Detailed Analysis of the Bill

A detailed analysis of the bill further bears out this essential danger.

Section 11 defines the terms. In addition to the term subversive organization, it defines "foreign subversive organization" -- "controlled directly or indirectly by a foreign government, the purpose of which, etc." It defines a subversive person in a long clause which ends, "or who is a member of a subversive organization". If a subversive organization can be so loosely interpreted and a person can be regarded as subversive from mere membership alone, the penalties and prohibitions of the act will affect us all.

Section 12 increases up to 20 years imprisonment and $10,000 fine the penalties of an already existing law against advocating violence against persons or property, or the overthrow of the government by violence or unlawful means. It adds a startling new crime subject to the same drastic penalty:

> "...or the commission of any act or assistance in the commission of any act under such circumstances as to constitute a clear and present danger to the security of the United States or of this Commonwealth..."

Not a criminal act, or an act of force or violence! Not an act declared in advance to be criminal! But any act which might be found by a court and jury operating without any prescribed standard, to constitute a clear and present danger to the security of the U.S." Would not a strike in a defense plant be considered by some hysterical court such an act? What of honest discussion of vital issues of foreign policy? What of protest against racial or religious discrimination, when tensions run high? Again we note the dangerous sweep of the act---it makes subversives of us all.

Section 14 forbids Communists from holding any public office or governmental job, whether appointive or elective. Not just members of the communist party are barred but any person who is a member of or supports" any organization advocating the overthrow of the government by "force, violence, or other illegal or unconstitutional methods." The dragnet words here are "or supports" coupled with the broad words "advocating", and "or other illegal or unconstitutional methods." What constitutes support? Incidentally, section 32 provides that candidates for public office must first file an affidavit that they are not subversive!

Section 14 violates a fumdamental democratic right of the people--to elect to office persons of their own choice. There can be no limit on this right; once it is established that a legislature can ban one group from the ballot the way is opened to an ever-widening circle of proscription. The voters are the basic source of all governmental authority in our democracy, and their right to elect whomsoever they wish must be absolutely untrammelled.

Section 15 prescribes a loyalty oath for all public employees, on penalty of $1,000 fine or one year in jail. Violation of section 14 is punishable by $5,000 or five years in jail (Sec. 16)

Section 17 provides up to life imprisonment for "any act intended" to overthrow or alter the government by force or violence or other unlawful means. The terrible penalty of life imprisonment is not limited to acts of violence committed in an actual attempt to overthrow the government by force, but to any act, however insignificant, if some court believes that its intention was to overthrow the government. Furthermore, what are "other unlawful means"? Mass picketing or a street meeting without a permit or distribution of circulars without prior approval of the chief of police are unlawful means--will the penalty of life imprisonment be risked for such action, if the special assistant attorney general or a grand jury feel that the intention of these acts was to overthrow the government? The vice we have pointed out before applies here, and it is the more vicious as the penalty is too drastic.

What other penalties are established? If you "become or remain a member of the communist party or any other subversive organization, knowing the nature and purposes of the said organization"---$5,000 or 5 years in jail. (Sec. 19) It is not your purpose or intention that damns you, but what is found to be the purpose of the organization, whether you share that purpose, or whether you believe it has an entirely different and legitimate purpose. Since we have seen how sweeping is the definition of "subversive organization", many thousands of persons might belong to organizations convinced that they serve a valuable civic cause, only to find that it has been tagged as subversive in disguise by a "mind-reading" court, and become liable to fine or imprisonment. As we point out below, the