

# Prices Soaring, OPA Wreckers to Blame

## Farm Bloc Howls 'Chaos' to Mask Anti-War Policies

By Mae Gordon  
 Last week Secretary of Labor Perkins revealed the cost of living had risen almost one per cent for the month ending May 15. This is the first increase in the cost of living for the period from Jan. 1, 1941, to May 15 of this year up to 24.1 per cent.

The rise in prices for the month ending May 15 was accounted for almost entirely by a 1.7 per cent rise in food prices. These food prices are now 47 per cent above those of last May.

While prices are spiraling, producers are keeping quiet. The Department of Commerce announced yesterday that corporate profits in the first quarter of this year are 18 per cent higher than in the first quarter of last year. After all taxes are deducted.

These facts are particularly pertinent in the light of current at-

## The People First: That's Been Schneiderman's Lifetime Slogan

William Schneiderman's name will henceforth be associated with a memorable decision of the U. S. Supreme Court.

Schneiderman was born near Arrington (now Shattuck) in 1906. Arriving in New California at the age of 3, young Schneiderman from childhood knew the poverty and hardship that is the lot of working class families.

He got his first job when he was 12, worked his way through high school and two and one-half years of college. At the age of 16 he joined the Young Workers League (now the Young Communist League) and became its educational director.

In arguing the case before the U. S. Supreme Court last March, Mr. Willie described how Schneiderman, as a youth, became disturbed by the contrast between wealth and poverty, and took up the study of Marxism. This "young man of an inquiring mind," as Willie put

## 'Communist' Reports CP Conference

Not all Communists could be present at the National Party meeting of the Communist Party, held last week-end, but every Party member and all who are interested in pressing the anti-war to full and unconditional victory will have the opportunity to read what outstanding leaders of the Communist Party said there.

These speeches, profoundly weighing the problems and tasks on the home front in the present crucial moment of the war, sharply focusing the attention of labor and the nation on the struggle against the defunct Hoover-Lewis-trotskyite conspiracy at home, and on the burning issues involved in the 1944 elections, will be published in a special Premium Issue of The Communist Party News, advance orders for this publication at the highest peak in a several years at the highest peak in the Premium Issue of The Communist Party.

The Premium Issue of The Communist Party, in addition to the resolutions adopted by the National Committee, will feature the main political report delivered by its General Secretary, Earl Browder, and the main sub-reports by Eugene Dennis, Roy Hudson and John Williamson. Many other key contributions make up the plenary meeting will appear.

Exceptional measures are being taken to ensure that the vital political study and discussion material reaches all Party branches, and that adequate quantities of this issue are on hand to meet the demand. To the degree that the rich contents of the Premium Issue are studied, and mastered, it will help enormously in winning more firmly the unity of the nation for all-out war, in expediting and hastening the defeatist

## Schneiderman Decision Ends 5-Year Court Battle

The decision of the United States Supreme Court yesterday, that William Schneiderman, California state secretary of the Communist Party, may not be deprived of his citizenship for his political convictions, ended a five-year battle in the courts.

The decision represented a victory for the Communist Party but for the fundamental rights of American citizenship.

Because he considered it a "vital case of civil liberties and the rights of American citizens," Wendell L. Willkie undertook Schneiderman's defense without fee, when the case was appealed to the Supreme Court on Sept. 28, 1942, by the San Francisco Committee for Citizenship Rights.

Proceedings to deprive the California Communist leader of his citizenship were started on June 30, 1939, on the orders of Attorney General Francis Biddle. With the start of proceedings, a large protest movement was begun against Biddle's action.

Schneiderman, born in Tsarist Russia, a near Stalinist, was brought to this country in industry. American citizenship was granted to him in 1927.

The entire government case against Schneiderman was based on the theory that, because he was a member of the Workers' Communist Party and the Young Communist League at the time he received the citizenship, he was unable then honestly to swear allegiance to the United States and, therefore, should be deprived of his citizenship.

Dragging out the hoary "force and violence" myth, the prosecution made much of questions from the Communist Manifesto of Marx and Engels, published in 1848, while quotations from the 1938 Constitution of the Communist Party were carefully kept out of the testimony.

In November, 1941, the United States Supreme Court granted review of the case which was originally scheduled for the 1941-42 term, but postponed for the 1942-43 term, and not argued till Nov. 9, 1942.

