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American Civil Liberties  
Union.

"To take a copy from the  
Nazis."

(1952?)

**ILLINOIS HISTORICAL SURVEY**





# “To take a copy from the Nazis...

“To take a copy from the Nazis, they preferred to censor personnel rather than material. Their success might be attributed to the fact that they put the emphasis of censorship on personnel. They carefully classified and screened teachers . . .”

—See page 12—

ILLINOIS HISTORICAL SURVEY

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Ill. Hist. Society

## THIS IS AN APPEAL TO ILLINOIS CITIZENS

It is not an appeal for funds or services or membership in any organization. It is an appeal to citizenship, and we make it in deadly earnest.

It takes more than voting to make a citizen. It takes ardent and continuous attention to the public business, and the man or woman who does not attend to the public business is a citizen in name only. To discharge their responsibilities, citizens must familiarize themselves with the work of their government by studying its public reports. We ask the citizens of Illinois to study a public report of the gravest significance to the safety of their state, of themselves, and of their children.

The report we ask the citizens of Illinois to study is some 500 pages long and is obtainable free through their State Senator or Representative. Up to now this report has been almost universally ignored, though it deals in detail with the most serious concern a free people can have — their freedom. It is entitled, "Report of the Seditious Activities Investigation Commission," and is dated 1949.

Every adult Illinoisian — indeed, every adult American — needs desperately to obtain it and study it.

The people of Russia — and of Italy and Germany before them — did not know until it was too late. "Why didn't somebody tell us?" This report tells us. It tells us now. It tells us while there is still time and while we are still free to act.

If we will not take the trouble to understand the nature of the threat to our freedom, we will lose our freedom by default. The Report of the Seditious Activities Investigation Commission reveals the nature of this threat. It is one of the most significant public documents in the history of the State.

### SECRET SESSION

The significance of this report is only in part its factual content. Its unique significance lies in the fact that it discloses the word-for-word proceedings of a series of secret sessions of

the Seditious Activities Investigation Commission. It discloses the real thinking and planning of professional Communists, professional anti-Communists, public officials, educators, fellow-travelers, suspected fellow-travelers, and representatives of patriotic organizations.

Neither the secret witnesses nor, it would seem, the Commissioners themselves were aware that they were talking "on the record." Why the record was published, we do not know. Nor do we know why the proceedings of some, but not all, of the sessions were disclosed. In any case, the publication is a public service of the first magnitude, and if citizens who send for it are informed that it is unavailable, they should insist that their State Senator or Representative obtain it for them. It is printed at public expense as a public document of the State of Illinois.

The citizens of this state must protect themselves, their state, and their nation, from subversion. If they fail to, no one else will. They cannot "pass the buck" to a Stalin, a Hitler, or a Mussolini, to do their thinking and their acting for them. The citizens of Illinois are the sovereign of the state.

## THE COMMISSION

The Seditious Activities Investigation Commission — popularly known as the Broyles Commission, after its chairman, Senator Paul W. Broyles (Mt. Vernon, Ill.) — was "caused to be created," according to the minutes of the secret session of September 9, 1948, "by a resolution of the Legislative Commission of the American Legion, in the State Convention in 1946. By reason of this resolution, Senate Bill 313 was passed, which created this commission and gave it full powers of investigation and subpoena."

The Commission was composed of five members of the State Senate, five members of the House, and five public members appointed by the then Governor Dwight H. Green. Its personnel, according to Senator Broyles, included "thirteen veterans, including two past State Department Commanders of the American Legion, one Congressional Medal of Honor winner

of World War II, a representative of the Illinois Chamber of Commerce, and former investigator for the Federal Bureau of Investigation, and Grand Knight of the Knights of Columbus."

Senate Bill 313, adopted in June, 1947, empowered the Commission

"... to investigate any activities of any person or persons, co-partnership, association, organization, group or society . . . which are suspected of being directed toward the overthrow of the Government of the United States or the State of Illinois."

By amendment, the Commission was also empowered

"... to investigate as to whether the Ku Klux Klan has organized again in Illinois, to investigate its activities if it is organized, and to investigate any other association . . . that foments or attempts to foment racial and religious hatreds."

### NARROWING THE SCOPE

In secret session, on December 13, 1947, Chairman Broyles said he thought "the primary purpose is to investigate and bring to the attention of the people of Illinois just what goes on in all these subversive groups." He suggested that the Commission subpoena the officials of "subversive groups like the AYD [American Youth for Democracy], or the Chairman or secretary of the Communist Party in Illinois and air them good before the people of Illinois."

But Ellidore Libonati\* disagreed. Mr. Libonati, a well known figure in Chicago politics, was not a member of the Commission, but appears to have sat in on many, if not all, of its secret sessions. He was identified as Chairman of the Americanism Commission of the American Legion, Department of Illinois. He warned the Commission that the Communists would "turn the meeting upside down and you can't get an answer from them. Then you are immediately placed on the defensive if you have deprived them of the right of free speech."

\*Not to be confused with Senator Roland Libonati, who played a conspicuous role as a commission member in protecting witnesses from harassment.

Nothing further was said about subpoenaing Communist ringleaders or organizers or Communist Party officials, and none was ever subpoenaed. Mr. Libonati thought that public libraries and public housing projects might be investigated profitably:

“Then you come to another subject—the Chicago Housing Authority. I think definitely one or two of their people are Communists. . . . The Legion has made an investigation, but unfortunately we figured we would be subjected to too much debate. For example, they [sic] pass it out that 10% of the project should be given to colored families. As a result, you have the colored families going in there. They did not want those folks there. There was a riot. They threw over the furniture of the colored families and we understand that somebody got them new furniture and was paying them to live there.

“In the Public Libraries you have a situation. The Marx books are too numerous. I believe you should know something about communism—just the highlights of it. But the way they do now, they develop the subject at length and by so doing put in the young mind a yearning for that.”

