




1-1962

Instruction On Communism and Its Contrast With Liberty Under Law

Lewis F. Powell, Jr.

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INSTRUCTION ON COMMUNISM

and

ITS CONTRAST WITH LIBERTY UNDER LAW

*As Chairman of the Committee
I wrote this Booklet, which
attracted wide attention
at the time.*



H. F. P. W.

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1961-1962

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* * * *

1961-62

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INSTRUCTION ON COMMUNISM

and

ITS CONTRAST WITH LIBERTY UNDER LAW

* * *

PROGRAM OF THE AMERICAN BAR ASSOCIATION

(Through its Special Committee on Education in the
Contrast Between Liberty Under Law and Communism)

in cooperation with

STATE AND LOCAL BAR ASSOCIATIONS

* * *

AMERICAN BAR ASSOCIATION

1155 East 60th Street

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III. OTHER PUBLICATIONS

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FOREWORD

The American Bar Association (ABA), for the reasons set forth in this pamphlet, seeks to encourage and support appropriate instruction in schools and colleges on the subject of Communism, and especially its contrast with liberty under law.

This policy, deemed important in the national interest, must be implemented primarily by action of state and local bar associations. The purpose of this pamphlet is to describe the program of the ABA and invite the cooperation of the organized bar at the state and local levels. The pamphlet includes the resolution adopted by the ABA House of Delegates in February 1961; summarizes the need for the program and gives specific information as to how state and local bars may cooperate with educational authorities.

Reference is made to the "Checklist for State and Local Bars" contained in Appendix A.

Lawyers and the organized bar have a special responsibility to support this program. The first object of the ABA, as stated in its Constitution, is "to uphold and defend the Constitution of the United States and maintain representative government." If the ambitions of the Communist dictators are realized, our Constitution and representative government in America would be destroyed. In a broader sense, freedom under law would be destroyed everywhere. The preservation of this basic freedom—which embraces all of our cherished freedoms—has traditionally been within the unique competency and responsibility of lawyers and judges.

Although the emphasis in the accompanying pamphlet is on the need for instruction on the Communist threat, the ABA resolution accords equal importance to the instilling of a "greater appreciation of democracy and freedom under law and the will to preserve that freedom." Such an appreciation of our institutions and the will to preserve them will be promoted both by a deeper knowledge of our own history and form of government and by the contrast with the Communist system.

In focusing attention on one neglected area of knowledge, we are not unmindful of the broader educational needs of our time. There have been profound transformations in the world — and particularly in America's position and responsibility—within the past two decades. Much has been said about the obsolescence of curricula in the physical sciences, mathematics and foreign languages — and happily, much is

being done to meet the new and exacting requirements in these subjects. But there must be at least an equal concern for the adequacy of our education in the social sciences. And with it all, there is a compelling need to instill in younger generations a greater understanding of the values of our free society, and with such understanding, the patriotism and determination to preserve them.

Special Committee of the American Bar Association
on Education in the Contrast Between Liberty Under
Law and Communism

January 1962

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³This is but a partial list of the numerous publications on this subject published by the United States Government, many of which are excellent. A complete list can be obtained by writing the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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¹Available in paperback edition.²Available only in paperback edition.

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(The books and publications listed below have been selected after a review of various available bibliographies in this field. This is not a complete listing, and the inclusion of a book or publication herein does not indicate approval or endorsement thereof by the ABA. Each school or organization using this bibliography should make its own evaluation of the materials listed.)

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¹Available in paperback edition.

²Available only in paperback edition.

greater appreciation of democratic processes, freedom under law, and the will to preserve that freedom.

Section 4. The course shall be one of orientation in comparative governments and shall emphasize the free-enterprise-competitive economy of the United States of America as the one which produces higher wages, higher standards of living, greater personal freedom and liberty than any other system of economics on earth.

Section 5. The course shall lay particular emphasis upon the dangers of Communism, the ways to fight Communism, the evils of Communism, the fallacies of Communism, and the false doctrines of Communism.

Section 6. The State Textbook Committee and the State Board of Education shall take such action as may be necessary and appropriate to prescribe suitable textbook and instructional material as provided by state law, using as one of its guides the official reports of the House Committee on Un-American Activities and the Senate Internal Security Sub-Committee of the United States Congress.