At that time, Solicitor General Charles Fahy argued in support of Biddle's proceedings, a 6-1 majority vote was cast for the Communist Party in this country is recognized as a legal party. A man born in Kansas suits for President on the Communist ticket.

On Feb. 12 of this year, an order for re-hearing of the case was issued. The "last slide Unholy Ghost" was

Schneiderman's defense, Willkie pointed out that questions from the Communist Manifesto which had been used to deprive the Communist leader of his citizenship had applied, not to current conditions, but to political events of 1848.

Mr. Willkie read to the court equally "revolutionary" statements by Abraham Lincoln, made at about the same time.

Supreme Court Justice Wiley Rutledge inquired if Solicitor General Fahy's indictment of the Communist Party as advocating violence would not also "apply to Thomas Jefferson."

Mr. Willkie made it perfectly clear that the Constitution of the Communist Party of 1938 contains nothing contrary to the Constitution of the United States.

It was on these arguments that yesterday's progressive Supreme Court decision was based.

**School to Donate Flying Ambulance**

A flying ambulance will be presented to the United States Army by the Victory Corps of the San Joaquin High School of Antioch, Calif. on June 23rd at 3:30 P. M. in the Queenborough playground, 19th St. and Sulton Place.

Mayor P. H. La Guardia will make the presentation of a Piper-Hercules ambulance plane in behalf of the Victory Corps to a high ranking naval officer who will accept it for the Navy Department.

From a March of Pipers drive as well as from the sale of stamp notebooks, the largest vocational high school in the United States exclusively devoted to aviation secured enough money to purchase the ambulance.

The plane will be flown in from Lock Haven, Pennsylvania, the site of the Piper factory, to a local airport and then "trucked" in to the Queenborough playground. There the entire student body, faculty, and guests will observe the ceremony.

**CORRECTION**

An unfortunate typographical error was made in a news story appearing on the front page of the Daily Worker carrying the headline "Daily Worker Carries the Honorary Membership of the Communist Party." The "last slide Unholy Ghost" was



**Carol King**

Carol King, noted lawyer in immigration cases and who was the original attorney in the Schneiderman case, said "I hope the decision will help lay the Communist boogey an serve further to unify the supporters of the war effort."

Mr. Willkie's representation of Schneiderman in this case is in the best tradition of the great American constitution lawyer."

**In Best Tradition Says Carol King**

**KEYNOTE'S**

Fighting Folk Songs

THE MUSIC ROOM Presents on

- FOUR SONGS OF THE U.S.A. K-10
- THE RED ARMY CORPS OF THE U.S.A. K-11
- THE RED ARMY CORPS OF THE U.S.A. K-12
- THE RED ARMY CORPS OF THE U.S.A. K-13
- THE RED ARMY CORPS OF THE U.S.A. K-14
- THE RED ARMY CORPS OF THE U.S.A. K-15
- THE RED ARMY CORPS OF THE U.S.A. K-16
- THE RED ARMY CORPS OF THE U.S.A. K-17
- THE RED ARMY CORPS OF THE U.S.A. K-18
- THE RED ARMY CORPS OF THE U.S.A. K-19
- THE RED ARMY CORPS OF THE U.S.A. K-20
- THE RED ARMY CORPS OF THE U.S.A. K-21
- THE RED ARMY CORPS OF THE U.S.A. K-22
- THE RED ARMY CORPS OF THE U.S.A. K-23
- THE RED ARMY CORPS OF THE U.S.A. K-24
- THE RED ARMY CORPS OF THE U.S.A. K-25
- THE RED ARMY CORPS OF THE U.S.A. K-26
- THE RED ARMY CORPS OF THE U.S.A. K-27
- THE RED ARMY CORPS OF THE U.S.A. K-28
- THE RED ARMY CORPS OF THE U.S.A. K-29
- THE RED ARMY CORPS OF THE U.S.A. K-30

## U.S., Soviet Admirals To Speak at Rally

Rear Admiral Mikhail I. Alkutin of the Soviet Union, Brigadier-General Troph Miller of the United States Army, and Rear Admiral Edward J. Marguaret of the United States Navy, will speak at the "Tribute to Russia" meeting in Randall's Island Stadium at 2 P. M. on Sunday, June 27, it was announced yesterday by Albert Wardwell, chairman of the New York Committee of Russian War Relief.

General Miller is Inspector General of the Headquarters for Sea-Arm Defense Command and Chief of Staff of the United States Army. Rear Admiral Marguaret is Commandant of the Third Naval District.

