

A Milestone for Democracy

An Editorial

"Public opinion being what it now is, few will protest conviction of these Communist petitioners. There is hope, however, that in calmer times, when present pressures, passions and fears subside, this or some later court will restore the First Amendment to the high preferred place where they belong in a free society."

—Justice Hugo L. Black, dissenting in the Dennis case, June 4, 1951.

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It may still be too early to say that "calmer times" are here, but Monday's Supreme Court decisions go a long way towards restoring civil liberties for all Americans. These landmark rulings in one great flash illuminate the recent McCarthyian darkness and light up the promise of a restored Bill of Rights.

Many lessons—far too many for the compass of one editorial—lie in the majority opinions of the Court in the California Smith Act case and those of John Watkins and John Stewart Service. They will be discussed for

many years by laymen and lawyers alike.

But at this point it is enough to say that whatever remains to be done—and much, indeed, remains—the decisions mark the definitive ending of the McCarthyian era in American life. A new period of the restoration of basic democratic freedoms will not be ushered in tomorrow, for too many McCarthyian practices remain frozen into law, but at the very least the curtain is closing on one of the worst periods in our civil liberties.

The Court delivered a triple-barreled attack on (1) the Department of Justice and its thought-control Smith Act trials; (2) the free-wheeling Congressional inquisitions, and (3) the hateful loyalty-security program of the Executive.

In so doing, as some commentators have noted, the Court moved far in advance of the other two branches of government. The Court reaffirmed some ancient and near-forgotten maxims of Jeffersonian democracy. (And not nearly as clearly and forthrightly as urged by Justices Black and William O. Douglas.)

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The causes for the Supreme Court decisions do not lie principally in the complexities of the law or the make-up of the individual Justices. Basically, they lie in what is commonly called the changed political climate. And the change in the climate resulted from the incessant struggles of the people for democratic rights and for peace. The defeat of McCarthyite congressmen in the 1954 elections, the Senate censure of McCarthy in 1954, the historic summit conference at Geneva in 1955—all these went to make up the new climate.

But these great events themselves were not enough. Through all these darkest days there were men and women who gave examples of courage of struggle for ancient American liberties. They were the men and women who fought back against the Smith Act; their courageous counsel, and the trade unionists and teachers and scientists who battled the congressional inquisitions and the hideous loyalty procedures with its informer system.

The roll of honor is long indeed. Men and women of various viewpoints fought back. Whether it was an Albert Einstein or the Hollywood Nine; a Eugene Dennis, an Elizabeth Gurley Flynn, a Paul Robeson, a Dr. W. E. B. Du Bois, or the sublimely heroic Ethel and Julius Rosenberg and their indomitable co-defendant, Morton Sobell:—their courage was an example to millions.

The Communists and the men and women of the Left have reasons for pride in their unswerving defense of basic American democratic rights. We of the Daily Worker share that pride. We never tired of repeating what the late Rep. Vito Marcantonio used to say: "The defense of the rights of the Communists is the first line of defense of the rights of all Americans."

There were those who sneered and said that this was just a self-serving slogan of men on a beleaguered Left. But time has vindicated that position. Millions have begun to see, as the late Justice Jackson once said, that the rights of all Americans were bound up with the rights of the Communists.

To the degree that the Court gives expression to that basic truth it defends not the rights of one small political group; it defends the Constitution itself. It is not advancing radical social doctrines; it is simply returning to the fundamentals of what were long regarded as elements of capitalist democracy. The fevered attacks of the Jenners, Mundts, Walter et al. are proof positive that those cold warriors basically distrust the framework of American constitutional democracy; it is they who seek its destruction and not the trade unions, the Negro people, the Communists and other radicals who seek to advance their ideas within an expanding constitutional process.

The Court's latest series of decisions are of a general pattern with its desegregation rulings and its attack on the FBI informer system in the Clinton Jencks case.

But what of the executive branch of government? What of the Congress?

How much longer are the Smith Act prosecutions to continue? How long are Smith Act victims Gilbert Green and Henry Winston to lie in jail? When will those imprisoned under the Smith Act receive presidential pardons so that they can resume full citizenship rights?

When will the Department of Justice end its harassment of citizens and non-citizens alike? When will the deportation and denaturalization drive under the notorious Walter-McCarren Act cease?

When will Congress end the inquisitions of the kind that drove to suicide the Canadian diplomat Egbert Norman and only two days ago the American scientist William K. Sherwood?

When will the whole network of repressive legislation, all aimed at the freedom of expression of the American people, be wiped out so that Americans can freely debate the issues of peace, security and democracy?

When will the whole anti-Communist myth on which both a German Hitler and an American McCarthy built their power be ended?

These are questions that demand an answer in the wake of Monday's historic decisions. The court has spoken, and many democratic-minded Americans, including Communists, who fought so staunchly in the anti-McCarthy resistance, will take new heart. They will join in speeding the coming of those "calmer times" of which Justice Black spoke.

For it is only by the maintenance and extension of democracy can America advance on the highroad of peace and social progress.