

CBS Interviews Dennis on Court Rulings

Eugene Dennis, secretary of national affairs of the Communist Party, discussed the meaning of the recent Supreme Court decisions on the Smith Act and other cases on "The World Tonight" program of the Columbia Broadcasting System on Sunday night, June 30.

Others who took part in the program, which was a survey of the Supreme Court record during the past year, were Prof. Edwin S. Corwin of Princeton and Alexander Kendrick, CBS London correspondent. Ned Calmer was moderator.

Only a small part of the interview with Dennis by Paul Lowenwater of the CBS news staff was actually broadcast. We present the transcript of the complete interview with minor editorial changes.

Q. Mr. Dennis, how do you view the significance of the Yates decision?

A. In my judgment, the Harlan decision in the California Smith Act case, together with the decisions in the Watkins, Sweezy, Service and Jencks cases, constitute a significant step towards restoring for all Americans, Communists and non-Communists alike, the constitutional rights guaranteed in the First Amendment, namely, freedom of press, speech and assembly.

By the same token, the decision of the Court of June 17 can mark a turning point in the struggle of the American people to end the corroding system and the repressive practices of McCarthyism which have plagued our nation over the past cold-war decade.

Concretely, in Watkins and Jencks, the high court acted to place a number of checks on congressional witchhunts and on the illegal practices of the Department of Justice. In the Sweezy case the Court upheld the traditions of academic freedom and political association. In Service, it placed restrictions on the arbitrary and punitive rulings under the misnamed "loyalty program."

In the Yates case, the Court now holds that the advocacy and teachings of the Communist Party, including the principles of scientific socialism, of Marxism-Leninism, is constitutionally protected, and it has restored some of the protections of the First Amendment to all non-conformists and advocates of social progress.

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Q. Mr. Dennis, I wonder if you can tell me whether the Communist Party plans to take

any action as a result of the recent rulings on the Smith Act?

A. Following the Court's decision of June 17—decisions in the progressive traditions of Justices Holmes and Brandeis — Senator Eastland, Congressman Walter, Senator Jenner and others have launched a campaign and are seeking legislation to nullify the democratic decisions of the Court, just as they have moved and are acting to circumvent the historic desegregation order of the Supreme Court and of the Constitution itself.

In this situation, we Communists, in union with all other proponents of civil liberties and civil rights, will do our utmost to uphold the democratic rulings of the Court and to help enforce the Constitution for ourselves and for all Americans, Negro and white.

In line with this we shall take necessary legal steps to obtain a reversal of the convictions of some 114 Communists in California, Michigan, Denver, etc.

We shall join hands with various proponents of civil liberties to call a halt to all Smith Act and other thought-control persecution.

We shall seek amnesty for Henry Winston and Gilbert Green, who are now serving an eight-year sentence for their beliefs and ideas, as well as for Irving Potash. Certainly in light of the Yates decision, these men, these patriots, should not be allowed to languish in prison another day.

We shall do everything possible to secure the unfettered legality of the Communist Party and to popularize among the widest sectors of the American people our program for peace, equality and democracy and for a constitution-



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al, peaceful American road to socialism.

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Q. Well, sir, I wonder on what grounds you believe you have reason to appeal the Communist convictions?

A. On the basis of the new standards of evidence which the Court has set, and because the Court now holds that the advocacy and the teachings of the Communist Party, particularly its advocacy of the principles of scientific socialism, of Marxism, are constitutionally protected.

Furthermore, the Court threw out the organizing statute which means that in at least seven of the Smith Act cases, as a minimum, a new trial would have to be ordered. We believe that on the basis of the changing political climate and on the basis of the insufficiency of the evidence and the new approach of the Court on the clear and present danger question, that the courts will acquit many, if not all, of the defendants who were convicted.

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Q. You have mentioned that the Court has ruled out the organizing provision of the Smith Act under which some of the Communists were convicted. Does that mean now that you believe the Communist Party will have a better opportunity to recruit new people into the

Communist Party?

A. First, to place the matter correctly. The Court ruled that the Communist Party was organized in 1945 and therefore that any indictments under this section of the act subsequent to 1948 are invalidated by the statute of limitations.

In reply to the other portion of your question, I would say that with the step to restore the First Amendment to its privileged position for all Americans, the civil rights, constitutional liberties of Communists and non-Communists will be enhanced. Therefore, it should be possible for us to speak to wider sections of the American people and for the American people as a whole to benefit by this decision.

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Q. Mr. Dennis, do you think that under the new interpretation of the Smith Act, the 11 leaders of the Communist Party could be convicted today for advocating the forcible overthrow of the government?

A. First, I must say that we Communists never advocated the overthrow of the government by force and violence. We have advocated a peaceful, constitutional path to socialism.

We were convicted in 1949, and the conviction was upheld in 1951, primarily on the basis of the war hysteria and the rise of McCarthyism in the country. We were convicted on the basis of books which we had not written, and things which we had not said on certain books written 100 years ago.

Under present conditions, and considering a number of the important features of the Harlan opinion, it would not be possible, in my judgment, to secure a conviction such as took place in 1951. The political climate has changed. A certain improvement, shall I say, amounting to a return towards national sanity, is reasserting itself in our country.

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Q. What do you feel about the decision in the Jencks case opening the FBI files? Do you believe that will lead to less prosecution of cases of Communists?

A. The first comment I should like to make on this controversial question is the following: The opponents of the majority opinion in the Jencks case are deliberately

distorting the meaning of the Court's decision. The Court did not decide in the Jencks case to "open" the FBI files to peeping Toms and to all and sundry.

What the Court decided was that when the Department of Justice employs one of its informers and professional witnesses to testify at a trial, it must make available to the defense the records regarding his or her oral or written reports to the FBI as this pertains to the testimony given in open court.

All this means is that certain FBI files may now be used to help verify or to disprove the elastic and gilded memories of the notoriously false witnesses employed by the Department of Justice.

The question is not whether FBI files shall be "protected," so to say, but whether the unsavory professional witnesses and paid informers employed by the Department of Justice shall be protected from prosecution for perjury. The question is whether the FBI shall be allowed to continue as a totalitarian power and an agency unto itself, standing above the Constitution.

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Q. Has there been any change in the Communist Party itself which might prevent such a prosecution?

A. I am not quite sure that I understand your question.

Q. What I refer to specifically is that I believe that at your most recent Congress you decided not to take orders from Moscow.

A. That is a misapprehension, Mr. Lowenwater, because we were never responsible to Moscow. We never took orders from any other Party or country. We are Americans and owe our allegiance only to our people and country. The only orders we take are those dictated by the interests and will of the American people, especially the working class.

It is true, however, that in accord with the profound changes in our country and the world, and on the basis of our Marxist, working-class principles, that our 16th national convention made a number of important changes in our policy and organization and developed further our independent approach and position on a host of issues.

Mr. Lowenwater: Thank you very much, Mr. Dennis.