Rep. Francis Walter (D., Pa.), who is chairman of the Un-American Committee, was listed as a member of this same Draper committee.

With these racist connections of the Un-American Committee, it is not surprising that two of its most active members are Rep. William M. Tuck of Virginia and Rep. Edwin Willis of Louisiana, two of the South's most ardent segregationists.

It is not surprising either that the techniques of the Un-American Committee have been copied by Sen. James Eastland of Mississippi, another of the South's leading segrega-

* The revelations about Arens' racist connections caused his resignation from the Committee in September 1960 and he was given another Government post in Washington.

tionists and the man who has organized open defiance of the U. S. Supreme Court's decrees against segregation.

Eastland heads the Senate Internal Security Subcommittee (SISS), which also roams the country looking for "subversives" and sends people to jail for contempt if they refuse to answer its questions. Eastland, incidentally, is a member of the second committee which dispenses the grants of Wycliffe Draper.

Nor is it surprising that the ways of the Un-American Committee and the Eastland Committee have been copied carefully by numerous small state committees in the South. Florida has one, and so do Virginia and Louisiana. Officials in Arkansas and Mississippi have conducted similar investigations. The main objective of these state inquisitions has been to probe the NAACP and other integrationist organizations and to label all moves toward integration as "communist-inspired." A favorite technique has been to demand the membership lists of the NAACP. In fact, two Negro ministers in Florida have been sentenced to jail for refusing to yield such lists (Details on page 17).

These tactics got an assist in 1959 when the U. S. Supreme Court, in a 5-4 decision, upheld the contempt conviction of Dr. Willard Uphaus in New Hampshire. Dr. Uphaus is a Christian pacifist who directs an interracial and inter-faith camp and conference center in the New Hampshire mountains.

Just as many Southern officials consider integration communistic and subversive, so the New Hampshire attorney general labelled peace efforts and pacifists subversive. He demanded that Dr. Uphaus produce the lists of guests who attended his conference center, and Dr. Uphaus refused. He was sentenced to a year in jail, which he is now serving (1960).

The tendency of Southern segregationists to equate integration with communism is not new. Long before the days of McCarthy, this idea was widely held in the South—as frightened men and women, watching their old way of life give way to a new day, sought in the usual pattern to explain away their difficulties by identifying the new idea with a foreign ideology.

But the national power of McCarthyism and the wide acceptance of the basic tenets of the witch hunt have given this Southern phenomenon an atmosphere in which it can flourish. The cry of communism in the South has thus become so hysterical at times that it frightens many people into silence and threatens the very future of the integration movement.

Why Not Answer The Questions?

This is a question often asked of persons subpoenaed before the Un-American Committee and similar agencies. It is even asked by many persons who recognize the evils inherent in such committees. Why, they reason, even if the questions are impertinent, should any person in a democracy object to stating publicly what his views and affiliations are?

Most people of the type subpoenaed by the Un-American Committee do *not* object to stating their views in the market place of public opinion. In fact, most of them are eager to do so and indeed do so state them everyday. But there is a vast difference between stating your views voluntarily in a public forum and being compelled to do so by a governmental agency.

The first reason why people refuse to answer the questions of inquisitorial committees is a matter of principle. They feel that the very asking of such questions is an invasion of basic privacy and the real "subversion" of the democratic process. It stands the very concept of democracy on its head.

In a democracy, the people and not the government are sovereign. Thus, it is perfectly legitimate for a citizen to ask a candidate for public office what his beliefs are, whom he associates with, and what organizations he belongs to. The citizen needs to know these things in order to decide whether this is the man or woman he wants to represent him in the halls of government.

But it is *not* legitimate for the man or woman elected to public office to then come back and ask the private citizen about his views, associations, and affiliations. These things, as Carl Braden told Rep. Willis of Louisiana, are simply none of the business of the holder of public office. In a democracy, mem-

bers of Congress and the state legislatures are elected to legislate for the country's welfare; they are *not* elected to police the minds of citizens.

Aside from the matter of principle, there are practical reasons why men of conviction cannot cooperate with inquisitorial committees. The questions asked never pertain just to the person subpoenaed. If he answers questions about himself, the next questions are about other people—whom he associates with, who attended meetings with him, etc.