Thirty-five Red Army men will accompany Rear Admiral Alkutin to the meeting which will celebrate a national-wide observance of the 10th anniversary of the Russian Revolution on June 20 to June 27 as a salute to the Soviet people, who, on June 22, enter their third year of war.

Joseph E. Davies, President Roosevelt's special envoy to Pres. Joseph Stalin, Mayor F. H. LaGuardia, Sidney Hillman, president of the Amalgamated Clothing Workers, and Winthrop Aldrich, president of the National War Fund, also will speak. A present and entertainment will be presented.

Tickets, priced at 25 and 50 cents, may be obtained at Russian War Relief, 11 N. 55th St.

## Speaks Sunday

**JOSEPH E. DAVIES**

To speak at Randall's Island rally honoring Soviet Union Sunday.

## Five Senators Warn of Crisis on Home Front

Five Senators today warned of a crisis on the home front. They said that the war effort is being hampered by a lack of unity and cooperation among the different branches of the government and the people.

The Senators called for a more unified approach to the war effort, and for a greater sense of responsibility on the part of all citizens.

They also urged the government to take more effective measures to control inflation and to increase production of war materials.

## Mrs. Heller Dies, Long in Labor Struggle

Mrs. Kath Heller, wife of A. A. Heller, died suddenly at her home in Chappaqua, New York, yesterday at the age of 63 years.

She has long been associated with the progressive movement in this country. Born in Russia, she came to this country at the age of three. The funeral will take place today.

## Weeps About Initiative; Makes Record Profits

PHILADELPHIA, June 27.—A "serious threat" to initiative, he said at the weekly luncheon of the Rotary Club at the Belvidere Hotel. A few weeks ago at another lunch Mr. Pew assailed the \$35,000 income limit on incomes, also as a blow at "initiative."

His take last year from Sun Oil, which is the holding company for Sun Ship, was \$45,341.12. The Pew family income from the same source for 1942 was \$1,950,023.44.

In his Sun Shipyard, Mr. Pew's feeling about "initiative" has taken the form of a reign of terror against the desire of his workers to join the CIO, culminating in the drooping of steam by company guards on Wednesday.

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### Garment Area Rallies for USSR Today

Series of failures of other agencies which had been created ostensibly to coordinate the home front and centive wage scheme was approved by the War Labor Board. It has reportedly resulted in a 20 to 25 per cent increase in output during a brief period, the report said.

Mr. White described how Schneiderman, as a youth, became distressed by the contrast between the study and poverty that took up the steady student nights and at 18 was a student in Los Angeles. He got his first job when he was 12, worked his way through high school.

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(Continued from Page 1)

the importance of incentive wages in increasing the productivity of the nation's labor force.

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The report declared that there is a "failure to integrate military strategy with material and shipping requirements and to plan the

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She has long been associated with the progressive movement in this country. Born in Russia, she came to this country at the age of three.

"The country will take place today from Randall's Crematorium in Chappaqua.

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CAROL KING

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# Warn of Front

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There is much to be learned with regard to the following records:

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### Typewriters—Minnesota

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# Historic Supreme Court Decision on Schneiderman

Following are excerpts from the decision of the Supreme Court in the Schneiderman case. The decision was written by Associate Justice Frank Murphy.

We brought this case here on certiorari 314 U.S. 397, because its importance and its possible relation to freedom of thought. The question is whether the naturalization of petitioner, an admitted member of the Communist Party of the United States was properly set aside by the court below some twelve years after it was granted. We agree with our brethren on the minority that our relations with Russia, as well as our long-standing policy of government and the material to a decision of this case. Our concern is with what Congress meant by certain statutes and whether the government has proved its case under them.



JUSTICE FRANK MURPHY

While it is our high duty to carry out the will of Congress in the performance of this duty we should have a jealous regard for the rights of petitioners. We should let our judgment be guided so far as the law permits by the spirit of freedom and tolerance in which our nation was founded, and by a desire to secure the blessings of liberty in thought and action to all those upon whom the light of American citizenship has been conferred by statute, as well as to the native born. And we certainly should presume that Congress was motivated by these lofty principles.

We are directly concerned only with the right of this petitioner and the circumstances surrounding his naturalization, but we should not overlook the fact that we are a heterogeneous people. In some of our larger cities a majority of the school children are the offspring of parents only one generation removed from the immigrant ship. It is far removed from the average of those who sought refuge in the new world from the cruelty and oppression of the old, where men have been burned at the stake, imprisoned and driven into exile in countless numbers for their political and religious beliefs. Here they have sought to achieve a political status as citizens in a new world in which they can think and act and speak according to their convictions without fear of punishment or further exile so long as they keep the peace and obey the law.

