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Defending the Bill of Rights

Mrs. Roosevelt's attacks on the Dies committee, coupled with those of her husband, begin to resemble a campaign. We have, on several occasions, expressed our own criticism of that committee's procedure whenever it threatened to contravene the principles embodied in the Bill of Rights. But always accompanying this criticism has been a recognition of the invaluable service the committee has rendered in exposing totalitarian intrigue in this country. Mrs. Roosevelt—or the President, for that matter—has never, even grudgingly, given the committee its due, preferring to treat its disclosures with silence except when a chance to pounce upon it seemed to offer.

The First Lady's solicitude for the Bill of Rights has our profound respect. However, it is pertinent to ask why this solicitude was not in evidence when the Black committee was brazenly violating "the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures"; when the La Follette committee was conducting its notoriously one-sided inquiry of industry; when the National Labor Relations Board was issuing orders denying the right of free speech to employers. It seems passing strange that she should have waited for an inquiry into un-American activities to arouse her championship of civil liberties.

In her column, "My Day," printed on Wednesday, Mrs. Roosevelt suggests that the safeguards surrounding a defendant in a criminal court be accorded all organizations and individuals subject to the Dies committee's investigation. Never in the history of the country has a Congressional inquiry been held to rules of the sort, and for the very practical reason that such an inquiry is not a court of law and must be free of rigid restrictions respecting evidence and procedure if it would accomplish its purpose. Suppose we ask her if she would hamstring the La Follette committee in similar fashion.

We are by no means insensible to the danger of a witch hunt in the circumstances and sympathize with the warning against it just published over the signatures of sixty-two eminent intellectuals. But in their championship of the Bill of Rights at this juncture they suffer, as well as Mrs. Roosevelt, from their silence when the potential victims of its flouting were not radicals but the targets of the New Deal. Their statement has another weakness. It recognizes "that the Dies committee is talking openly of the suppression of dissident groups, and that in this it has secured the support of influential newspapers throughout the country," also, and particularly, "that serious efforts are being made to silence and suppress the Communist party." The only efforts to this end that we are aware of are those to hold the leaders of certain dissident groups, including Earl Browder and two of his Communist lieutenants, and Fritz Kuhn, the bund fuehrer, accountable to the criminal laws of the land. Do our sixty-two fellow citizens object to this; would they object to further prosecution of such men or their organizations if it were found that, as foreign agents, they had failed to register according to law with the State Department or that they had neglected to comply with the provisions of the corrupt-practices act? One imagines not; in which case they should have been careful to discriminate between legitimate prosecution and the possible persecution which they rightly fear and protest against. No defense of the Bill of Rights which ignores this difference can make much headway.