

Mississippi State University Libraries
Special Collections Department, Manuscripts Division

Citizen's Council Radio Forums
Acc. No. 597
Stephanie Rolph Transcripts Addition

Audiotape number: 5818
Date: 1961
Guest (s): Eastland, James O.
Title: Communist threat to U.S.

Note: Questions were paraphrased and/or shortened by the transcriber. For the exact question, please consult the audiotapes.

Guest: Senator James O. Eastland

Morphew: Introduction...Chairman of Senate Judiciary Committee...as chairman and the Internal Security Subcommittee...do you feel that the public at large is becoming more aware of the dangers of communism?

Eastland: Dick, I think the public is certainly aware of the danger of communist subversion. I do not think the public realizes the tremendous and far-reaching decisions of the Supreme Court of the United States which has aided and abetted the communist conspiracy.

Morphew: I was about to ask if you felt the Supreme Court was aiding and abetting the communist conspiracy...

Eastland: Dick, I think the Supreme Court has hindered the fight on communism. I think the Supreme Court has built a wall of protection around the communist conspiracy and I think it has attempted to place the communist party, a conspiracy against the lives and safety of all Americans, upon an equal footing with other political parties of this country. For instance, a few weeks ago, there was a decision called the passport cases. Since the founding of the republic, the secretary of state has had the power to deny a passport to anyone when, in the judgment of the secretary of state, the traveling abroad of that person would be inimicable to the security of the United States. The Court struck that down and the president of the United States has sent a special message to the Congress requesting corrective legislation. An official of the State Department has testified before my committee that even if he knew an applicant for a passport was a communist and that it was the desire of the communist to take information detrimental to our security out of the United States to deliver it to the Soviet underground abroad, he could not be denied a passport. Now that decision, of course, is very, very far-reaching, but there have been other decisions of the court which have built a wall of protection around the communist

conspiracy and which has struck down the power of the states and of the United States government to protect itself against communist subversion within our borders.

Morphew: Why has the Supreme Court ruled in favor of the communists so consistently lately?

Eastland: Dick, I don't say that any member of the Supreme Court is a communist. I do not think that any member of the Supreme Court is a communist. What their reasons are, I'm at a loss to understand, but those decisions are there. For instance, in the Steve Nelson decision, they held that the laws of 42 states of this union which protected those states against communist subversion were unconstitutional on the ground that when Congress passed the Smith Act that it preempted the field and the state statutes were therefore, void. And a year later, then, the Court comes back and strikes down the Smith Act, it takes the heart out of it, and as the circuit court of the United States on the west coast said, that the Supreme Court had made a shambles of the Smith Act and they were therefore obliged to acquit a number of people who had been convicted in the territory of Hawaii.

Morphew: So the idea of federal preemption is another threat to states rights as we know the historic concept to be and also against those of us who would like to do something about the menace of communism.

Eastland: Of course, and then in one decision where a man came before my committee, a college professor, we asked him if he was a member of the communist party and he took the Fifth Amendment. I asked him if his testimony would tend to incriminate him. He said it would. Now, the city, which is a branch of the state, fired him. The Supreme Court ordered him reinstated and made that city pay about \$40,000 in back pay. Now, the meaning of that decision is that the state, a county or a city, cannot fire a Fifth Amendment case that's teaching in its schools.

Morphew: And it could be extended further, can it not?

Eastland: Well, it has been extended further. If there's anything that's fundamental in the rights of states, it's the power of a state to say who should practice a profession within the state. The board of law examiners in New Mexico and in California, in two cases, asked an applicant if he had been a member of the communist party. He refused to tell them. Now, in a lawyer, of course, he's an officer of the Court. The Court there forced those two states to give license to practice law to those 2 individuals. In fact, the court's decision went even further and denied those states the power to cross-examine a witness to find out whether or not he was telling the truth as to whether he had ever been a communist.

Morphew: Is there any way to counteract this recent trend?

Eastland: Yes, the judiciary committee has reported out to Jenner/Butler bill, the House of Representatives has passed the Smith Act which would nullify the doctrine of

preemption unless the Congress specifically ordered otherwise. But after all, public sentiment is the law. Public sentiment writes the court decrees and I think that the people of the United States are becoming aroused. I think that the people all over the country realize that we have a problem that the court is attempting to destroy the very basis of the American system of government and that's when we get correction, the people themselves will force it.

Morphew: The term states rights has been used a lot by us lately but do you feel that it's coming to have more meaning now that other parts of the nation are using it as well?

Eastland: Well, I think it's always had a tremendous meaning from people from every section of the country, and I think that the people of each section don't realize how close they think and that there really are no marked differences between them. Now in the case of organized pressure groups, then that's something else but the average man all over this country, I think, is pretty well in agreement.

Morphew: is this sentiment being reflected in the political opinions of the voters?

Eastland: Well, it must be when the judiciary committee by a vote of 10 to 5 would report out the Jenner bill. The House, by an overwhelming vote, passed the Smith bill. Certainly it has already been registered and it will be registered more so in the future in my judgment.

Morphew: What can the average citizen do to effecting a solution?

Eastland: Well, in a democracy you work out the solution at the ballot box and I think that's what's going to happen in this country and I think that's been happening.

Morphew: Do the court decisions have an impact not only on state freedoms but also individual freedoms?

Eastland: Well, certainly, after all the question of the Supreme Court and what it's done is to build a wall of protection around the communist conspiracy, it's a national question and people all over the country recognize it as such.

Morphew: Perhaps we are finally on our way to a solution to this problem...

Eastland: There's no doubt in my mind, and I think it's coming much sooner than the average man realizes.