

Because many people have forgotten, or are too young to remember, the history of the McCarran Act, a general review of its early history is again in order. Originally the Congress of the United States was called upon to consider the merits of the so-called Mundt-Nixon Bill, which attempted to directly outlaw the Communist Party of the United States. This bill was sponsored by Senator Karl Mundt (South Dakota) and Rep. Richard Nixon (Calif.), two of the least liberal members of Congress.

### **Mundt-Nixon, the Forerunner**

The debate that occurred over this bill is reminiscent of that occurring later when the McCarran Act finally reached the floor of Congress. The following quotations are taken from Volume 95; Part 5 of the *Congressional Record* and give a general idea of the caliber of the debate over the Mundt-Nixon Bill (1948-1949):

#### **Rep. Rankin (Miss):**

"Mr. Chairman, this is one of the most momentous issues that has ever come before the Congress of the United States. The far-reaching effect of this measure may mean the life or death of this Republic."

#### **Rep. Javits (N.Y.):**

"This bill does find a new kind of treason, because it makes a felony and it makes a loss of citizenship and nationality dependent upon the advocacy of a certain type of idea. That is generally the punishment for treason, those two things I mentioned. Yet here it is premised upon the advocacy of certain types of ideas."

#### **Rep. Holifield (Calif):**

"This bill is a product of the hysteria which follows every war. It is a product of fear in the minds of men who doubt the strength which is inherent in democracy. While professing their faith in freedom, they deny the free play of ideas in the market place."

#### **Rep. Buchanan (Pa):**

"The greatest objection to this bill, as I see it, and the reason I will not support this legislation, is that it is too sweeping in its definitions, it is too broad and too general in its effort to include Communist-front organizations that could conceivably be subject to false accusations or could be allied with the idea that they were subversive. It would blend and use the smear technique of propaganda. It would mean notoriety and embarrassment, and a great deal of expense to many innocent people and organizations."

#### **Rep. Madden (Minn):**

"Let us not undermine the basic principles of our Constitution by passing ill-advised and dangerous legislation of this kind."

#### **Rep. Blatnik (Minn):**

"Let me make it clear at the outset that I hold no brief for the C.P. or its program, and if the actions of any members of the C.P. or of any

other group in this country can be shown in a court of law to constitute 'a clear and present danger' to our free institutions, I should be the first to insist that decisive action be taken. There are always laws on our statute books for the preservation of the peace and for the punishment of treason. . . . The Mundt Bill is not the answer. Far from destroying the Communist Party it would tend to drive it underground into illegal channels, where it would be more difficult to keep track of its activities. But other persons and organizations—labor unions, political groups, associations of minority racial and religious groups—would bear the brunt of this attack on civil liberties."

#### **Rep. Rankin:**

"I also want to answer the statement made by the gentleman from New York (Mr. Klein). He was more abusive of the British Empire today than he was of the white people of the District of Columbia in his attempt to wipe out segregation in the public schools and force Negroes into every white school in the District."

#### **Rep. Rankin:**

"Of all the people who ought to keep their mouths shut about the Protestants it is the gentleman from New York (Multer) who admits that he represents more Jewish Communists than any other man in Congress.

"I mean Russian Communists."

Governor Thomas Dewey of New York, speaking in Portland, Oregon on May 3, 1948, noted that the Mundt-Nixon Bill "is thought-control borrowed from the Japanese war leadership. . . ." He went on to say, "it is an attempt to beat down ideas with a club. It is surrender of everything we believe in. It is a philosophy which I shall fight to the limit of my strength."

Senator Robert Taft of Ohio said in Milwaukee, Wisconsin on May 8, 1948 that "Under our Constitution, we cannot, and should not, make it illegal for an American citizen to think communism or express his opinions, so long as he does not advocate a violent overthrow of the government."

The Mundt-Nixon Bill passed the House of Representatives but after a vigorous floor fight in the Senate was defeated in 1949.

The next year (1950) following the defeat of the Mundt-Nixon Bill the then Congressman Richard Nixon appeared before the Senate Committee on the Judiciary and made the following statement with regard to the proposed McCarran Act:

"We felt that the Mundt bill, in its original form, was not the proper approach to the problem for two reasons. In the first place, the bill specifically named the Communist Party of the United States and attempted to build its definitions around the name of the Party. From having heard the witnesses before our committee, we came to the conclusion that naming the Communist Party by name and attempting to build the entire registration provisions around such a definition was an unconstitutional approach and consequently the committee attempted to find a *legislative device* for meeting the problem in a constitutional manner." (emphasis added.)