

# Communist Party No Bar To Citizenship

Text of Supreme Court decision appears on Page 4.

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4/21/47

WASHINGTON, June 21 (UP).—The Supreme Court today held that membership in the Communist Party is an insufficient reason for revoking one's American citizenship in a 5 to 3 decision that said that Russian-born William Schneiderman, California Communist leader, was entitled to his Communistic beliefs as much as other citizens are privileged to support Pan Americanism or the League of Nations.

Wendell Willkie, who represented Schneiderman, appeared twice before the high tribunal in support of his contention that Schneiderman's Communist affiliation was not sufficient grounds for his denaturalization.

The government contended that Schneiderman's membership in the party at the time he took the oath of allegiance to the United States in 1927 made him incapable of hav-

## Willkie Gratified

Wendell Willkie, who argued the case in behalf of William Schneiderman before the Supreme Court at his own expense and without fee, stated upon hearing of the decision:

"I have always felt confident as to how the Supreme Court would decide a case involving such fundamental American rights. My bafflement has been as to why the Administration started and prosecuted a case in which if they had prevailed a thoroughly illiberal precedent would have been established."

ing the requisite "attachment" to the constitution. The ninth Circuit Court of Appeals upheld this view.

The denaturalization proceeding against Schneiderman was started in 1939 on the ground that he obtained his certificate "illegally and fraudulently."

Solicitor General Charles Fahy argued and the

... the lower courts found that the Communist Party in 1927 when Schneiderman took the oath of allegiance, was a revolutionary organization taking its orders from Moscow.

### MURPHY READS DECISION

Justice Frank Murphy read the majority opinion. Justices Stanley F. Reed, Hugo L. Black, William O. Douglas and Wiley B. Rutledge joined in the majority opinion, with Douglas and Rutledge filing concurrent opinions in which they warned that if Schneiderman's citizenship were revoked, the rights of millions might be affected.

Chief Justice Harlan F. Stone delivered a lengthy dissent in which

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# High Court Upholds William Schneiderman

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Justices Owen J. Roberts and Felix Frankfurter concurred. Justice Robert Jackson did not participate.

Murphy said:

"We should not hold that petitioner is not attached to the constitution by reason of his possible belief in the creation of some form of World Union of Soviet Republics unless we are willing so to hold with regard to those who believe in Pan-Americanism, the League of Nations, Union Now, or some other form of international collaboration or collective security which may grow out of the present holocaust.

"A distinction here would be an invidious one based on the fact that we might agree with or tolerate the latter but dislike or disagree with the former.

"If room is allowed, as we think, Congress intended, for the free play of ideas, none of the foregoing principles, which might be held to stand forth with sufficient clarity to be imputed to petitioner on the basis of his membership and activity in the league and the party and his testimony that he subscribed to the principles of those organizations is enough, whatever our opinion as to their merits, to prove that he was necessarily not attached to the constitution when he was naturalized. The cumulative effect is not greater. . . .

"We hold only that where two interpretations of an organization's program are possible, the one reprehensible and a bar to naturalization and the other permissible, a court in a denaturalization proceeding is not justified in cancelling a certificate of citizenship by imputing the reprehensible interpretation to a member of the organization in the absence of overt acts indicating that such was his interpretation."

Murphy and Rutledge both emphasized that the case "has nothing to do with our relations with Russia."

"The constitutional fathers, fresh from a revolution, did not forge a political straitjacket for the generations to come," said Justice Murphy in the majority opinion which decided the case. "Instead they wrote Article 5 and the first amendment, guaranteeing freedom of thought, soon followed." The opinion then went on to say that such provisions of the Constitution refute the idea that "one who ad-

vocates radical changes is necessarily not attached to the Constitution."

To set aside any grant of citizenship, Justice Murphy stated, "the evidence must be clear, unequivocal and convincing." This is so, he continued, "because rights once conferred should not be lightly revoked. And more specifically is this true, when the rights are precious and when they are conferred by solemn adjudication, as is the situation when citizenship is granted. The government's evidence in this case does not measure up to this exacting standard."

## NOT INCOMPATIBLE

With regard to Schneiderman's belief in the nationalization of the means of production and distribution, Murphy quoted Schneiderman's statement that to him the "dictatorship of the proletariat" 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 these truly democratic ends." The justice declares that "none of this is necessarily incompatible with the 'general political philosophy' of the Constitution as outlined above by the government." As to the "protection" of private property, Justice Murphy pointed out that slavery was once regarded as a form of property and asked: "Can it be said that the author of the Emancipation Proclamation and the supporters of the 13th Amendment were not attached to the Constitution?"

The justice held, therefore, that belief in socialization and membership in the Communist Party were not incompatible with American citizenship.

"Whatever our personal views" concerning Schneiderman's political beliefs, Murphy went on to say, "as judges we cannot say that a person who advocates their adoption through peaceful and constitutional means is not in fact attached to the constitution."

In his concurring opinion, Justice Rutledge said:

"I join in the court's opinion. I add what follows only to emphasize what I think is at the bottom of this case.

"Immediately we are, concerned with only one man, William Schneiderman, actually, though indirectly, the decision affects millions. If, se-

venteen years after a Federal court adjudged him entitled to be a citizen, that judgment can be nullified and he can be stripped of this most precious right by nothing more than re-examination upon the merits of the very fact the judgment established, no naturalized person's citizenship is or can be secure. If this can be done after that length of time, it can be done after thirty or fifty years. If it can be done for Schneiderman, it can be done for thousands or tens of thousands of others."

In the Murphy opinion, there was a generous review of Schneiderman's life and activities, in which a number of references were made to the outstanding good character and abilities of the California state secretary of the Communist Party, as stated in Willkie's brief.