This is not a naturalization proceeding in which the govern-

advanced overthrow by force and violence of the government, Constitution and laws of the United States.

In support of this position that petitioner was not in fact attached to the principles of the Constitution because of his membership in the League of the Party, the government has directed our attention first to petitioner's testimony that he subscribed to the principles of those organizations, and then to certain alleged Party principles and statements by Party leaders which are said to be fundamentally at variance with the principles of the Constitution. At this point it is appropriate to mention what will be more fully developed later—that under our traditions beliefs are personal and not a matter of mere association, and that men in adhering to a political party or other organization involuntarily do not subscribe to all of its principles. It is held to be essential that the Communist principles in 1937, the abolition of private property without compensation; the institution of a new proletarian state upon the ruins of the old bourgeois state; the creation of a dictatorship of the proletariat; denial of political rights to others than members of the Party or of the world of Soviet republics. Statements that American democracy "is a fraud" and that the purpose of the Party is "literally antagonistic to the purposes for which the American democracy, so-called, was formed, as stated.

We granted certiorari and after having heard argument and re-argument now reverse the judgment below for the District Court and the Circuit Court of Appeals.

The Constitution authorizes Congress to establish a uniform rule of naturalization (Art. I, § 8, 4), and we may assume that naturalization is a privilege, to be given or withheld on such conditions as Congress sees fit. . . . But because of our firmly rooted tradition of freedom of belief, we certainly will not presume in construing the naturalization acts that Congress meant to discriminate the liberty of political thought by general phrases in those statutes. As Chief Justice Hughes said in dissent in the Machinists case, such general phrases "should be construed not in opposition to, but in accord with, the theory and practice of our government in relation to freedom of conscience. . . .

When the petitioner was naturalized in 1937, the applicable statutes did not prohibit or restrict his membership in any organization, and he was not a member of any of the prohibited organizations at the time of his naturalization. . . . This principle of "government" or members of organizations teaching disbeliefs. . . .

situation as outlined above by the government. It is true that the fifth amendment protects private property, even against taking for public use without compensation. But throughout our history many sincere people who attached to the general constitutional scheme cannot be doubted here, for various and even divergent reasons, urged differing degrees of governmental ownership and control of natural resources, basic means of production, and banks and the media of exchange, either with or without compensation, and something once regarded as a species of private property was abolished without compensating the owners when the institution of slavery was forbidden. Can it be said that the author of the Emancipation Proclamation and the supporters of the Thirteenth Amendment were not attached to the Constitution? . . .

Turning now to a certain consideration of what this government asserts are principles of the Communist Party which petitioner believed and which are opposed to our Constitution, our conclusion remains the same—the government has not proved by "clear, unambiguous and convincing" evidence that the naturalization court could not have been satisfied that petitioner was attached to the principles of the Constitution when he was naturalized.

We have already disposed of the principle of nationalization and exchange with or without compensation. The erection of a new proletarian state upon the ruins of the old bourgeois state, and the creation of a dictatorship of the proletariat may be considered together. The concept of the dictatorship of the proletariat is one loosely used, upon which more than one light have been shed. Much argument has been directed as to how it is to be achieved, but we have been offered no precise definition here. In the general sense the term may be taken to describe a state in which the workers or the masses, rather than the bourgeois or capitalists are the dominant class, not a dictatorship in the sense of absolute and naked rule by one individual. So far as the party is concerned, the concept is a fluid, capable of adjustment to different conditions in different countries. . . .

Whether some time the question of overthrow of government by force and violence is a principle of the Communist Party of the United States has perplexed courts, adminis-

trators, and scholars. . . .

to prove the clear lack of attachment by "clear, unambiguous and convincing" evidence. That burden has not been carried. The government has not proved that petitioner's beliefs on the subject of force and violence were such that he was not attached to the Constitution in 1937.

