

Legal

May 13, 1953

International Workers Order, Inc.
80 Fifth Avenue
New York, New York

Gentlemen:

You have requested that we give you a legal opinion as to the effect of the recent petition by the Attorney General to the McCarran Board asking that the International Workers Order, Inc. be ordered to register as a "Communist front" organization under the provisions of the McCarran Act.

The petition of the Attorney General in no way affects the present legal status of the International Workers Order.

The International Workers Order will have full opportunity to challenge this unconstitutional action by the Attorney General. Meanwhile, we wish to stress that no one is required to take any action as a result of the petition. It should be noted that under the Act, members of "Communist front" organizations, even after final appeal, are not required to register.

Under the rules of the Board, the International Workers Order will have the opportunity to answer the petition and then present its opposition at a hearing. After the hearing the Board will hand down a decision. If the decision is adverse to the International Workers Order, the International Workers Order will have the right to appeal from the decision to the United States Court of Appeals, and then to the United States Supreme Court.

Until the final decision of the United States Supreme Court the provisions of the McCarran Act do not go into effect. There is no requirement under the law that the International Workers Order register before the final decision of the United States Supreme Court.

We call your attention to the following excerpt from the message of the former President of the United States, Harry S. Truman, vetoing the McCarran Act:

"...the application of the registration requirements to so-called Communist-front organizations can be the greatest danger to freedom of speech, press and assembly, since the alien and sedition laws of 1798. This danger arises out of the criteria or standards

to be applied in determining whether an organization is a Communist-front organization.

"This provision could easily be used to classify as a Communist-front organization any organization which is advocating a single policy or objective which is also being urged by the Communist Party or by a Communist foreign government. In fact, this may be the intended result, since the bill defines 'organization' to include 'a group of persons...permanently or temporarily associated together for joint action on any subject or subjects.' Thus, an organization which advocates low-cost housing for sincere humanitarian reasons might be classified as a Communist-front organization because the Communists regularly exploit slum conditions as one of their fifth-column techniques.

"It is not enough to say that this probably would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions which happen to be stated also by Communists.

"The basic error of these sections is that they move in the direction of suppressing opinion and belief...

"There is no more fundamental axiom of American freedom than the familiar statement: In a free country we punish men for the crimes they commit but never for the opinions they have. And the reason this is so fundamental to freedom is not, as many suppose, that it protects the few unorthodox from suppression by the majority. To permit freedom of expression is primarily for the benefit of the majority, because it protects criticism, and criticism leads to progress."

It is our legal opinion after a study of the legislation that the McCarran Act is in complete violation of the Constitution of the United States.

Very truly yours,

/s/ Donner, Kinoy & Perlin

DONNER, KINOY & PERLIN

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