Nothing more was heard — or, at least, appears in the Report of the secret sessions — about either the Marx books in the libraries or the colored folks in the housing projects, but the Commission’s final report states that there are “many Communists in our housing projects.”

#### “MINIMUM OF PUBLICITY”

As they narrowed the scope of their investigation, the Commissioners, in their initial secret sessions, debated how secretly they should operate. Non-Commissioner Libonati said, “I wish you would give a lot of thought to this publicity angle. You should give some publicity here.” Another non-Commissioner, Joe Kornfeder, an ex-Communist who offered his services to the Commission at \$200 a week plus expenses, agreed with Non-Commissioner Libonati: “Subpoena the Communists too. That adds to the dramatics. Then it is like a fight on a baseball field. It adds a lot to the interest of the subject.”

Edward Clamage disagreed with the Messrs. Libonati and Kornfeder. Mr. Clamage, another non-Commissioner, who sat in on the secret sessions as Chairman of the Anti-Subversive Committee, American Legion, Department of Illinois, said, "The less publicity given them, the weaker they become. That applies to Gerald L. K. Smith and his liberal [sic] organizations. I, therefore, question the advisability of inviting these Communists to your open meetings."

So it was decided, according to the transcript of the secret session, "that the purposes of the Commission could best be accomplished by a minimum of publicity until the laws to be recommended to the General Assembly were ready for publication."

The suggestion of the then Congressman J. Parnell Thomas may have had some influence on the Commission's decision to carry on its investigation and draft its legislation in secret. Mr. Thomas, as Chairman of the United States House of Representatives Un-American Activities Committee, warned the Commissioners, when they called on him in Washington, to "be very careful about staging" public hearings. He added, "When we put on the Hollywood hearing, which was the most complicated we ever put on, we put on a hearing that couldn't have been improved upon if it had been staged out in Hollywood by a movie picture company."

### **"THE GREATEST DANGER . . ."**

Non-Commissioner Libonati, besides suggesting the public housing projects and public libraries as subjects of investigation, also advised the Commission to investigate the Railroad Retirement Board. At a later meeting — held in Indianapolis by the American Legion, National Department, the Commissioners heard one of their future employees, Ex-Communist J. B. Matthews, say that "the real work of the revolution, if it ever comes, will be done by the leaders of the trade unions insofar as they have been enlisted by the Communist party. But prior to that," he said, "the enlistment of Communist professors is a major interest of the Communist party. . . . Three thousand

college and university professors are toying with communism. . . . More than one hundred and fifty presidents of colleges and universities are involved in this Communist movement."

But the Commissioners had already decided whom to investigate. As early as October 3, 1947, Mr. Worth Shumaker, Americanism Commission, American Legion, National Department, was invited to tell the Broyles Commission, in secret session, "what the most dangerous condition is that is now presented on Communistic or subversive activities." Mr. Shumaker said: "I think your schools would be the spot that is most dangerous." Chairman Broyles agreed:

"Should we spread ourselves all over or go after a specific group? It is my opinion that we should concentrate our efforts on a specific group. I think the greatest danger is in the over-liberal educators who have a tendency to glamorize the various isms, especially communism, to our young people who are sent to our various colleges and universities in the State."

The decision having been made to concentrate on over-liberal educators, Mr. Libonati, who was present, was asked the names of persons the Commission should investigate. Mr. Libonati said:

"I would subpoena some of these persons who are around town here — [the meeting was being held in Chicago] — Professor Pooche of the University of Chicago — he is an avowed Communist."

The transcript of the secret meeting proceeds:

**BROYLES:** Do you have sufficient information that we could give the Committee — I mean proof of that?

**ELLIDORE LIBONATI:** Yes, I could show you a paper he marked of a "G.I." Notations on the paper definitely show him to be a Communist. He was discharged from a New Jersey school for his avowment of communism. I would subpoena Bloggert, University of Illinois, who has written a book on social science — in other words, I would go after the college professors.

The transcript of the Commission's secret sessions does not reveal whether subpoenas were ever issued for Professors Pooche and Bloggert. If they were, they were never served. They were never served because there is—and was—no Professor Pooche at the University of Chicago and no Professor Bloggert at the University of Illinois, and, so far as can be ascertained no Professor Pooche or Professor Bloggert in any American college or university. The Commission's subsequent investigation at both institutions discloses no inquiry for the two professors.

There was, at the time of Mr. Libonati's testimony, a Professor Ralph Blodgett on the faculty of the University of Illinois, in the Department of Economics. Professor Blodgett was the author of several works on economics, and economics is a social science. When three years afterwards, the Dean of the University of Illinois School of Commerce was asked to resign it was publicized as being connected with his forcing Professor Blodgett to resign because the Dean objected to the extreme conservatism of Professor Blodgett's economic views.

Professor Pooche would have been even harder to serve than Professor Bloggert. There was once a Professor Pietsch on the faculty of the University of Chicago. He was Professor of Romance Languages from 1900 until his death in 1930. He was never discharged from a New Jersey school for his avowment of communism and was never a student or faculty member in a New Jersey school or other institution. So far as is known, he was never an avowed Communist or an avowed political ideologist of any kind and never discussed communism. He never marked a "G.I.'s" papers or had a "G.I." as a student. He was, however, world famous for his research in Romance Philology, and his book, *Two Old Spanish Versions of The Disticha Catonis*, is a classic in its field.

### THE INVESTIGATOR

The transcript of the secret sessions shows considerable debate among the Commissioners on the necessity of hiring an investigating staff. The Legislature had appropriated only \$15,000 for the investigation. Commissioner Lowell D. Ryan

of Chicago, who subsequently resigned from the Commission, said, on the subject of hiring a Chief Investigator, "What is he going to do? Is he going to collect a library? We can do that without an investigator. If you are going to assign an investigator to compile a file, that may be unnecessary, because that information is setting within two blocks of here."

