

A Clear-Cut Trend

An Editorial

SUPREME COURT reversal of the conviction of Communist leaders Claude Lightfoot and Junius Scales continues the trend back to the Bill of Rights.

Monday's decision is part of a clear-cut trend among the American people and affecting the courts. The trend was seen in the Supreme Court's June 17 civil liberties decisions, the acquittal of five Smith Act defendants last month by the U. S. Court of Appeals and the dismissal of the Smith Act indictment in Pittsburgh against five others.

The trend was demonstrated not only in the Lightfoot-Scales cases Monday but also in the court's reversals of the convictions of Dr. Willard Uphaus for defying New Hampshire witchhunters and those of Portland workers Herbert Simpson, Donald M. Wollam and John R. Mackenzie for resisting the House Un-American Activities Committee. The trend was further demonstrated by the court's refusal to review the conviction of the sentencing of racist John Kasper.

THAT the court followed its traditional policy of avoiding the constitutional issue in the Lightfoot and Scales cases, of course, a disappointment. A firm opinion by the high court re-asserting the basic First Amendment rights of free speech, press and assembly would have been welcomed by the country.

The Smith Act is widely regarded as a thought-control law and its "membership" clause as a particularly vicious attack on the right of association outlawed by the Constitution.

It should be nullified, as should the Smith Act as a whole and all the thought-control legislation, executive orders and prosecutions of the McCarthy period.

Hangovers of that period were still to be found in Monday's spate of decisions, particularly in the refusal of the court to review the five-year sentence of labor leader Hugh Bryson under the Taft-Hartley law. The court's refusal to review the case of Virgil Hawkins, Negro student seeking admission to the University of Florida law school,

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was also disquieting.

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THERE is no doubt that while the main trend in the country is back to constitutional liberties, the extreme Right has raised a considerable uproar against the court. The labor movement, the Negro peoples organizations, the farm bodies and various civic groups—together the majority of the nation—have not yet spoken up sufficiently in support of the court's civil liberties decisions.

The people should be heard from. The demand for an end to all Smith Act prosecutions, for amnesty to Smith Act prisoners Gilbert Green, Henry Winston and Irving Potash and restoration of the civil rights of all the Smith Act defendants should be heard from one end of the land to the other.

In the last analysis it is the people, the real court of last resort, who must decide to sweep the Smith Act, the Taft-Hartley law, the McCarran Act, the McCarran-Walter law and the rest of the McCarthyite cold war relics into history's dust bin.