

Reds and God

The Warren Court Ever Under Fire

WASHINGTON — (UPI) — Actions of the Supreme Court under Earl Warren have subjected it to accusations of being soft on Communists and criminals, eroding the rights of the states, and trying to remove God from public life.

The court has seemed to move in cycles, starting with a round of Communist issues during the early terms.

The court virtually demolished the most used section of the Smith anti-Communist Act by ruling it does not bar teaching of forcible overthrow of the government as an abstract principle, and that conviction must hinge on action.

CALIFORNIA

As a result, the court ordered acquittal of a number of second-string Communists in California.

In another case it was held the right to travel is part of a citizen's liberty and Congress

did not give the Secretary of State power to refuse passports because of the applicant's "beliefs and associations."

The court ruled out use of confessions by persons held unduly long before arraignment. It allowed the defense in criminal trials to check a government witness' testimony against reports he made to the FBI.

It found the government's security program did not apply to persons in nonsensitive jobs. It held that in the field of sedition state laws must yield to federal.

In an opinion written by Warren, the court set up rules to protect a witness' right to silence before a congressional committee.

TIDE

With gradual changes in the court's membership the tide turned against what is generally called "liberalism." The shift was empha-

sized in a 1959 decision upholding the contempt of Congress conviction of a former Vassar College instructor named Lloyd Barenblatt.

In an opinion from which Warren dissented, the court said the right of Congress to investigate Communist matters outweighs the right of the individual to remain silent on the subject. It said courts cannot examine the motives of Congress when it is acting "in pursuance of its constitutional power."

Other risk cases were decided against particular individuals.

With Warren dissenting in whole or in part, the court upheld the 1950 Internal Security Act requiring the Communist Party to register, and a hitherto untested section of the Smith Act.

Then came the retirement of Justices Charles Whittaker and Felix Frankfurter and their replacement by Justices Byron White and Arthur Goldberg, respectively.

PENDULUM

Immediately the pendulum started to move again — this time toward more activity by the court in the nation's life.

In the single term 1962-63 the court established new standards for state law enforcement officials; set aside convictions of sit-in demonstrators at Southern lunch counters; prodded the states on school desegregation; refused to approve denationalization of native-born Americans who go abroad in wartime to dodge the draft.

The term closed with the court declaring 8 to 1 that the Lord's Prayer and readings from the Bible may not be used as devotions in the public schools.

Among the crises with which Warren had to cope was the Rosenberg spy case.

He called a special court term in 1953 to dispose of the

appeals after most of his colleagues had started on vacation. Julius Rosenberg and his wife later were executed.

The chief justice had not finished his first term before he wrote the opinion for which he will always be remembered. In May 1954, speaking for a unanimous court, he held that racial discrimination in public education is unconstitutional.

EISENHOWER

Two of the most outstanding consequences were President Eisenhower's sending U.S. Army troops to Little Rock, Ark., in 1957, to enforce court-ordered integration of Central High School and the 1962 riots in Oxford, Miss., when the first Negro was admitted to the state university.

Since 1954 the court has ruled in a number of cases involving the rights of Negroes, including the decision Monday that there must be no discrimination by reason of race in the sale or rental of housing.

The court handed down the controversial "one-man one-vote" rule requiring that the states must apportion representation in their legislatures on an equal basis.

In the last term, this doctrine was expanded to cover government at the lower levels also.

A ruling putting restrictions on the admissibility of confessions and eyewitness testimony in criminal cases prompted the Senate, in its anti-crime bill, to write in a provision designed to reverse the decision.

President Johnson signed the measure into law Wednesday. But legal observers have expressed belief the effort to overrule the court will have little effect.