A solution to the problem was offered by Non-Commissioner Dwight J. Anderson, who was present. Mr. Anderson was identified as Chairman of the Legislative Commission, American Legion, Department of Illinois. He said:

"You are going to do your own investigating, and don't you have an enormous force right at your finger-tips? . . . Communicate with every post of the V.F.W. and American Legion and ask those post commanders to appoint committees in different localities to report back by mail whatever activities they have in their schools and towns."

He added:

"Do not merely take the Police Department records or the F.B.I. records."

Mr. Anderson's suggestion appears, from the transcript, to have been adopted, and Chairman Broyles was instructed to send a request for assistance to the post commanders of four of the existing veterans' organizations—the American Legion, the Veterans of Foreign Wars, the AmVets, and the Military Order of the Purple Heart. The published report of the Commission contains replies from the state officers of all four organizations, offering their support and asking for further details. But no further mention of this enormous investigating force ever appears.

On March 5, 1948, the Commission hired a paid investigator, Mr. Charles E. Kruger, whose references, Commissioner Ryan said, were "100%." The problem of paying Mr. Kruger's salary and expenses and leaving enough of the \$15,000 appropriation to cover the Commissioners' expenses had, apparently, been solved out of formal Commission meeting; in the discussion

of Mr. Kruger's appointment, the transcript contains this statement:

"Senator Thomas [Belleville, Ill.] pointed out that even though Mr. Kruger would be on some Department payroll, he would not be subject to the head of that Department, but would be under the supervision of the Commission only."

There is no further reference to the matter in the transcript, no indication of Mr. Kruger's salary as a state employee, and no information as to what department carried Mr. Kruger on its payroll or how he was placed there.

### THE INVESTIGATION

Mr. Kruger was no more productive than the enormous force of the four veterans' organizations.

First he interviewed the Commissioners and the friendly witnesses and experts—beginning with Mr. Libonati—who had testified to the prevalence of seditious activities in Illinois in their previous secret appearances before the Commission. Mr. Libonati, Mr. Kruger reported, contributed the opinion that the Commission should "select one individual and attempt to prosecute him for being a Communist." (Whether or not Mr. Libonati suggested Professor Pooche for prosecution is not indicated.) Mr. Kruger's report continued:

"The other people interviewed gave about the same type of advice and none were of any particular assistance in the investigation. All of them had one item in common, and that was to subscribe to as many as possible of the papers, pamphlets and booklets containing Communist teachings and start documenting individuals and organizations. They also agreed that they believed there was a considerable amount of Communist activity in the State. But none of them could cite any specific instances of what is occurring.

The Commission had already heard the same complaint from Congressman Richard B. Vail (Ill.), one of Congressman Thomas' associates on the Congressional Un-American Activities Committee. "We sent some investigators out there," Con-

gressman Vail told the traveling Commissioners in Washington. "A good many people had publicly indicated that they had information to give, but when our investigators got there, they shut up. They could get nothing. By reason of the lack of desire of these people to talk, we were unable to get the basic information with which to conduct the hearing. That was after a careful check of every one of those individuals who had been talking the loudest, demanding that something be done."

Having failed, in his interviews with the experts who demanded that something be done, to find any specific instances of what is occurring, Mr. Kruger entered the second—and last—phase of his investigation. He investigated five colleges and universities in Illinois, and three junior colleges and six high schools in Chicago. He found no evidence that any professor or teacher was engaged in seditious or subversive activity.

The higher institutions he investigated were The University of Illinois, Northwestern University, The University of Chicago, Illinois Institute of Technology, and Roosevelt College. In these institutions Mr. Kruger found no Communist or otherwise subversive teaching or teachers, but he did find, with the help of the University of Chicago's Dean of Students, the ten students (out of a student body of 8,500) who composed the openly registered Communist Club. Reviewing the files of the ten, Mr. Kruger reported to the Commission that he had "reached the opinion that the present members probably were inculcated with the Communist philosophy prior to the time they entered the University." ("As I see it," Assistant Director Nichols of the F.B.I. told the Commission some time earlier, "you have got to start before you get to college. . . . I think you have got to start down a little bit lower and condition the student before he gets to college.")

Mr. Kruger, like the four veterans' organizations, is heard of no more, either in the transcript of the secret sessions or in the Commission's final report. In its final report, however, the Commission stated categorically, and without elaboration, that "the high school teachers, for example in certain high schools in the city of Chicago, are ardent followers of subversive movements."

## TO THE TEXTBOOKS

The secret sessions with the Messrs. Libonati, Shumaker, Kornfeder, Clamage, *et al.*, had produced no evidence of subversion or sedition. The enormous force of four veterans' organizations had produced no evidence of subversion or sedition. Conferences with federal officials—including the F.B.I.—had produced no evidence of subversion or sedition. Professional interrogation of friendly experts in Illinois had produced no evidence of subversion or sedition. Professional investigation of suspected schools, colleges, and universities had produced no evidence of subversion or sedition.

But the Illinois Legislature created the Commission on the assumption that evidence existed, and the individuals who had been talking the loudest (as Congressman Vail put it) were demanding that something be done.

What?

There was still one unexplored area in education—the textbooks. On November 15, 1948, after functioning more than a year, the Commission appointed a Text Book Committee composed of eleven Illinois educators named Clarke, Alter, Fitzgerald, Caldwell, Connor, Lineberger, Kipp, Lovelass, Shiley, Lawson, and McKinsie. The transcript of the secret meeting of that date shows that before the committee of educators was admitted to the meeting, the Commissioners agreed that “this textbook committee would work directly under the supervision of the Commission, would release no reports or publicity, would report its findings directly to the Commission only. The importance of not ‘letting the thing get out of control’ was stressed and agreed upon.”

The educators were then admitted to the meeting.

Educator Alter said that he favored “the ones”—textbooks—“that come out strictly for Americanism rather than those that tend to take that somewhat false scholarly attitude that you must give full recognition for all concerned.” “We have to look into the contents of books that criticize the faults of

our American system," said Educator Lineberger. "They may say nothing for any other system, but if they fill the minds of the children I think that it is enough to make it subversive when it makes an attempt to unsettle the young people."