In the first place this phase of the government's case is subject to the admitted infirmities of proof by implication. This difficulty of this method of proof are here increased by the fact that there is, unfortunately, no absolutely accurate test of what a political party's principles are. Political parties are often over-exaggerated polemics bearing the imprint of the period and the place in which written. Philosophies cannot generally be studied in vacuo; meaning may be wholly distorted by lifting sentences out of context. Instead of construing every utterance of a party leader as not taken as party gospel, we as men if we did not recognize that the Communist Party program are un-derstandable in the historical and present context. On the basis of the present record we cannot say that the Communist Party is so different in this respect that its principles stand forth with perfect clarity, and especially is this so with relation to the crucial issue of advocacy of force and violence, upon which the government admits the evidence is sharply conflicting. . . .

There is a material difference between agitation and exhortation calling for present violent action which creates a clear and present danger of public disorder or other substantive evil, and mere doctrinal justification or prediction of the use of force under hypothetical conditions at some indefinite future time—prediction that is not calculated further to be presently acted upon, thus leaving opportunity for general discussion and the calm processes of thought and reason. . . . Because of this difference we may assume that Congress intended by the general test of "attachment" in the 1906 Act, to deny naturalization to persons falling into the first category but not to those in the second. Such a construction of the statute is to be favored because it preserves for novitiates as well as citizens of the full benefit of a fundamental feature of our political institutions. Under this we cannot say that the government has proved by such a preponderance of evidence that the issue is not in doubt, that the attitude of the Communist Party of the United States in 1937 towards force and violence was not subservient of classification in the second category. . . .

Interpretation of the law is the most probable basis of the present record, and petitioner's testimony or acceptable at face value hold only that where two in program are possible, the reasonable, a court in a detour of the United States, which petitioner claimed to be the first and only written constitution ever officially adopted by the Party and which he asserted enunciated the principles of the Party as he understood them from the beginning of his membership, established by evidence as to force and violence as an element of Party tactics.

A tenable conclusion from the foregoing is that the Party in 1937 desired to achieve its purpose by peaceful and democratic means and as a theoretical matter justified the use of force and violence only as a method of preventing an attempted overthrow. . . .

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... should not overlook the fact that we are a heterogeneous people. In some of our larger cities a majority of the school children are the offspring of parents only one generation, if that far, removed from the steers of the immigrant ship, children of those who sought refuge in the new world from the cruelty and oppression of the old, whose men have been burned at the stake, imprisoned and driven into exile in "countless numbers for their political and religious beliefs. Here they have hoped to achieve a free world in which men are privileged to think and not speak according to their convictions, without fear of punishment or further political oppression, and the peaceful enjoyment of the law."

This is not a naturalization proceeding in which the government is being asked to confer the privileges of citizenship upon an applicant. Instead the government seeks to turn the clock back twelve years after full citizenship was conferred upon petitioner by a judicial decree and deprive him of the privileges benefits that derive from that status. In its consequences it is more serious than a taking of one's property, or the imposition of a fine or other penalty. For it is safe to assert that nowhere in the world today is the right of citizenship of greater worth to an individual than it is in this country. It would be difficult to exaggerate its value and importance. By many it is regarded as the highest hope of civilized men. This does not mean that once granted to an alien, citizenship cannot be revoked or cancelled on legal grounds. But such a right once conferred should not be taken away without the clearest sort of justification and proof. So, whatever may be the rule in a naturalization proceeding (see United States v. Kamin, 278 U.S. 50, 497), in an action instituted ... for the purpose of depriving citizenship, persons concerned should be furnished with the law reasonably possible as far as the citizen. Especially is this so when the attack is made after the time when the certificate of citizenship was granted and the citizen has meanwhile met his obligations and has committed no act of lawlessness. It is not denied that the burden of proof is on the government in this case. For reasons presently to be stated this burden must be met with evidence of a clear and convincing character, that when petitioner in 1927 it was not done in accordance with strict legal requirements.

Certain facts are undisputed.

... and we may assume that naturalization is a privilege, to be granted or withheld on such conditions as Congress may believe. ... But because of our freedom of belief, we certainly will not preclude in construing the naturalization acts that Congress meant to circumscribe the liberty of political thought by general phrases in those statutes. As Chief Justice Hughes said in dissent in the Macintosh case, such general phrases "should be construed, not in opposition to, but in accord with, the theory and practice of our government in relation to freedom of conscience. ..."