It is axiomatic that a person so subpoenaed is already labeled as suspect and perhaps "subversive." The purpose of summoning him is to put this label on him and attempt to discredit him. In the present atmosphere—created by the activities of these committees—it usually works. Thus, although he is innocent of any wrongdoing, if he testifies about his associates he indicts them too. They may lose their jobs or be harassed in other ways. The next time there is a hearing *they* may be the ones called, *their* careers and their lives may be ruined. Thus the witch hunt spreads, and the man who cooperated with the investigation becomes an "informer"—a Judas.

For example, one of the questions Carl Braden was charged with contempt for refusing to answer pertained to who arranged quarters in which the board of the Southern Conference Educational Fund met in Atlanta in 1957.

Now the Southern Conference Educational Fund is a perfectly legal organization. All of its activities are highly publicized. The names of its board members are listed publicly on its letterhead and on its literature. It could be presumed that none of them object to a public identification with the organization, and it is likely that the person who arranged for their meeting place in 1957 would have been glad to shout from the rooftops that he had done so.

But the scene was Atlanta in the Deep South, and the SCEF is an organization whose only purpose is to work for integration. Thus it is an organization under attack. With the arrival of the Un-American Committee, it was especially under at-

tack because its field secretary, Carl Braden, was being labelled "subversive." Under the circumstances, for Braden to have named a person who arranged a meeting place for the organization would have been to subject that person to new harassment. The person might have been glad to state for himself in a public forum that he had done this thing. But no man of principle, in Carl Braden's position, could have done it for him before a congressional committee.

Another reason for refusing to answer questions is that by answering them the witness strengthens the hand of the committee. The very act of answering them



"I Don't See Any Danger Of Fascism"
Herblock in The Washington Post

states more loudly than any prepared statement could that it is all right for the committee to ask such questions. It makes it harder for the next person who may not want to answer to decline; the witness who cooperates adds the weight of his person and personality to the side of the committee. In a sense, he may be buying his own freedom by strengthening the witch hunt.

Before a man can do this, he must think of the wide and destructive nature of this thing he may be abetting. In a way, the worst victims of the Un-American Committee and its counterparts are not those who are called before it and fight back. No man is completely destroyed if he fights against tyranny. He may go to jail; he may suffer economic reprisal or even physical reprisal, but his spirit and his integrity are not destroyed. The people who are truly destroyed are those who are never actually called to testify but who catch the fear of inquisition in the air and who fall into silence; who fail to exercise their democratic rights for fear that they *might* be called someday. These are the people who in the last 15 years have quit joining organizations, have stopped signing petitions, have quit going to meetings. These are the people in the South who oppose segregation but refuse to say so aloud for fear that the "subversive" label will be attached to *them*.

For example, when Carl Braden was called to testify in Atlanta, so were a number of other people who had been working for integration. It is not likely that any of these people have since halted their activities. But the Atlanta hearings had wide repercussions throughout the South. And within a few weeks, in a rural area of Alabama, a man working to increase the Negro vote found many people reluctant to register because they had heard that "that committee in Atlanta was after people for doing this sort of thing."

When fear of this kind is abroad in the land, you do not fight it by simply trying to clear yourself and prove yourself pure to the very investigating agency that created the atmosphere of fear in the first place.

Instead, you must fight the whole concept of "government by fear." You oppose the agencies that have made men afraid

of democracy. You can do this by publicly expressing opposition to such agencies as the Un-American Committee, and many people have done it in this way. Or, as Carl Braden did, you can oppose them by refusing to cooperate with them. This is a form of non-violent resistance—the refusal to cooperate with the thing you believe to be wrong. You can return to the basic concepts of Americanism and declare by your actions that these must be reasserted and revitalized if America is to move ahead without fear in the Twentieth Century world.

The First Amendment: Bedrock of Freedom

Thanks to the foresight of America's founding fathers, we have in our Constitution the perfect weapon against the tyranny of frightened defenders of things as they are. These founding fathers knew about tyranny. They had come to America in the first place to escape it and they had rebelled against it to establish a new nation. Thus because of popular demand 10 amendments were added to the new U. S. Constitution immediately after it was ratified. These, known as the Bill of Rights, were designed to insure that never again in this land would people become the servants of government instead of government being the servant of the people.