Educator Lineberger suggested that the Committee's definition of "subversive" should include "any form of writing which will disturb or stir up animosities of any particular class of people." To illustrate his point, he said that a group of Negro leaders had asked that the story of "Little Black Sambo" be removed from the readers. He explained that "while it is not the story of a colored boy, the pictures illustrating the story have usually painted Sambo black." Educator McKinsie said that insidious subversion was the most dangerous kind, in mathematics, for example: "When the boys entered the army, it was found that most of them had a deplorable lack of training in mathematics. Inadequate and improper teaching of any subject could be considered as subversive."

None of the educators present dissented from any of these views, but Educator Connor was worried. "I have not seen any books or pamphlets," he said, "that I would consider subversive either in whole or in part. I hear things about such textbooks, but I have never seen them." After pondering the problem, Educator McKinsie had a thought. Maybe the Text Book Committee would have to consider something other than textbooks. "We will have to consider the teacher," he said. "Even with the finest textbooks their teachers can do the dirty work." Educator Caldwell appeared to support this view:

"There are two ways to use censorship correctly. One is to censor material and the other is to put a censor on personnel. To take a copy from the Nazis, they preferred to censor personnel rather than material. Their success"—this was said in the year 1948—"might be attributed to the fact that they put the emphasis of censorship on personnel. They carefully classified and screened teachers before they allowed the teacher to teach."

The first—and, so far as the record reveals, the last—meeting of the educators' Text Book Committee ended with the appoint-

ment of three co-chairmen for the north, central, and southern sections of the state. Whether the educators ever met again, or pursued their investigation, or made any findings, or reported their findings to the Commission,— whether, indeed, the Text Book Committee was even dissolved—is all wholly unknown. The records of the Commission make no further reference to the Committee.

### **“WITHOUT ANY PRETENSE . . .”**

It was at this point—after almost two years of secret investigation—that the Broyles Commission reported its findings and recommendations to the Illinois Legislature. The closing paragraph of its summary is well worth reading, both as prose and as statesmanship:

“May we further state that this Commission fearlessly and without any pretense of dealing with the subject matter of its investigation; without docility, are anxious to advocate legislation to absolutely curb their [“Communist criminals,”] operations because of their violation of the basic principles of the very constitution which they seek to destroy, and so this Commission, strongly advocates the passage of nihilatory legislation so needed to treat them as the mongrel class of citizenry.”

The paragraph continues:

“With all the knowledge of the vicious operations in which they indulge, the members of the Commission believe that once the citizens are aroused as to the type of individuals within their circle, that every patriotic American will guardedly and actively curb their influence, seemingly so innocently exerted, and publicly expose every individual by his own vicious propaganda and secreted treason.”

### **THE “BROYLES BILL”**

“Without any pretense of dealing with the subject matter of its investigation,” the Broyles Commission introduced a series of bills requiring, among other things, a loyalty oath

of all public employees, dismissal of subversive teachers, exclusion from public office of any person "directly or indirectly" affiliated with any subversive organization, outlawry of communism and Communists, and the exclusion of Communists from residence in the State of Illinois.

## THE LAW

It was already illegal—before the Seditious Activities Investigation Commission was established—for any person in Illinois to advocate the reformation or overthrow, by violence or other unlawful means, of the representative form of government secured by the Constitution of the United States or the Constitution of Illinois. It was already illegal for any person in Illinois knowingly to publish, sell, or distribute any printed matter which advocates the violent overthrow of the Constitutional form of government. It was already illegal for any person in Illinois to organize or join any society the object of which is to advocate the reformation or overthrow of the existing form of government by violence or other unlawful means. It was already illegal for any member of a Communist, Nazi, or Fascist organization, or for anyone who participates in any activity of such organization, to be appointed to the classified civil service in Illinois. It was already illegal to use state monies to pay any state employee who "directly or indirectly" advocates overthrow of the government or knowingly joins an organization which does so.\*

These statutes, and others like them, were already in force before the Commission was established. They were, in the opinion of the Commission, insufficient to protect the people of Illinois from the overthrow of their form of government.

## THE CONSTITUTION

U. S. Congressman—now U. S. Senator—Richard Nixon of California disagreed. "No legislation will solve the Communist problem in this country," the co-author of the Mundt-Nixon

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\*Illinois Revised Statutes, 1949, Chap. 38, Sections 558, 559, 560, 561; Chap. 24½, Section 8; Chap. 127, Section 166a.

"Communist control" bill in Congress told the Broyles Commission at a conference of seditious activities investigators. "Legislation comes in too late. It attacks the problem after the damage is done."

Congressman Nixon had two other concerns which he had imparted to the Commissioners. He was unenthusiastic about suppressing Communists and Communist fronts: "Don't be afraid of them, because they aren't as tough as they sound. If we get people on our side who will meet them wherever possible, legitimately in debate or otherwise, I am confident the American people will make the right decision." And he was worried about the fate of the United States Constitution: "We do not, of course, want to destroy the Constitution or weaken it irreparably to meet the threat of those who are attempting to do that very thing themselves."

Congressman Nixon had not been alone in warning the Commission against violating the Constitution. State Senator Jack Tenney of California, Chairman of the California State Committee on Un-American Activities, had complained that "we find in many instances when we have drafted the bill which apparently seems to do the job, that it is a sort of shotgun proposition." Legislative Counsel Fred B. Wood of California had warned the Commission that "the legislature cannot [constitutionally] prohibit active membership in subversive organizations unless it can be shown that these individuals know of the subversive nature of the organization," and he added, "I believe it is to be recognized that the 'clear and present danger' standard must be met if we are to have any reasonable assurance that a measure impairing the freedom of religion, speech, press or peaceful assembly will be upheld."

