

The McCARRAN ACT and the NEGRO FREEDOM MOVEMENT

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IF, AS Attorney General Robert Kennedy has repeatedly stated (perhaps with tongue-in-cheek) "this is a government of laws, and not of men," the McCarran Concentration Camp Act is the gravest threat to the struggle for Negro rights since the Fugitive Slave law more than 100 years ago. This Act provides the legal and ideological foundation for the persecution and harassment of every organization of the people in the country, no matter what the political philosophy of its members.

This stark truth is carefully concealed behind the complicated and irrational provisions of the law, which, ostensibly, are directed exclusively against the Communist Party (described in the Act as a so-called "Communist-action" organization) as well as against so-called "Communist-front" and "Communist-infiltrated" organizations. The key word, one will note, in this hierarchy of degrees of taint, is "communist," an idea allegedly strong enough to contaminate a multitude of angels even though certified by the House un-American Committee.

The illusion that the Communists alone are the intended victims of the Act is further promoted by the fact that thus far only the Communist Party has been convicted under its terms (for failing to register) and Gus Hall and the writer are the only two individuals who have been indicted for failing to register the Party. The ten other individuals whom the Attorney General has cited before the Subversive Activities Control Board (better known as SCAB) have all been "charged" with being Communists.

However, the sobering fact is that the exclusive attention showered upon the Communist Party under this Act was exceedingly short-lived. The attorney-general, under both the Eisenhower and Kennedy administrations, have proceeded against the following addi-

tional organizations under the Act: The International Mine, Mill & Smelter Workers Union, a trade union; the Veterans of the Abraham Lincoln Brigade, heroes of the Spanish people's fight against the dictator Franco; the National Council of Soviet-American Friendship, which believes peace between our country and the Soviet Union is better than mutual nuclear annihilation; the American Committee for the Protection of the Foreign-Born; and last, and by no means least, Advance, a youth organization, cited before SCAB because, "paralleling" the Communist Party, it advocates ending nuclear tests and banning the bomb! Each of these, like the Communist Party, is scheduled to be outlawed!

No Negro people's organization, as such, has as yet been cited under the Act. And it is to be hoped that none ever will be! But it will take more than hope to guarantee that it never happens, beginning, in the first place, with the defense of the Bill of Rights where the rights of Communists are concerned, though one may most vigorously disagree with Marxism-Leninism or with substantive policies of the U.S. Communist Party.

Can anyone deny that the Negro youth in the South with their sit-ins, their heroic campaign of defiance of unjust and illegal racist laws; can anyone deny that the upsurge of Negroes in the North against job, school and housing discrimination, are anything but upholding the finest democratic heritage of the American people? Can anyone deny that the Negro people's movement today is directed against the forces of reaction and racism, as are the activities of organizations already cited under the McCarran Act?

Senator Strom Thurmond of South Carolina, whose crocodile tears over democracy in Cuba, South Viet Nam and Berlin have almost inundated Washington, but who comes from a state where a free election hasn't taken place since Reconstruction, declared, after a bare Supreme Court majority upheld the McCarran Act in 1961, that the Negro youth sit-ins in the South were "Communist-inspired."

Is it not notoriously true that the hue and cry of all the Dixiecrat political gangsters in the South against the determined Negro freedom movement is "Communism!" Is there a single Negro people's organization today against whom this evil law could not be invoked, or that could not be labelled "Communist" by Sen. Thurmond or others, within the terms of the McCarran Act?

The principles of the McCarran Act have already inspired the Alabama state authorities to outlaw the NAACP, because it refused to register and list its members for both persecution and prosecution,

as even the Communist Party is called upon to register and disclose its members?

For the ultra-Right—such as Republicans Goldwater and Tower, and reactionary Democrats such as Eastland and Ellender—and for the outright fascists, the McCarran Act is just what the doctor ordered. It is the quintessence of the professional anti-Communism with which Hitler befouled Germany, and with which the Republican-Dixiecrat coalition would turn back the clock of history here, and smash all democratic movements. Bedecked in the clothing of false legality, the McCarran Law is the most powerful weapon ever placed in the hands of the anti-Negro racists.