The First Amendment in this Bill of Rights is basic. It is the one which states flatly that there are certain areas where government shall not enter and that these are the mind and spirit of man. It establishes the principle that our government cannot interfere with a citizen's right to organize and work through peaceful channels to improve his society and his way of life.

The First Amendment reads: "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."

Although the First Amendment has been whittled away in recent years, most people still accept the premise that Congress "shall make no law" in the area forbidden by the amendment. However, it is becoming more and more apparent—although not everyone real-

izes it yet—that Congress and the state legislatures can restrict freedom of speech, assembly, and petition without ever passing a law to do so; they do it by investigation. When congressional and legislative committees presume to question private citizens about their beliefs and associations, there is already government regulation of what a man may think or whom he may associate with. From that point on, every man or woman, before he joins an organization or goes to a meeting, must stop to think whether this action is going to result in a subpoena, in public scorn, loss of his means of livelihood, and a demand that he inform against his friends.

Thus, if the Un-American Committee investigates the Southern Conference Educational Fund and its officials, citizens who may want to support it are no longer free to judge its merit, as citizens of a free nation should be able to, on the basis of its program and its actions; instead they must also take into consideration what a congressional committee—one with power to ruin their lives—may think of it. Government regulation has thus abridged their freedom to join and support the organizations of their choice.

And thus, if a legislative committee in Florida demands the membership lists of the NAACP, citizens of that state are no longer free to decide whether to support that organization purely on the basis of what they think of its program; instead they must also weigh whether they want their names on a list that may fall into the hands of an official state committee obviously hostile to the NAACP. Again, governmental regulation has abridged their freedom.

For these reasons, Carl Braden and other Americans who have cited the First Amendment in their refusal to cooperate with inquisitorial committees have taken the position that if the Constitution forbids Congress to legislate against speech and association, then it also forbids Congress to investigate in these fields—because by investigation it accomplishes precisely the same restrictions it could by legislation.

There is a sound legal and constitutional basis for this position. Our Constitution gives Congress the right to make in-

vestigations for just one purpose—and that is to seek information it needs to perform its legislative function. Specifically, it may investigate in search of information it needs to enact new legislation or to oversee the administration of existing legislation.

So if Congress is forbidden by the Constitution to legislate against speech and association, it obviously has no reason and no right to seek information in these fields. On this premise, Carl Braden and others who have challenged the inquisitorial committees have taken their stands.

In a number of cases of contempt of congressional committees in the past 15 years, convictions were reversed on technical grounds without the Supreme Court ever coming to grips with this basic issue. But in 1959, the Court did meet this issue in the famous Barenblatt Case. Lloyd Barenblatt is a former Vassar faculty member who had invoked the First Amendment in refusing to cooperate with the Un-American Committee.

In his case, the Court voted 5-4 to uphold Barenblatt's conviction. The majority of five justices said in effect that although the First Amendment guarantees free speech and association, these rights must be balanced against the demands of national security. They said, in effect, that communism poses such a threat in the world that the First Amendment can be abridged by legislative committees when it is necessary to find and root out so-called communists and subversives.

It has been well noted that this line of thinking has been used by dictators since time immemorial. Abridgement of freedom has always been justified by the argument that it was necessary in the interest of security from an outside force. Our founding fathers saw it differently. They didn't say freedom shall not be abridged unless national security made it necessary; they simply said freedom shall not be abridged. If the Bill of Rights does not mean anything when people feel their nation is in danger, it does not mean anything at all—since when everyone feels perfectly safe no constitutional guarantees of freedom are needed. The Bill of Rights was

adopted at a time that was probably the most dangerous period of our history—when America was a weak young nation surrounded by a hostile world. It was precisely for periods of danger that it was written.