### **"COMMUNISTS . . . DUPES . . . NAIVE . . ."**

Chairman Broyles of the Commission announced that opposition to its activities came, "in the main, from the following sources: 1) The Communists and their close fellow travelers who fear exposure. 2) Those who have been duped or compro-

mised by the Communists and who seek to cover up their own gullibility. 3) Those who are too naive to believe that there is a serious Communist menace to our way of life."

Opposition to the "Broyles bills" came, in the main, from the following sources:

Newspapers, including three of the four published in Chicago—the TRIBUNE, the SUN TIMES, and the DAILY NEWS.

The Chicago Methodist Ministers Association.

The Illinois Congress of Parents and Teachers.

The Chicago Federation of Labor.

The Chicago Bar Association.

"These bills," said the Bar Association's Committee on Civil Rights, "should not be enacted. Their indefiniteness would make them administratively unworkable and subject to valid Constitutional objections. Moreover, to the extent that they propose to prohibit the overthrow of the government by force or other unlawful means, they add nothing to existing law. . . . In addition, they infringe upon guaranteed civil rights, and would become a source of suppression and intimidation which would inhibit education and discussion effective in counteracting subversive doctrines."

## OUT IN THE OPEN

On March 2, 1949, the Illinois Legislature met to consider the "Broyles bills". There had been no public hearings, either during the Commission's investigation or during the drafting of the bills. But the opposition in the state—from whatever sources, including, of course, the Communists—was intense. Opponents of the legislation, who had not had an opportunity to be heard previously, crowded the chambers, and among them were some 150 obstreperous students from the University of Illinois, The University of Chicago, and Roosevelt College.

The disorderly and disrespectful conduct of the students aroused the resentment of the legislators, and the day after the demonstration the Legislature adopted a resolution directing

the Broyles Commission to investigate "any and all subversive activities at the University of Chicago and Roosevelt College." Chairman Broyles introduced a resolution for an emergency appropriation of \$2,500 for this investigation, and the appropriation was voted.

When the bill came to Governor Adlai E. Stevenson for his approval, he permitted it to become law without his signature saying:

"I doubt the necessity for this investigation. The resolution says that a large number of students from these universities appeared in opposition to pending legislation to control subversive activities. It goes on to say that 'it appears that these students are being indoctrinated with Communistic and other subversive theories.' Because some one hundred students from institutions numbering 15,000 exercise their rights as citizens to oppose anti-subversive legislation, it hardly follows that they are being indoctrinated with communism, as this resolution seems to imply.

"Nevertheless, I am reluctant to interfere with the legislature's power of investigation. Also, in view of the serious charges, I think the University of Chicago, one of the great centers of learning in the world, and Roosevelt College, a new institution dedicated to education of those of limited means, should be given an opportunity to be heard."

### **"I DIDN'T FIND ANY . . ."**

The Commission had decided at its outset against publicity or public hearings. Now publicity and public hearings were thrust upon it, and the Commission turned the new investigation over to two new employees—Benjamin Gitlow and J. B. Matthews. The Messrs. Gitlow and Matthews were not strangers to the Commissioners, who, at a conference called by the American Legion in 1949, had heard both of them recite their own early careers as subversives and their later careers as anti-subversives. Mr. Gitlow had described himself as "an outstanding leader of the World Communist movement" until

1929, and Mr. Matthews, who claimed "a strategic non-membership in the Communist Party" prior to his reformation, had been characterized by Congressman J. Parnell Thomas as "the number two man to Earl Browder," prior to his reformation.

The public hearings on The University of Chicago and Roosevelt College were fully reported in the Illinois press, especially the interrogation by Mr. Matthews of the then Chancellor of The University of Chicago, Robert M. Hutchins, now Associate Director of the Ford Foundation. Chancellor Hutchins said:

"I cannot testify concerning subversive activities at the University of Chicago, because there are none." Chancellor Hutchins' testimony went uncontroverted. President Sparling's testimony that there were no Communists on the Roosevelt College faculty, that the Communists had always opposed the development of Roosevelt College, and that the Communist Club at the College numbered ten members (in a student body of 6,000) likewise went uncontroverted.

State Representative G. William Horsley (Springfield, Ill.), sponsor of the resolution to investigate the two institutions, took the stand and identified publications and announcements of liberal and radical student organizations at the University of Chicago. When he concluded, Commissioner Charles J. Jenkins (Chicago) asked him:

"Representative Horsley, did you find anything in these documents that advocated the overthrow of the government by force?"

"No, I didn't find anything directly in that regard."

**"AM I CHARGED . . . ?" "NO."**

It looked as if the public hearings would end then and there. The Commission did not call its own Ex-Chief Investigator, Mr. Kruger, who had investigated both The University of Chicago and Roosevelt College and failed to find subversive or seditious teachers or teaching at either institution. Nor was Professor Pooche of The University of Chicago—"an avowed Communist," according to Non-Commissioner Libonati's secret

testimony—either called or called for. And then a reporter for a New York Newspaper owned by William Randolph Hearst took the witness chair, identified himself as an expert on communism, and identified a list of Chicago faculty members of Communist front organizations.

Two-thirds of the alleged front organizations had never been so listed by the U. S. Attorney General, and one faculty member was currently a member of an organization so listed, the National Council of American-Soviet Friendship. The faculty member involved, Professor Ernest W. Burgess, testified that the National Council had been endorsed by President Roosevelt in 1944 and by General Eisenhower in 1945, and added, "I see my name is here with many prominent persons throughout the country, three United States Senators who apparently do not agree with the Attorney General that this organization is subversive. . . . I have never been and I am not now a Communist. I have never been and am not now in sympathy with Communism.

One after another, the professors—Professor Pooche not among them—took the witness stand. Nobel Prize winning chemist Harold C. Urey asked:

"Am I charged with subversive teachings?"

And Chairman Broyles replied:

"No, you are not."