When the petitioner was naturalized in 1927, the applicable statutes did not proscribe Communist beliefs or affiliation as such. They did forbid the naturalization of disbelievers in organized government or members of organizations teaching disbeliefs. Polygamists and advocates of political assassination were also barred. Applicants for citizenship were required to take an oath to support the Constitution, to bear the faith and allegiance to the United States, and to renounce all allegiances to any foreign prince, potentate, or any foreign power. And it was to be made known to the satisfaction of the court "or naturalization that the applicant is not an alien immediately preceding the application." That applicant "has resided continuously within the United States five years at least, ... and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the order and happiness of the same." Whether petitioner satisfied this last requirement is the crucial issue in this case.

To apply the statutory requirements of attachment correctly to the proof adduced, it is necessary to ascertain its meaning. On its face the statutory criterion is not attachment to the Constitution, but behavior for a period of five years as a man attached to its principles and well disposed to the good order and happiness of the United States. Since the normal connotation of behavior is conduct, there is something to be said for the proposition that he said the 1906 Act created a purely objective qualification, limiting inquiry to an applicant's previous conduct. If this objective standard is the requirement, petitioner admitted his own law abiding in full compliance with the statute. This conduct has been law abiding in all respects in the requirements, petitioner or committed with respect to and not a single written or spoken statement of his during the relevant period from 1923 to 1927 or thereafter, advocating violent overthrow of the government, or indeed even a statement, apart from his testimony in this pro-

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... exchange with or without compensation. The election of a new proletariat state upon the ruins of the old bourgeois state, and not in fact attached to the principles of the Constitution and well disposed to the good order and happiness of the United States when he was naturalized in 1927. The constitutional defect for the political straight-jacket for the generations to come. Instead they wrote Article V and the first amendment, guaranteeing freedom of thought, procedure, and opinion for constitutional change by amendment without any present limitation whatsoever except that no state may be deprived of equal representation in the Senate without its consent. ... This provision and the many important and far-reaching changes made in the Constitution since 1787 refute the idea that attachment to any particular provision or provisions is essential, or that one who advocates radical changes is necessarily not attached to the Constitution. ... As Justice Holmes said, "surely it cannot show lack of attachment to the principles of the Constitution that (one) thinks it can be improved." ... Omissions of, and the sincerity of desires to improve the Constitution should not be judged by conformity to prevailing thought because, "if there is any principle of the Constitution that more imperatively calls for attachment than any other is the principle of free thought, as against all other thoughts, for the thought that we hold."

Whatever attitude we may individually hold toward persons and organizations that believe in or advocate such changes in our country and concern at all times to uphold the right of free discussion and free thinking to which we as a people claim primary attachment. To neglect this duty in a proceeding in which we are called upon to judge whether a particular individual has failed to manifest attachment to the Constitution would be frontal indeed.

Our contentions with what Congress meant to be the extent of the area of allowable thought under the statute. By the very generality of the terms employed it is evident that Congress intended an elastic test, one which should not be circumscribed by attempts at preclusion. In view of our tradition of freedom of thought, it is not to be presumed that Congress in the Act of 1906, or its predecessors of 1788 and 1802, intended to alter naturalization only to those whose political convictions were those commonly held by the vast majority in 1787 or by the majority in this country today.

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further exile so long as they keep the peace and obey the law.

This is not a naturalization proceeding in which the government is being asked to confer citizenship upon an applicant, but rather the government seeks to turn the clock back twelve years after full citizenship was conferred upon petitioner by a judicial decree, and deprive him of the privileges and benefits that derive from that status. In its consequences it is more serious than a taking of one's property, or the imposition of a fine or other penalty. For it is safe to assert that nowhere in the world today is the right of citizenship of greater worth to an individual than it is in this country. It would be difficult to exaggerate its value and importance. By many it is regarded as the highest hope of civilized man. This does not mean that once granted to an alien, citizenship cannot be revoked or annulled on legal grounds. But such a right once conferred should not be taken away without the clearest sort of justification and proof. So, whatever may be the rule in a naturalization proceeding (see United States v. Manz, 278 U.S. 453, 467), in an action instituted . . . for the purpose of depriving one of the previous right of citizenship previously granted we believe the facts and the law should be construed as far as is clearly possible in favor of when the attack is made after the time when the right of citizenship has been conferred and the citizen has meanwhile met his obligations and has committed no act of lawlessness. It is not denied that the burden of proof is on the government in this case. For reasons presently to be stated this burden must be met with evidence of a clear and convincing character that when citizenship was conferred upon petitioner in 1927 it was not done in accordance with strict legal requirements.