The four Supreme Court justices who dissented in the Barenblatt Case saw another way for America to preserve her security. Speaking for this minority, Justice Hugo Black said:

“I cannot agree with the Court’s notion that First Amendment freedoms must be abridged in order to ‘preserve’ our country. That notion rests on the unarticulated premise that this Nation’s security hangs upon its power to punish people because of what they think, speak or write about, or because of those with whom they associate for political purposes . . . I challenge this premise, and deny that ideas can be proscribed under our Constitution. I agree that despotic governments cannot exist without stifling the voice of opposition to their oppressive practices. The First Amendment means to me, however, that the only constitutional way our Government can preserve itself is to leave its people the fullest possible freedom to praise, criticize or discuss, as they see fit, all governmental policies and to suggest, if they desire, that even its most fundamental postulates are bad and should be changed; ‘Therein lies the security of the Republic, the very foundation of constitutional government.’ On that premise this land was created, and on that premise it has grown to greatness Ultimately all the questions in this case really boil down to one—whether we as a people will try fearfully and futilely to preserve Democracy by adopting totalitarian methods, or whether in accordance with our traditions and our Constitution we will have the confidence and the courage to be free.”

The Supreme Court has now agreed to review the case of Carl Braden and also the cases of several other persons who challenged the Un-American Committee under the First Amendment. These persons include Frank Wilkinson, civil liberties worker from Los Angeles, who was questioned by the Un-American Committee when he went to Atlanta to assist Braden in 1958. This means the Supreme Court will take a second look at premises laid down in the Barenblatt decision, perhaps in the light of how they are working out in practice.

In the meantime, it is really the American people who must decide whether the inquisitions that seem to have become a part of our way of life shall be continued. Congress and the legislatures have established the inquisitorial committees and voted them money to operate; it is the people who elect the congressmen and legislators and pay the taxes to provide the money they spend, currently \$327,000 a year for the Un-American Committee. It is the people who can say to their elected lawmakers: "Halt, we have had enough."

The Tide Rises

Already a tide of opposition is rising against the Un-American Committee and its imitators. Some of the nation's leading newspapers have severely criticized or called for abolition of the Committee, such as *The New York Times*, *The Washington Post*, *The St. Louis Post-Dispatch*, *The New York Post*, and *The Denver Post*. An impressive list of distinguished citizens, headed by Mrs. Eleanor Roosevelt, issued a public statement asking an end of the committee and saying "Let us rid ourselves of this agent of weakness and folly." Such organizations as the American Federation of Teachers, the American Jewish Congress, the American Civil Liberties Union, the Women's International League for Peace and Freedom, and the Commission on Social Action of Reform Judaism have urged abolition. The National Council of Churches has severely criticized the committee. More than 200 Southern Negro leaders protested vigorously when the Committee went to Atlanta in 1958.

The Integration Movement and Free Speech

The Southern integration movement has a special stake in this campaign to abolish the Un-American Committee and re-establish the First Amendment.

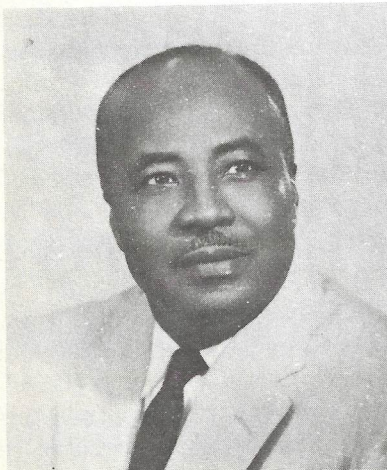
Carl Braden's case is not the only contempt case involving the issues of racial justice. One of the other First Amendment cases now pending is that of Arthur McPhaul of Detroit, a Negro and a former auto worker. In 1952, McPhaul was executive secretary of the Detroit branch of the Civil Rights Congress. He was summoned before the Un-American Committee

and ordered to turn over the membership lists of his organization. He refused, was cited for contempt, convicted, sentenced to nine months in prison, and fined \$500. His appeal, like several others, was held up for a long time pending the Barenblatt decision, but it is now before the Supreme Court.

