

CORNELL UNIVERSITY
ITHACA, NEW YORK

2005
Cornell University
Civil Liberties

DEPARTMENT OF GOVERNMENT

BOARDMAN HALL

JHW
February 8, 1948.

Dr. Joseph H. Willits
49 West 49th Street
New York 20, N.Y.

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Dear Dr. Willits:

In the attached memorandum I am giving you the substance of my thinking about a possible study of the control of subversive activities in the United States. This embodies and elaborates the points with respect to this matter which we discussed together recently. I have come to feel very strongly that I hope that the Foundation may feel justified in making this study possible.

I alluded to the Committee on Civil Liberties for Scientists which the American Association for the Advancement of Science has recently set up, and on which I have agreed to serve, because I have the feeling that they have very little idea about how to go about such an inquiry as they have undertaken, and I thought it was not out of the question, if this proposed study should be set up, that we might work out a joint undertaking which would be mutually advantageous. I think that problem belongs in the study we are discussing, and we could take advantage of their contacts and any facilities which they have. I do not think they have any money. The Committee is headed by Dr. Maurice Visscher of the University of Minnesota Medical School. We have not as yet had a meeting.

I have discussed this project at length with President Day and it has his enthusiastic approval.

I could come to New York for further discussion of this matter if you think that that would be helpful. Should you find that the informal reactions to this general idea are sufficiently favorable to warrant making more detailed plans I should want to discuss with you the problem of setting up an itemized budget.

With best regards,

Very sincerely yours

Robert E. Cushman

Robert E. Cushman.

P.S. Will you please ask your secretary to send any letters regarding this matter to my house - 11 East Avenue, Ithaca, N.Y.

A PROPOSED STUDY OF THE CONTROL OF SUBVERSIVE ACTIVITIES IN THE UNITED STATES.

IMPORTANCE AND VALUE.

Whatever may be said of the value of the government's present efforts to control "subversive" and "un-American" activities, thoughtful people are coming to see that these efforts seriously endanger our civil liberties both directly and indirectly.

Our loyalty-test machinery and our committees on "un-American activities" are directly threatening or curbing the freedom of thought and freedom of speech of large numbers of government employees, teachers, writers, etc. Loyal citizens in these groups must face the fact that it is dangerous for them to think or say anything which is unorthodox or unpopular.

Secondly, the widespread publicity given to the work of the agencies seeking to control "subversive activity" is producing a steady and frightening erosion of popular loyalty to our democratic freedoms, especially those comprised in the First Amendment. The man in the street is being taught that all minority opinions are either suspect or actually subversive, and that real patriotism demands their suppression. Bigotry and intolerance are attaining a respectability never before enjoyed. The public opinion upon which, in the last analysis, our civil liberties are grounded is being undermined and perverted.

NATURE AND APPROACH OF PROPOSED STUDY.

These dangers to our civil liberties can be effectively met only by enlarging the number of loyal and intelligent Americans who understand clearly the basic issues and values which are here involved. The facts and appraisals necessary for such an understanding are not presently available. The bulk of what has been said and written about the loyalty tests and the committees on "un-American activities" has come either from crusading minority groups or from the super-patriots. It has thus far proved virtually impossible for our "liberals" to discuss these matters without resorting to name-calling, invective, and a general increase in everybody's blood pressure.

What is needed is an objective, hard-headed, unemotional survey and analysis of what is going on in this area, presented in the form of reports free from lurid adjectives and abuse. One or two minor attempts have been made to do this, but there is nothing which begins to be an adequate study on this level. Fairminded and intelligent citizens will be influenced by an obviously fair and objective record which comes from persons who are neither crusaders nor ultra-conservatives.

As a concrete illustration of what can here be achieved, attention is called to the article by Professor Walter Gellhorn of the Columbia Law Faculty in the October, 1947, issue of the Harvard Law Review. It is entitled, "Report on a Report of the House Committee on Un-American Activities." In it Professor Gellhorn subjects the House Committee's substantial printed report on the Southern Conference for Human Welfare to exhaustive, unemotional critical analysis based on an examination of documents and records. The result is completely devastating - but it is the facts that are devastating, for there are no adjectives and *there is* no invective. A major study of the whole broad problem done with the same relectless detachment would be a public service of the first importance.

SCOPE OF THE STUDY.

The proposed study, as presently viewed, should cover the following general areas:

1. Loyalty tests and their administration. These should be studied as they exist on the federal, state, and local government levels, and as they are applied to public employees, labor union officials, or other groups.

The administration of loyalty tests in the field of scientific research, such as that dealing with atomic energy, presents problems sufficiently unique and difficult to justify a separate study. The importance of this particular problem is evidenced by the recent appointment by the Executive Committee of the American Association for the Advancement of Science of a special Committee on Civil Liberties for Scientists to investigate and report on this whole matter. This committee, of which the writer of this memorandum is a member, has not as yet met, but it has no present facilities for doing more than a fairly superficial job.

2. The House Committee on Un-American Activities, together with similar state legislative committees, should be exhaustively studied.
3. The programs and activities of numerous private groups and agencies which are seeking to supplement the efforts of the government in the suppression of "subversive" activity command careful attention. These private efforts are peculiarly disturbing because there is no political or legal way to impose any restraints upon them.

ORGANIZATION OF THE STUDY.

This study cannot be effectively executed by a staff of amateurs brought together for the purpose. On the contrary, it calls for persons of very substantial training and experience. Much aid in making the study will have to be secured from public officials and others who will have a very natural initial distaste for outside inquiry into their work. Their cooperation will be in direct ratio to the reputation of those who approach them for responsibility, integrity, and good judgment.

There are scholars who are familiar with civil liberty problems, who are acquainted with official Washington and who are trained in the methods of investigation and reporting. Persons of this type are Miss Eleanor Bontecou, formerly one of the attorneys in the Civil Rights Section of the Department of Justice, and Professor Robert K. Carr of Dartmouth, the Executive Secretary of the President's Committee on Civil Rights. It is practically certain that Miss Bontecou and Professor Carr would be available, and there are others of the same general calibre who could very probably be secured.

The work of these trained investigators would need to be coordinated and directed. It is proposed that the existing Cornell Research in Civil Liberties, under its present director, Robert E. Cushman, be continued for the purpose of providing this direction. This would associate the proposed study with an existing program of research in civil liberties which, it is believed, commands respect. The arrangement would also provide for the publication of the results of the proposed study in the series Cornell Studies in Civil Liberties, of which two volumes have already appeared, and two more are about to go to press.

COST OF THE STUDY.

The proposed study could probably not be completed within one year. Appropriations would need to be made for at least a two-year period.

Persons of the calibre needed for this work would need to be well paid. Also adequate provision would be needed for clerical assistance and travel expense, in order to enable these persons to work efficiently. While an accurate budget cannot be worked out without further detailed planning, it is believed that the entire study would cost from \$50,000 to \$65,000.

Submitted by
Robert E. Cushman
Robert E. Cushman
Cornell University.