Certain facts are undisputed. Petitioner came to this country from Russia in 1907 or 1908 when he was approximately three. In 1927, at the age of 18, he became a charter member of the Young Workers (Now Communist) League in Los Angeles and remained a member until 1929 or 1930. In 1934, at the age of 18 he filed his declaration of intention to become a citizen. Later in the same year or early in 1935 he became a member of the Workers Party, the predecessor of the Communist Party of the United States. That membership has continued to the present. His petition for naturalization was filed on Jan. 19, 1937, and his certificate of citizenship was issued on June 19, 1937, by the

representative in the course of which he consented. This provision and the many important and far-reaching changes made in the Constitution since 1787 reflect the idea that attachment to any particular provision or provisions is essential, or that one who advocates radical changes is necessarily not attached to the Constitution. . . . As Justice Holmes said, "surely it cannot show lack of attachment to the principles of the Constitution that (one) thinks it can be improved. . . . Criticism of, and the sincerity of, devotion to the Constitution by constitutionally minded people is not a disqualification for attachment to the Constitution, but rather a principle of free thought—not free thought for those who agree with us, but freedom for the thought that we hate."

Whatever attitude we may individually hold toward persons and organizations that believe in or advocate extensive changes in our existing order, it should be our desire and concern at all times to uphold the right of free discussion and free thought to which we as a people claim primary attachment. To neglect this duty in a proceeding in which we are called upon to judge whether a particular individual has failed to manifest attachment to the Constitution would be hypocritical indeed. Our concern is with what Congress meant by the extent of the area of allowable thought under the statute. By the very generality of the terms employed it is evident that Congress intended an elastic test, one which should not be circumscribed by attempts at precise definition. . . . In view of our tradition of freedom of thought, it is not to be presumed that Congress in the Act of 1906, or its predecessors of 1789 and 1849, intended to deny naturalization to those who held political views which were in conflict with those which were held by the majority in this country today.

With regard to the constitutional question he desired petitioner testified that he believed in the naturalization of the means of production and distribution of our "democratic structure. . . as far as possible for the advantage of the working classes." He stated that, the "dictatorship of the proletariat" to him meant "not a government but a state of things" in which the majority of the people shall really direct their own destinies and use the instrument of the state for their "truly democratic ends." None of this is necessarily incompatible with the "general political philosophy" of the Con-

stitution. . . . In fact attached to the Constitution—those institutions are no longer necessary in the government's test of general political philosophy. . . . It is conceivable that "orderly society" could be maintained without them.

If any provisions of the Constitution can be singled out as requiring unqualified attachment they are the guarantees of the Bill of Rights and especially that of freedom of thought contained in the first amendment. We do not reach, however, the question whether petitioner was attached to the principles of the Constitution if he believed in denying political and civil rights to persons not members of the Party or of the so-called proletariat. For on the basis of the record before us it has not been determined that such denial was ever intended by petitioner, or that which petitioner advocated. Since we do not reach the issue here, it is doubtful that this was a principle of those organizations which petitioner joined. . . . It is certainly much more speculative whether petitioner's philosophy "is in accordance with the documents in the record in that 'class enemies' should be deprived of their political rights. Lenin, however, wrote that this was not necessary to realize the dictatorship of the proletariat. The Party's 1928 platform demanded

that party leaders do not condemn, but the documents published prior to 1927 stressed by the government, with the pertinent excerpts noted in the margin, are: the Communist Manifesto of Marx and Engels; the State and Revolution, by Lenin; the statutes, theses and conditions of admission to the Communist International; and the Theory and Practice of Leninism, written by Stalin. The government also sets forth excerpts from other documents which are entitled to little weight because they were published after the critical period.

The bombastic excerpts set forth in notes 35 to 38, inclusive, upon which the government partially relies, lend considerable support to the charge. We do not say that a reasonable man could not possibly believe that the Communist Party in 1927 actively urged the use of force and violence, or that it was not concerned with the question whether a reasonable man might so include, nor with the narrow issue whether administrative findings to that effect are so lacking in evidentiary support as to amount to a denial of due process. As pointed out before, this is a demoralization proceeding in which, if the government is entitled to prove a finding of attachment as was assumed, the burden rests upon

the State and Revolution, but this was written on the eve of the Bolshevik revolution in Russia and may be interpreted as a prophetic course and not as a statement of fact. Stalin declared that the proposition for the United States and England was no longer valid. He wrote, however, that the proposition that the present violence . . . is absurd and unjust violence . . . is inhumanly incompatible with Leninism." And Lenin wrote "in order to obtain the power of

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