The ultra-Right Dixiecrats—the Eastlands, Russells, Howard Smiths and Landrums—their backs to the wall from the pressure of the Negro people's movement, are desperately breathing down the neck of Attorney General Kennedy for the wildest, all-out use of the McCarran Act. These are men of inordinate power in Washington—they control nearly all the committees of both the Senate and the House, the crowning absurdity being that the most subversive force in Congress, James Eastland, heads the Senate Internal Security Committee against subversion! When the ultra-Right—be they Dixiecrats or reactionary Republicans—sneeze against "Communists" the Kennedy brothers are obligingly ready with handkerchiefs to wipe their noses.

The beautiful words and gestures of the President and the wrist-tapping legal suits of the Attorney General in the South are indeed feeble in the face of the failure of the Kennedy administration to take any long-delayed fundamental action against the Jim Crow system, and in the teeth of the administration's record of appeasement of the Dixiecrats. How effective are these beautiful words and gestures when not one step has been taken by the Kennedy administration against the Ku Klux Klan or the White Citizens Councils with their brazen, murderous terror against the Negro people, their notorious trampling of the Constitution. All these terrorist gangs—which are daily overthrowing the Constitution with force and violence—operate under the banner of saving the country from "Communism," the theme of the McCarran Act.

No one in his right mind could rely on the Kennedy administration to stop this brutal anti-Negro violence after its release willy-nilly of the two-bit Hitler, Gen. Edwin Walker, who led the murder-mob at Oxford, Mississippi. What blind faith could be put in an administration which is itself chief executioner under the McCarran Act, in open violation of the Bill of Rights which the President and

the Attorney General are sworn to uphold. Contrary to Attorney General Kennedy, this is a government of men and not of laws, of little men who for one hundred years have blocked enforcement of the 13th, 14th and 15th Amendments, of other little men who dare not challenge them, of frightened little men who find a common haven in the colossal fraud of the age—anti-Communism.

Administrations come and go; so does the personnel of the U.S. Supreme Court which upheld the registration provisions of the McCarran Act by a bare majority of 5 to 4. But either or both can become worse or better depending upon the independent initiative and role of labor and the broad democratic forces of the people. The best guarantee against such laws as the McCarran Act, the Smith Act and other such thought-control measures, is not reliance upon beautiful rhetoric and partisan gestures, but upon their utter defeat, the stay of the prosecutor's hand and eventually their outright repeal. Only in this way can this weapon be torn from the hands of the racists and would-be Hitlers.

The relatively quiet but nonetheless menacing prosecutions under the McCarran Act by the Kennedy administration are, in a sense, a tribute to the strong democratic sentiments of the American people. The more flamboyant methods of the Truman Administration that accompanied the Smith Act frame-up trials of 1949, if pursued today, could only arouse the alarm and resistance of all democratic citizens. But whether carried out in the dark of the moon or in the glare of the noonday sun, the enforcement of this Act spells the death-knell of the Bill of Rights, and of traditional freedoms for which Americans—Negro and white—have fought, bled and died for 300 years. "Due process," for example, which has been a shield of defense for Negro defendants against racist frame-ups, has been torn to shreds by the McCarran Act. The guttersnipe declarations of Hitler and of his faithful pupils on the House Un-American Committee, with respect to Communism, have been substituted for findings of fact, as required by the Bill of Rights. The McCarran Act carries its own built-in verdict of guilty—and facts be damned! Its insidiousness is that it prepares the destruction of constitutional liberty in the name of upholding it against Communism!

But it will not prevail in our country. The Negro people, in solidarity with all other democratic Americans, will play their full role in consigning the McCarran Act to the scrap heap of history along with the Fugitive Slave Law and all other past measures devised to stop the wheels of progress.