In his statement before the Commission, Professor Urey remarked:

"I was in favor of the Loyalists of Spain. I am unreconstructed on the point. I think Franco is a 'stinker' and I am wholly against him. . . . "I think the Communist Party is a conspiratorial party. I believe that it reports directly to Moscow and I believe that its objective is to bring revolution the world over in favor of communism by fair means or foul, by foul mostly."

"I am a newcomer to the University of Chicago, I came there after the war, in 1945.

“The fame of that institution and what it stands for has been contributed to only in a very slight degree by my efforts.

“It is one of the great universities of the whole world. It is so regarded the world over.

“In my years there I have intimately associated with the members of the staff of that organization and it is strictly loyal and American. It is a great university and deserves better from the people of Illinois than this investigation.”

Professor Havighurst asked:

“I should like to know what the general nature of the charges are against me, Mr. Chairman, that are going to be discussed.”

And Chairman Broyles replied:

“There are no specific charges against you.”

Professor Sharp asked:

“Am I charged with subversive teaching in these proceedings?”

And Chairman Broyles replied:

“No, you are not, Professor Sharp.”

One after another the professors who were called to testify expressed the same uncompromising opposition to communism which has been cited from Professor Burgess and Professor Urey's testimony. Each of them who asked whether he was charged with subversive teaching received the same reply from Chairman Broyles: “No, you are not.”

## COMMISSION'S END

That was the end of the Seditious Activities Investigation Commission, and of \$17,500 of the Illinois taxpayers' money. The Commission's announced decision not to issue findings, or recommendations on its public hearings aroused great criticism, and shortly thereafter Chairman Broyles issued a statement to the press. Two other Commissioners concurred in it, and two Commissioners, Mr. Jenkins (Rep., Chicago) and Mr.

Barry (Dem., Chicago) who had refused to sign the Commission's original report, dissented.

The statement of the three Commissioners made many recommendations, for instance, that all schools in Illinois "take immediate steps to stop the sale of Communist propaganda and . . . deny the use of the bulletin boards and campus publications . . . and campus facilities. . . ." Preliminary to its final recommendations, the statement of the three Commissioners said:

"After nearly two years of contact with top officials of our State and Nation, which included many conferences with people in all walks of life, we have come to the conclusion that: The truth being taught by our educators, the truth being preached by our clergymen, and sufficient laws to control those who will not be educated and have no faith in their God will be the most successful way to combat this organized conspiracy and 'red menace' in our midst."

The Commissioners' final recommendation was that tax-supported schools and universities—that is, public educational institutions—be forbidden to employ professors or teachers "who have been or continue to be affiliated with subversive, Communist or Communist front organizations," and that tax-exempt schools and universities—that is, private educational institutions—be denied tax-exemption if they employ such persons.

Dissenting Commissioner Barry said:

"This Commission was directed to investigate subversive activities. It found none. No faculty member was even charged with teaching or saying anything subversive. The statement of Chairman Broyles and others rests in part upon the discredited notion that membership in an organization makes a man guilty of all the thoughts and acts of other members. But at no time did any witness or any Commission member dare assert that any faculty member had engaged in subversive activities or even harbored principles other than those wholly American. . . . It has yet to be proven that suppression will really help in the battle against communism. . . ."

Dissenting Commissioner Jenkins said:

"It is impossible to cite any word, written or voiced, by any professor or any officer of either institution which indicates that any one of them ever made a statement which could be regarded in any way as subversive. . . . The widespread smears of persons who are not Communists or even Communist sympathizers simply divert attention from the real dangers. We can even be lulled into the mistaken idea that attacks on loyal Americans are of some help in preserving democracy. Moscow must cheer when we brand as Communists those who work for peace, repeal of poll taxes, elimination of racial conflict, and slum clearance. . . ."\*

The "Broyles bills" — all of them, including the request to extend the life of the Commission for two years for "further investigation" — were either killed or died in the Sixty-Sixth General Assembly of Illinois, which adjourned June 30, 1949.

### POST SCRIPT

But the end was not quite yet. While the legislators were still assembled, each received a copy of a printed booklet, "An Analysis of Testimony Given Before the Seditious Activities Investigation Commission with Regard to the Investigation of the University of Chicago and Roosevelt College, Together With Comments and Additional Material Collected." The name of its author was given as G. William Horsley, the non-member of the Commission who had sponsored the legislative resolution for the investigation of the two institutions.

The heart of this booklet was the accusation, in general and in detail, of immorality and criminality at the University of Chicago. The booklet listed twenty-eight "incidents in the last three or four years," allegedly involving University of Chicago students and faculty members, as "ample proof of the fact that communism, lawlessness, disrespect for religion and family life go hand in hand." The twenty-eight incidents—had all twenty-eight of them been crimes committed by University personnel — would have given the University a crime rate of 7 per 10,000

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\* Commissioners Jenkins and Barry are to be commended for their efforts to preserve justice under difficult circumstances.

population as compared with 108 per 10,000 for the State of Illinois as a whole. But five of the alleged criminal students had never been students at the University of Chicago; five were suicides; two were *victims* of crimes committed by unknown persons; three were cases of disorderly conduct; three were cases of religious conscientious objectors; two resulted in acquittals; and one was a case of accidental death.

Representative Horsley had not made these charges when he was testifying in public hearing and subject to cross-examination.

### POST MORTEM

The Seditious Activities Investigation Commission spent two years and \$17,500, in addition to the salary paid its Chief Investigator by an unnamed department of the State of Illinois, conducting secret sessions, and then, after introducing legislation, conducted public sessions "to investigate any activities of any person or persons, co-partnership, association, organization, group or society . . . which are suspected of being directed toward the overthrow of the Government of the United States or the State of Illinois." By amendment to this enabling legislation, the Commission was also empowered to investigate the Ku Klux Klan "and any other association . . . that foments or attempts to foment racial and religious hatred."

### WHAT THE COMMISSION DID NOT DO

The Commission did not —

Investigate the Ku Klux Klan.

