

U.S. Ordered Not To Publish Report On Radical Speakers

B.M. Sun 10/29/70

Washington, Oct. 28 (AP)—Declaring that an official House report on campus speakers was issued "solely for the sake of exposure or intimidation," a federal judge prohibited today its public distribution by the government.

United States District Judge Gerhard A. Gesell, in a landmark confrontation between the courts and Congress, ruled the list of 65 so-called militant, radical or Communist-oriented speakers serves no valid legislative purpose.

Private Distribution Allowed

Judge Gesell permanently enjoined the U.S. public printer from printing the report at public expense. But he specifically refused to prohibit individual congressmen from distributing it on their own.

"There are undoubtedly individuals who would destroy our institutions and form of government," Judge Gesell said in his order. "If any of them are listed in this report, our Constitution nevertheless preserves their right to speak even though their acts may be restrained."

Judge Gesell's court order ap-

pears to be the first ever to prohibit Congress from publicly distributing an official report. And the judge said it was the first to be based on the doctrine of valid legislative purpose.

Representative Richard H. Ichord (D., Mo.), chairman of the House Internal Security Committee—which prepared the report concluding that the campus speaking circuit helps finance "promoters of disorderly and revolutionary activity among students"—said he will appeal Judge Gesell's order.

Judge Gesell said the 25-page report itself states it is not related to any legislation but is intended instead to alert university presidents, alumni and parents "to the extent of campus speaking in promoting the radical revolutionary movement."

"The conclusion is inescapable," he said, "that the report neither serves nor was intended to serve any purpose but the one explicitly indicated in the report: to inhibit further speech on college campuses by those listed individuals and others

(Continued, Page A 7, Col. 2)

U.S. Ordered Not To Publish Report On Radical Speakers

(Continued from Page A 1)

whose political persuasion is not in accord with that of members of the committee." Individual congressmen choose to make of the report."

Judge Gesell called the report a blacklist and urged Congress to curb what he called its increasing tendency "to investigate for exposure's sake" rather than to develop legislation.

The court order was won by the American Civil Liberties Union but Judge Gesell denied its request to prohibit individual congressmen from publicly distributing the report, ruling:

"Information in this report involves matters of public concern and the court will take no action which limits the use that indi-

The report is based on a survey of 179 U.S. campuses, 95 of which returned complete information, showing that the 65 named speakers received \$108,968 for 155 campus speeches over the past two years.

It stops short of saying the money financed revolutionary or disorderly activities.

The 65 speakers are identified as members of 12 organizations including the Black Panther party, Students for a Democratic Society, the three mobilization committees to end the war in Vietnam, the Communist party and the Socialist Workers par-