

WHAT'S TRUE AND WHAT'S FALSE

ABOUT THE MUNDT-NIXON BILL

There's such a profusion of Communist lying about the Mundt-Nixon bill that Counterattack herewith gives its subscribers the plain facts. Part I, below, summarizes main features of bill in form in which it was amended on floor of House, passed, and sent to Senate, where it is now. Part 2 deals with some lies about the bill.

PART 1...WHAT'S TRUE

SECTION 1 consists of one sentence: "This Act may be cited as the 'Subversive Activities Control Act, 1948'."

SECTION 2 presents the findings of Congress regarding the nature of totalitarian dictatorship, the existence of "a world communist movement" that is directed "by the communist dictatorship of a foreign country," the fact that this dictatorship has set up in various countries "political organizations" that conspire to overthrow existing governments, and the fact that "the recent successes of communist methods in other countries...present a clear and present danger to the security of the United States...and make it necessary that Congress enact appropriate legislation."

This finding of Congress isn't binding on the courts...but it does create a presumption, to which the courts will give weight.

SECTION 3 defines terms used in bill, mainly "communist political organization" and "communist-front organization" (spelled without capitals).

A "communist POLITICAL organization" is one which has some of the usual characteristics of a political party and which is controlled by "the foreign government or foreign governmental or political organization" that directs the "world communist movement," as stated in Section 2. In order to decide whether an organization is so controlled, the Atty General and the courts are to bear some or all of 10 considerations in mind.

One of these considerations is "the extent to which its policies" are based on those "of the foreign government or foreign governmental or political organization." Another consideration is "the extent to which it receives financial or other aid" from the same Govt or organization. Still another: "the extent to which it sends members or representatives to any foreign country for instruction or training in the principles, policies, strategy, or tactics of such world communist movement."

Eight of the 10 "considerations" are so framed that they can't possibly apply to any party except one controlled by Moscow. The remaining two "considerations" (stated in subsections D and I) might also apply to one or more small leftist parties, which have only a few hundred or a few thousand members. BUT such parties are entirely safe, because they don't come under any of the eight other considerations...such as getting directives

from Moscow, getting aid from there, or sending members there for training. So it's obvious that they are NOT controlled by "the foreign government or foreign governmental or political organization" that directs the "world communist movement." And they couldn't be so adjudged in court.

Only a party controlled by Moscow has anything to fear from the definition of a "communist political organization."

A "communist-FRONT organization" is any organization, except a political party, of which this is true: "It is under the control of a communist political organization." Or "it is primarily operated for the purpose of giving aid and support to a communist political organization, a communist foreign government, or the world communist movement referred to in section 2," or "its views and policies are in general adopted and advanced BECAUSE such views or policies are those of a communist political organization, a communist foreign government, or such world communist movement."

SECTION 4 prohibits any action to promote the establishment in the U S of a totalitarian dictatorship that is to be controlled by "any foreign government, foreign organization, or foreign individual." Violators may be fined up to \$10,000, or imprisoned for up to 10 years, or both.

There's no statute of limitations for offenses under this section. A violator may be punished at any time, no matter how remote. Reason for this provision is that crimes of some Communist leaders have been discovered by the House Comm on Un-American Activities too late for punishment.

Still this provision ought to be eliminated in Senate. A person shouldn't be prosecuted in 1958 for a crime committed in 1948. Moreover, such a never-ending threat, instead of encouraging people to quit the Communist movement, will encourage them to stay in. Why should they quit, if they can never escape the peril of punishment?

SECTION 5 provides that any person who has been convicted in Federal court of violating Section 4 (by promoting establishment of a totalitarian dictatorship under foreign control) shall lose his citizenship.

One of the main witnesses who testified before Nixon subcommittee in Feb was Louis Waldman, noted labor lawyer. His analysis of the Communist movement, and his proposals for legislation, were more comprehensive than those of any other witness. A number of his suggestions were adopted. Waldman urges elimination of the provision for revocation of citizenship. His reason is simple. As all lawyers know, juries hesitate to convict if punishment is very severe. Under the present bill, a violator of Section 4 may be imprisoned up to 10 years. If the jury knows that in addition to this, he is sure to lose his citizenship, many jurors will be reluctant to convict. This provision should therefore be dropped.

SECTION 6 forbids "any member of a communist POLITICAL organization" (but not someone who's only a member of a front) to seek or accept any Federal office or employment without revealing that he is a member of such organization. This applies not only to appointive but to elective office. If he already holds an appointive Govt job, he must resign within 30 days after enactment of bill. But if he holds an elective office he can keep it.

Also, every Govt officer or employee is forbidden to employ anyone whom he knows to be "a member of a communist political organization."

SECTION 7 deals with passports. Communist agents move from country to country. To impede them, the bill forbids "any member of a communist

POLITICAL organization" (but not a mere front member) to apply for a passport or for renewal of one. If he already has one, he can use it for 60 days after enactment of bill...but not later. Every Govt officer or employee is forbidden to give such a person a passport or a renewal of one.