Investigate any other organization that foments or attempts to foment racial and religious hatred.

Investigate the Communist Party, in Illinois or anywhere else.

Investigate the conflicting testimony, which it received in secret sessions, that there were 6,500 Communists in all Illinois, 30,000 subversives in Chicago alone, and 75,000 Communists in all the United States.

Subpoena any Communist ringleaders or organizers or Communist party officials or any person suspected of being any of these things.

Find a Communist who wasn't already publicly avowed as such.

Find a Communist or subversive librarian.

Find a Communist or subversive public housing official.

Find a Communist or subversive trade unionist.

Find a Communist professor.

Find a Communist teacher.

Find a Communist utterance or writing by a professor — and nearly all professors write and speak publicly.

Find a Communist utterance or writing by a teacher.

Find a Communist textbook or a Communist passage in a textbook. (Although the writings of Communists are studied in almost all college and university courses in political philosophy, and the speeches of Communists like Molotov and Vyshinsky are reported in all American newspapers and used for classroom discussion of current events.)

Find anybody subverting, or attempting to subvert, the Government of the United States or of the State of Illinois.

Find anybody disloyal to the United States or to the State of Illinois.

Find a fact about communism or subversion that had not been publicly established prior to the creation of the Commission.

Find a fact about communism or subversion to support the legislation it proposed.

### **WHAT THE COMMISSION DID**

The Commission did —

Find—but did not report to the Legislature—that none of its informants, professional or amateur, paid or volunteer, could refer to a single specific act of subversive or seditious teaching in Illinois.

Find — but did not report to the Legislature — that the number of Communists or Communist-sympathizing students in the schools and colleges and universities of Illinois was miniscule.

Find — but did not report to the Legislature — that such students had become indoctrinated with communism, or interested in it, before they entered college and outside their high school classrooms.

Find — but did not report to the Legislature — that its own Chief Investigator could find not one specific act of subversive or seditious teaching in Illinois or one specific subversive or seditious act by any teacher or professor in Illinois in or out of a classroom.

Make a report to the Legislature which asserted that it had found the opposite of all these things.

Make recommendations based on that report.

Ignore the warnings it had received from friendly Constitutional experts and introduced into the Legislature a series of repressive measures which, in the opinion of the the Chicago Bar Association, were unconstitutional, unworkable, inimical to American liberties, and worse than useless in protecting the people of Illinois against communism.

Spend \$17,500 of public money.

Conduct public hearings into subversive and seditious activities in two Illinois institutions of higher learning, and found no act of subversion or sedition in either institution.

Issue a statement to the press — instead of a report to the Legislature — condemning the two institutions it investigated and threatening them (and other institutions which refused to yield to the demands of the Commissioners) with dire penalties.

The Commission recommended legislation by the Illinois General Assembly to restrict freedom of teaching, inquiry, assembly, speech, and the press in such a way that General Dwight Eisenhower would be a felon if he carried out in Illinois his announced intention, as President of Columbia University, that "the facts of communism shall be taught here — its ideo-

logical developments, its political methods, its economic effects, its probable course in the future."

The Commission recommended legislation which would make Thomas Jefferson a felon for saying that "if there be any among us who wish to dissolve this union or to change its republican form, let them stand undisturbed, as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it."

The Commission recommended legislation which would make felons of all the signers of *The Declaration of Independence* for saying that "whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it."

The Commission recommended legislation which would make a felon of John Milton for saying, in his classic defense of freedom of the press, "Let Truth and Falsehood grapple; whoever knew truth put to the worse, in a free and open encounter?"

Finally, when it was compelled to conduct public hearings, the Commission placed itself in the hands of two men, Mr. Gitlow and Mr. Matthews, who had not been fellow-travelers, dupes, innocent frontiers, or starry-eyed liberals misled by the Communist pretense of devotion to democracy, but, by their own testimony, had been fully conscious, voluntary, open-eyed professional leaders of the Communist world conspiracy against human liberty. Into the hands of these two men the Broyles Commission entrusted the safety and security of the state and the people of Illinois.

## GUILT BY ASSOCIATION

Mr. Wood, Legislative Counsel for California, warned the Commission early in its career that "the courts will not accept a legislative determination that any particular named organization is engaged in subversive activities." When the Commissioners moved from California to the National Capitol, in their round of travels, they were warned again, as the transcript of the secret hearings discloses, by Robert B. Young, Counsel of

the U. S. Senate Judiciary Committee: "Ninety per cent of the Communists in this country do not know that the Communist Party is out to overthrow the Government, and 70% of this 90% are innocent fellow-travelers."

Many patriotic and eminent Americans once belonged to organizations which either were not subversive during their period of membership or were not known to them to be. Many patriotic and eminent Americans deny that some of the organizations now listed by the Attorney General as subversive are in fact subversive — and there is no fixed definition of "subversive." Still more patriotic and eminent Americans deny that some of the organizations listed by various state un-American activities committees as subversive are in fact subversive.

And once in a while — though the Broyles Commission failed to find a single case in Illinois — a supposedly patriotic American turns out to be disloyal. And the federal government proceeds against him under long-standing statutes covering his offense. With approximately 50,000 public and private teachers and professors in Illinois, it would be remarkable if one or two were not subversive. The Commission was unable to find even one. When — and if — one is ever found, the people of Illinois will have to decide whether their faith in the teaching profession was misplaced, just as they have to decide whether to withdraw their money from the bank when a banker in another town turns out to be an embezzler.

Cut-throats may love their mothers, but every man who loves his mother is not a cut-throat. Communists may say they are for free speech and a free press, but every man who calls for free speech and a free press is not a Communist. Communists may pretend devotion to academic freedom, but every man who fights for academic freedom is not a Communist. Communists may claim that they believe in due process of law for every man and the amelioration of social injustices that exist in every society; but not every man who believes in these blessings is a Communist. Communists may cry for a change in our foreign policy, but not every man who demands a change in our foreign policy is a Communist. Communists may talk peace, but the Prince of Peace talked peace, too.