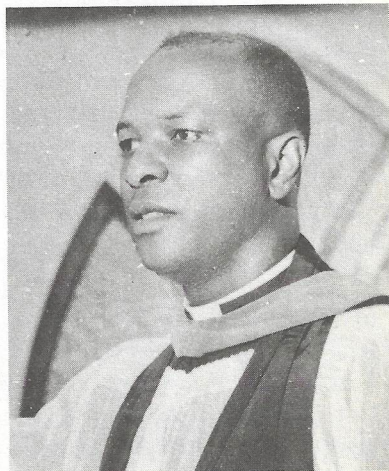
In the meantime, the tactic of demanding membership lists was taken up by Southern state legislative committees in their war against NAACP and other integration forces. Three Negro ministers, leaders of the NAACP in Florida, were charged with contempt for refusing to let a state legislative committee check membership lists. All took their stand under the First Amendment.

In August, 1960, two of them were sentenced to six months in jail and fined \$1,200. They have appealed. One of those sentenced was the Rev. Theodore R. Gibson, rector of Christ Episcopal Church, Miami, and president of the Miami NAACP branch. He had told the committee:

“Whom I associate with is none of your business; that is my business—that is a right inherent in the U. S. Constitution.” He later told a reporter, “The committee contends that the reason they are investigating the NAACP is to determine the extent it has been infiltrated with Communists. That is pot-wash!”



THE REV. EDWARD T. GRAHAM



THE REV. THEODORE R. GIBSON

Also sentenced was the Rev. Edward T. Graham, past president of the Miami NAACP branch, pastor of Mt. Zion Baptist Church in Miami, and a leader in the Southern Christian Leadership Conference. He even refused to tell the committee whether he was an NAACP member. He declared that the committee didn't have the right to ask.

Mr. Graham said: "We are hoping we can re-establish once and for all that rights guaranteed in the Bill of Rights still prevail—the rights of association, free speech, and assembly. It is obvious that the committee's prime motive has been to harass Negro leadership. The state has not convinced me that its right is more compelling than the rights given me as an individual in the Bill of Rights of the U. S. Constitution."

The minister said he was strengthened in his position by the willingness of young Negro students in Tallahassee to stay in jail for taking part in sit-ins there. He added:

"Those of us in leadership at this time have a responsibility to posterity to guarantee the establishment of rights to all individuals alike. We must do this now so that those who come after us will have the opportunity to take their rightful places in the mainstream of American life."

The Rev. A. Leon Lowry of Tampa, dean of the Florida West Coast Baptist Association and president of the Florida state NAACP, is the third man charged with contempt in this case. He awaits action by the State Legislature. Mr. Lowry said: "It is quite apparent that the committee's action is an attempt to intimidate and to label an organization, and to weaken it. We have been pressing for our rights in almost every area and that is why they are after us.

In Virginia, a prominent white Quaker leader, David Scull, was charged with contempt because he refused, on grounds of principle and the First Amendment, to tell a state investigating committee whether he was a member of the NAACP and other liberal organizations. His conviction was later reversed, but this has not stopped the state's segregationists from attempting to fight the integration movement by inquisition. In 1960, when the Congress of Racial Equality (CORE) became

active in the sit-in movement in the South, the Defenders of State Sovereignty and Individual Liberties, a Virginia segregationist organization, called for an investigation of CORE by the Un-American Committee.

It is becoming increasingly apparent that the integration movement simply cannot operate in an atmosphere where the First Amendment does not prevail. The reason for this is basic. The movement for integration in the South is a movement for deep social change. No social change can be accomplished peacefully unless the democratic processes are available to citizens seeking the change. Specifically, citizens must have the right to speak their views and thus seek to win others to them, the right to print their views and distribute them, the right to meet with others of like mind and form organizations, the right to complain to governmental agencies through petitions, delegations, and meetings. Specifically, that is, they must have the very rights guaranteed by the First Amendment. These are the weapons of peaceful social change. These are the weapons of democracy.

And, as has been pointed out in this pamphlet, when a citizen is required to answer the questions of a governmental committee about his exercise of his First Amendment rights, he no longer has those rights in an unabridged form. Those working for integration, if they are to progress, must have the right to organize without the threat that they may have to answer to a hostile federal or state committee; they must have the right to hold meetings without feeling that a governmental agency is looking over their shoulder; they must have the right to remain silent about lawful activities if they feel that to speak would jeopardize supporters in hostile areas.