SECTION 8 requires "each communist political organization" and "each communist-front organization" to register with the Atty General, giving name & address of every officer during the preceding 12 months, and also making an accounting of all money received and spent during that period.

A "communist political organization" is moreover required to register names & addresses of all its MEMBERS during the preceding 12 months.

But a Communist front isn't required to do this. However, it must keep records of names & addresses of all members, for Govt inspection.

SECTION 9 provides that all registration statements in Atty General's office shall be open to public inspection.

SECTION 10 makes it unlawful for anybody to remain a member of an organization which the Atty General has found to be a "communist POLITICAL organization" but which hasn't registered.

SECTION 11 provides for "labeling" the publications and broadcasts of Communist organizations. It requires that no "communist political organization" and no "communist-front organization" shall send through the mails or through any other means of interstate or foreign commerce "any publication...which is intended to be...circulated...among two or more persons, unless such publication and any envelope, wrapper, or other container in which it is mailed or otherwise circulated or transmitted bears the following,...with the name of the organization appearing in lieu of the blank: 'Disseminated by....., a communist organization'."

Similarly, any radio broadcast must be preceded with this: "The following program is sponsored by....., a communist organization."

SECTION 12 says that if you give money to a registered organization, or to one which the Atty General has ordered to register, you can't deduct the gift for Federal income-tax purposes. Also that no such organization shall be exempt from Federal income tax.

SECTION 13 provides for investigation by the Atty General to decide whether or not an organization is "a communist political organization" or a "communist-front organization." It must get a PUBLIC hearing and it "shall have the right to present its case by oral or documentary evidence, to submit rebuttal evidence, and to conduct...cross-examination."

SECTION 14. If the Atty General finds that the organization is of a Communist character, it may appeal to the U S Court of Appeals for the District of Columbia. The court may overrule the Atty General if his findings aren't supported by the preponderance of the evidence. The decree of the court shall be subject to review by the Supreme Court.

But it has been objected that the Atty General shouldn't have the double power of making the original finding and of prosecuting violators. It would be better if the finding were made by an independent board. But best of all would be to have it made by Federal courts. In order to prevent delay, cases of this sort should get priority over other types of cases.

SECTION 15 prescribes penalties. If an officer of a "communist political organization" or a front doesn't file a registration statement, or falsifies it, he shall be fined \$2,000 to \$5,000, or/and imprisoned two to five years. Anybody who commits any other violation of the act for which no

penalty is provided in this section or in Section 4, shall be fined not more than \$5,000, or/and imprisoned not more than two years.

THE FINAL SECTIONS, 16 and 17, are routine legal provisions.

PART 2...WHAT ISN'T TRUE

Suppose you owned a grocery or a drug store, and you were required by the city or the state to get a license, or perhaps to register your firm name and the names of officers, etc. And suppose you disobeyed this law, and as a result you were punished. Could you then say that the law outlawed your grocery or drug store? And that it was driving you underground?

Yet this is exactly the contention of the Communist Party. Wm Z Foster says: "The Natl Board of the Communist Party has definitely stated that it will not register, should the Mundt bill become law. So, the general effect of the Mundt bill, if finally enacted into law, would be to outlaw our party." In other words, anybody is outlawed if he is punished for violating a law. This assertion is fantastic, but it has been picked up by many non-Communists...some because they haven't read the Mundt-Nixon bill, others for devious reasons of their own.

The fact is plain that the Mundt-Nixon bill doesn't outlaw the Communist Party, as a reading of the above summary of the bill will show.

Another Foster lie is that the bill "outlaws (a) the disruption of trade and commerce, (b) the incitation of economic, social and racial strife and conflict, (c) the dissemination of propaganda calculated to undermine established Govt and institutions." And Henry Wallace, echoing Foster, says the bill is aimed against strikes. There's nothing like this in the bill.

In order to scare unionists and liberals, the Communist Party has invented dozens of lies. It says the bill is an attempt "to rob you of your right to disagree with Govt policies, your right to advocate social welfare legislation or any other reforms....It is...an attempt to silence everyone who advocates peace, fights for civil rights, works for a new party, strikes for higher wages, opposes lynching and the poll-tax." It would "prevent strikes for higher wages and better conditions." It would "prevent action to lower prices, to control rents, to wipe out Jimcrow and anti-Semitism."

And it would "destroy any organization engaging in political action which the Atty General disapproves." It would destroy your freedom to cooperate with others "for any reform the Atty General doesn't approve."

Perhaps the biggest, slickest lie of all is that if you support "anything the Communists say they support, you can go to jail." This is a falsification of what the bill says about Communist fronts (see the summary of Section 3 of the bill). And there isn't even anything in the bill that would put people in jail for joining Communist fronts.

When Communists use the Stalin-Hitler technique of the Big Lie, the way to fight them is by telling the truth. Read the summary of the bill again. Show it to others. Ask Senate Judiciary Committee for copies of the bill. See for yourself how the Communists have lied about it.

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Yours faithfully,

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