## “THE FAD OF BECOMING AN AMERICAN”

The “Broyles bills” proposed loyalty oaths for teachers, for all public employees — and for members of the Illinois Legislature. On a trip to California on Commission business, one of the Commissioners had an opportunity to take a loyalty oath himself.

The opportunity arose at the Interstate Legislative Conference on Un-American Activities, held in Los Angeles September 21, 1948. (The proceedings of the conference are embodied in the Commission’s report.) One of the delegates said:

“Mr. Chairman, as these resolutions were read, it appeared to me that maybe this would be an excellent place to start that very fad of becoming an American and taking the oath such as is suggested.”

The other delegates were all agreeable. The oath was taken, and the nation’s investigators of un-American activities became American.

But becoming an American is not a fad. Becoming an American no more consists in taking an oath than it does in eating apple pie. Becoming an American is the process of becoming increasingly devoted to the deathless principles of the Declaration of Independence and the United States Constitution. An oath before God no more binds an unbeliever than a forged signature binds the man whose name is signed. No subversive will ever boggle at taking an oath of loyalty to the country or form of government he purposes to destroy. And the Broyles Commission, by its own testimony, is aware of this truism. In its Report, under the title, *Facts and Data Revealed at Hearings*, it says:

“In the initial study of the subject matter, the testimony presented by informed persons, both card-holding members of Communist organizations and citizens who had made the investigation of communism their chief aim, it was stated that an active Communist will never admit his membership and will use every artifice humanly possible to dissuade any person seeking information that he as an individual is not interested,

in any way connected with such organization, or is interested in subversive methods or programs.”

The most obvious artifice humanly possible for pretending loyalty in a society which believes in the sanctity of an oath is to take a loyalty oath. The loyalty oath is indeed a “fad of becoming an American” — a fad that feeds upon, as it is fed by, the resignation of our citizens to mutual and mortal mistrust.

### OUR OWN GRAVE-DIGGERS?

The distinction between democracy and communism is the inalienable right of man as man — a right no government gave him, but God, his Creator, and no government can take from him, but only God, his Creator. The totalitarian state may call itself Communist or it may call itself anti-Communist, but it will be known by its denial of the right of man to think, to speak, to write, to assemble peaceably, and to print. The police state is not a state full of policeman, but of paid, professional informers who owe their value to the tyrant to their willingness to betray other men into his hands.

None of the repressive measures advocated by the Broyles Commission remotely approached in severity the measures taken by the last Czar of Russia; and the repressive measures of the last Czar of Russia failed to stop communism there. Less repressive measures will not stop communism here. They will lead, as they always have, to more repressive measures — which, as Nicholas II discovered, will not stop communism either.

Our national security does not in the end rest upon law, but upon faith. There is nothing that any external enemy can do to us that we cannot do more easily to ourselves. One of the Broyles Commission’s educational experts thought we might “take a copy from the Nazis” and censor teachers instead of textbooks. “Even if we lose, we will still win,” said Joseph Goebbels, the Nazi Minister of Propaganda, “for our ideals will enter the hearts of our enemies.”

The fate of Athens and the fate of Rome testify that when great popular governments are destroyed, they are destroyed first by rot from within, *and only* then by force from without.

It is the rot of mutual distrust that the Communists count on. Marx confidently predicted that our society would be "its own grave-digger."

When, with repressive legislation based upon secret and unsupported testimony, we begin to undermine the liberties that distinguish us from the Communists, we are digging our own graves.

### THERE WILL BE MORE

Eighteen months after the "Broyles bills" died — and the Seditious Activities Investigation Commission with them — Congressman Harold H. Velde (Ill.), a member of the House of Representatives Un-American Activities Committee formerly headed by J. Parnell Thomas, called for a new investigation of subversive activities in Illinois. The Broyles Commission, he said, had "failed of its purpose."

*What was its purpose?*

And on January 23, 1951, Senator Broyles submitted to the 67th General Assembly of Illinois a series of bills to define communism and imprison Communists; to prohibit any teacher from advocating the overthrow of the United States; and to re-establish the Seditious Activities Investigation Commission, this time with a \$25,000 appropriation.

Two weeks later State Representative Harry W. McClintock and eighteen other Representatives presented to the House another batch of bills of the Broyles type. Three of these McClintock Bills are similar to the Broyles bills now pending in the Senate. The fourth would create a committee to censor all text-books and other teaching materials used in the public schools.

Senator Paul Broyles introduced his fifth "anti-subversive bill" in the Illinois Senate on February 20. This bill—S.B. 102—is a direct copy of Maryland's Ober law, with a few significant additions and omissions. It is a lengthy bill covering the general areas of sedition and loyalty.

*What is its purpose?*

We urge every citizen of Illinois to insist that his State Sen-

ator or Representative obtain for him a copy of the Report of the Seditious Activities Investigation Commission, 1949.

We urge every citizen to study the record of the secret sessions which that Report contains.

We urge every citizen of Illinois to support present and future proposals of this sort if — after studying that record — he concludes that the Broyles Commission, or any commission so inspired, so organized, and so advised, will ever secure his State against communism.

In that record our fellow-citizens will find serious advice, given by men whose patriotism is proverbial, on the limits placed upon repressive legislation by the Constitutions of the United States and of Illinois — and they will find the willful decision to let the Constitution go hang.

In that record they will find earnestness and honesty beset — and, in the end, confounded — by hysteria, prejudice, ignorance, and self-seeking.

In that record they will find that the failure of the Broyles Commission to serve the people of Illinois was not the fault of *this* Commission or of *these* Commissioners. They will find that the failure was inherent — and always will be — in the supposition that there is some short cut to the intelligence, morality, and faith that make an American, some means of *compelling* allegiance to a form of government whose glory is the *free* choice of *free* men.

*Prepared by*

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