

Free Speech

EXTENSION OF REMARKS

OF

HON. ROBERT R. REYNOLDS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

*Friday, March 7 (legislative day of
Thursday, February 13), 1941*

EDITORIAL AND ARTICLE FROM THE
TABLET, BROOKLYN, N. Y.

Mr. REYNOLDS. Mr. President, I respectfully ask unanimous consent that there be published in the Appendix of the CONGRESSIONAL RECORD an editorial entitled "An Attack on Free Speech," together with a press dispatch dated Troy, N. Y., February 26, 1941, entitled "Invite Judge O'Brien as Guest at Troy." The press dispatch and editorial are both taken from the Tablet published at Brooklyn, N. Y., issue of Saturday, March 1, 1941. The right of free speech is defended by the editor of the aforementioned weekly newspaper.

There being no objection, the matters referred to were ordered to be printed in the Appendix, as follows:

[From the Tablet, Brooklyn, N. Y.]

AN ATTACK ON FREE SPEECH

After the sedition trial last year, quite a few members of the press came to the conclusion that they had been used as accessories in a smearing campaign, carefully engineered and expertly carried out. The very same technique occurred this week with the press horns wiggled on the end of the smearing attack on Hon. Herbert A. O'Brien, Justice of the Domestic Relations Court of the City of New York.

Senator Murray's resolution at Albany to investigate the judge has all the earmarks of a propaganda job, maliciously conceived, and viciously carried out. The entire trade, which reads like Goebbels-Goering party line, is a disgrace to the intelligence of the legislature, a mockery of the judiciary, and an insult to the American people who love justice and hate smearing.

What has Judge O'Brien done? The resolution, in general terms—without giving names, dates, places, or quotations—says he has spoken at meetings which the instigators of the resolution do not like. What were those meetings? They were "anti-red" meetings and free-speech gatherings.

The resolution asserts Judge O'Brien made racial and religious attacks. No proof is or can be submitted. As far as we can learn, Judge O'Brien exercised his rights as an American citizen and his dignity as a Christian gentleman. His offense, undoubtedly, in the eyes of his critics is that he spoke out against the anti-American and antireligious groups who seek to persecute their fellow Americans and deny the Bill of Rights.

The only definite point in the scurrilous resolution is a quotation which Judge O'Brien made at the Senate Foreign Relations Committee hearing. In opposing the United States going to war Judge O'Brien is quoted as having said: "Civil war is already going on in New York; different races and nationalities are already boycotting each other, and hatreds have been excited among them and among Americans."

We do not know whether or not the judge made such a statement, or, if he did, what else was the context. And we do not see why he should not make such a statement

if he considered the same to be true. Freedom of speech protects him in his rights; the Hitler-Stalin theory of conformity is not yet here. Moreover, nearly everybody but Senator MURRAY knows that the hearings before Congress are "privileged."

Many will say Judge O'Brien was right if he made such a statement. Some will offer proof. On the very day the infamous resolution appears in the press the New York Daily News, the paper with the largest circulation in the country, in a stirring editorial denouncing the warmongers closes: "There will be a revulsion. There may even be a revolution." We might add the Daily News is not talking about some local civil war, some local boycott, but a revolution for the whole country. And presiding Justice Francis Martin, of the appellate division of the Supreme Court of New York State, in addressing the grand jury on Tuesday, urged them to find out if the Communist Revolutionary Party had a permanent part in public relief, education, and civil service in New York City.

The instigators of the Albany resolution lurk away from public knowledge and believe in persecuting Judge O'Brien, not for what he said but for his interest in America and in humanity. "I have read his speeches," a well-known New York jurist stated the other day, "and he has not belittled the dignity of the bench or violated his privilege as an American citizen." Judge O'Brien's offense, if any, is his staunch patriotism and his rugged religion. The attack on him is an attack on every decent American and every Catholic citizen. The signaling out of antiwar Americans, one by one, for liquidation by a behind-the-scene group which uses decoys is a shocking prostitution of justice, a defiance of the Constitution, and a decrying of liberty. Their spirit is that of the cruel Stalin in his mad war on the kulaks, and of the unspeakable Hitler on those whose blood he does not like. No honest person is safe even in this country while such a crew filled with hate are on the loose. They seek to terrorize into silence everyone who does not accept their peculiar international ideology.

Fortunately Judge O'Brien has nothing to fear from his assailants and their decoys. Those who know him have always found him to be a man of the highest ideals and practices, firm in religion, strong in patriotism, and erudite in jurisprudence. His addresses and writings abound with the beliefs of the pioneer Americans and fair-minded followers of the Nazarene. His critics are an ignoble and cowardly lot and should be brought from behind their stooges.

The resolution for investigation will undoubtedly fall of its own dead weight, but if it does not, there are thousands of decent Americans in this city who will be happy to help vindicate a courageous public official and to tear the mask off those dedicated to the slave mind. Free speech, not the gag, is the right of every American citizen; the flag, not the smear, is our national emblem.

INVITE JUDGE O'BRIEN AS GUEST AT TROY

TROY, N. Y., February 26.—Members of the Troy St. Patrick's Day Parade Committee, meeting last night in the Troy K. of C. rooms, unanimously extended a vote of confidence to Judge Herbert A. O'Brien, of the Domestic Relations Court of New York City, against whom there has been directed a move to investigate his judicial actions with the possible view of State Senate action for removal.

In addition to extending the vote of confidence, the committee adopted a resolution that Judge O'Brien be invited to come to Troy, Sunday, March 16, to be the guest of honor during the parade.

Judge O'Brien has appeared in Troy on several occasions as a speaker at public gatherings and at St. Patrick's Day dinners. No one

here ever heard him say anything unfavorable about any race or religion. His patriotic, scholarly, and deep religious addresses have brought many back to hear the judge speak again.