This right to remain silent, which is so much a part of the First Amendment, is sometimes crucial. For example, in the 1960 sit-in movement, Negro students and a few young white supporters in a large Southern city were picketing a store which practiced racial discrimination at its lunch counters. Local police approached them—not to arrest them, but to

question them. They asked their names, their addresses, and other personal information, including in some cases the names of their parents. These young people did not know that they were under no obligation to give such information to the police, so they answered all the questions.

The sequel to this story any Southerner could guess. The names did not appear in the newspapers, but they immediately reached hostile persons. Threatening telephone calls started at the homes of the students. Parents of some of the young people were called on the carpet by employers and told that if their sons and daughters did not cease such activities they would be fired.

Obviously, under the First Amendment, it was no business of a local official such as a policeman who these students were related to—no more than it was the business of the Un-American Committee who arranged a meeting hall for a gathering that Carl Braden attended. But the Un-American Committee and its counterparts have created a widespread impression that official agencies of government do have the right to interrogate private citizens; it is not surprising that these students—who have grown to adulthood in the last 10 years—did not know their rights under the U. S. Constitution.

Perhaps the stake of the integration movement in the First Amendment was best summarized by Mrs. Goldie Watson, a Negro teacher in Philadelphia, who also invoked the First Amendment in refusing to answer questions before the Un-American Committee. At a hearing before the Board of Education, she said:

“I invoked (the First Amendment) because, ladies and gentlemen of the board, there are many inequities that still exist against Negro Americans and unless we have the right to meet and talk and confer and to petition the government there is no political freedom for us. If the First Amendment no longer means anything, if my right to test this amendment is a crime, we have reached a terrible state in America. Democracy is running down the drain. And Negro Americans will be able to achieve nothing in such an atmosphere.”

(For suggestions as to what you can do to add your voice to this struggle, see the opposite page.)

The Braden Case—What YOU Can Do

If you want to add your weight to the struggle to preserve the First Amendment, there are several things you can do:

1. Visit or write your congressman and urge him to work for abolition of the House Un-American Committee. Rep. James Roosevelt of California has introduced a resolution to abolish the committee. Help make this an issue in the 1961 session of Congress.
2. Get organizations to which you belong to go on record for abolition of the Un-American Committee and the Eastland Committee, and to notify congressmen and senators of their action.
3. If you live in a state which has its own legislative committee modeled after the federal ones, ask your legislators to abolish it too.
4. Write the President of the United States and the U. S. Justice Department in Washington and ask them to halt prosecution of Carl Braden and all others whose only crime is assertion of First Amendment rights before inquisitorial committees.
5. Order additional copies of this pamphlet and circulate them among your friends.
6. Make a contribution to the Braden Freedom Fund of the Southern Conference Educational Fund. Five of America's most distinguished attorneys, Leonard B. Boudin, John M. Coe, Conrad J. Lynn, the Rt. Rev. C. Ewbank Tucker, and Victor Rabinowitz, are contributing their services in his defense, but the costs of printing records and briefs to carry a case to the Supreme Court are formidable.

Let us know of your interest and send contributions to:

SOUTHERN CONFERENCE EDUCATIONAL FUND, INC.
822 Perdido St., New Orleans 12, Louisiana

“It (the House Un-American Committee) is at war with our profoundest principles . . .”

—REP. JAMES ROOSEVELT

“The Un-American Activities Committee should be abolished, not reorganized and expanded.”

Editorial in *The Washington Post* 12-19-58

“The United States no longer needs—if it ever did need—the aimless pursuit of heresy that has led to a present total of nearly 40 *First Amendment* cases, of which four of the principals are actually in prison.”

Editorial in *The New York Times* 4-30-60

“We are alarmed at the prospect of this committee coming South to follow the lead of Senator Eastland, as well as several state investigating committees, in trying to attach the ‘subversive’ label to any liberal white Southerner who dares to raise his voice in support of our democratic ideals.”

Statement signed by more than 200 prominent Negroes protesting Atlanta HUAC hearing 7-22-58.

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