Section 7. No teacher or textual material assigned to this course shall present Communism as preferable to the system of constitutional government and the free-enterprise-competitive economy indigenous to the United States of America.

Section 8. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 9. The course of study hereinabove provided for shall be taught in all of the public high schools of the state no later than the school year commencing in September 1962.

Approved by the Governor May 27, 1961.

Filed in Office Secretary of State May 27, 1961.

INSTRUCTION ON COMMUNISM and ITS CONTRAST WITH LIBERTY UNDER LAW

THE ABA PROGRAM

The House of Delegates of the American Bar Association in February 1961 unanimously adopted significant resolutions dealing with a pressing educational need. In part, these resolutions said:

“. . . We encourage and support our schools and colleges in the presentation of adequate instruction in the history, doctrines, objectives and techniques of Communism, thereby helping to instill a greater appreciation of democracy and freedom under law and the will to preserve that freedom.”¹

These resolutions were adopted after careful preliminary study and consultation with eminent educational authorities.² This program, related specifically to education in schools and colleges, supplements the broader program of the ABA carried on through its Special Committee on Communist Tactics, Strategy and Objectives.

Favorable Public Reaction

Following action by the House of Delegates, a Special Committee of the Association was formed “to observe and encourage progress in this educational program.” In the brief period of its existence, the program of the Committee has attracted national attention. It has been well received by educators and school authorities, and the subject of widespread and favorable comment in the press.

Opportunity for Bar Leadership

This is a program of significant public interest. It is sound educationally, and it obviously serves our country and the cause of freedom.

¹The full text of the resolutions appears in Appendix B to this pamphlet.

²Among the educators consulted in a special conference held in Washington, D. C. in January 1961 were: Dr. Fred C. Cole, William A. Early, Everett N. Luce, Rt. Rev. Monsignor William E. McManus, Dr. James W. Maucker, Dr. Paul Misner, Dr. Thomas G. Pullen, Jr., Dean Frederick D. G. Ribble, Dean John Ritchie, John M. Sexton, William E. Spaulding and R. P. Thomsen.

The organized bar has both an opportunity and a responsibility to implement it.

This pamphlet, prepared as a handbook for state and local bar associations, will examine (i) the need for teaching the facts on Communism, (ii) the extent to which this need is presently being met in our schools, and (iii) the ways in which the organized bar may assist educational authorities in providing appropriate courses or units on this subject.³

* * * *

WHY TEACH ABOUT COMMUNISM?

Is the subject of Communism important enough to be taught in our schools and colleges? One would think that this question answers itself. And yet, there are still widely varying points of view — from the few who still think there should be a law against teaching anything about Communism to those who consider that it is the single most important subject.

Gravest Problem of Our Time

But whatever one's view may be as to teaching in depth the truth about Communism, few would deny that it is a new and fanatical movement, with characteristics of repression and tyranny almost unintelligible to the American mind; that in less than half a century, and mainly within the past sixteen years, this movement has already gained control of one-third of the world's people; and that it has the will, and avidly seeks the final means, to destroy freedom everywhere.

Likewise, few would deny that the gravest problems of our time result, directly or indirectly, from the International Communist movement as led and directed by the Soviet and Chinese dictators, and from their determination to impose Communist rule throughout the world.

As this pamphlet is being written, the world-wide threat of the Communist movement has focused primarily on Berlin. Impatient Soviet

³Although the ABA Resolutions encompass education at all levels, this pamphlet is directed primarily to instruction in the public and private secondary schools. The need is certainly no less in the colleges, but the greater opportunity for service by the organized bar at this time is believed to be at the secondary level — working directly with state and local boards of education. But emphasis on the secondary schools should not preclude encouragement of college faculties and trustees to move vigorously to strengthen their curricula as recommended herein.

NOTE: This is submitted as one example of legislative action. The ABA Committee does not recommend or endorse any form of legislation, nor take a position as to whether legislation is necessary or desirable. Decisions on these matters must be made at the state level.

FLORIDA STATUTE

Chapter 61-77

House Bill No. 26

AN ACT making a Legislative finding of fact relating to Communism, requiring the teaching of a course of study in the public schools entitled "Americanism versus Communism;" providing a minimum number of hours of instruction; requiring the State Board of Education and the State Textbook Committee of the State of Florida to provide textual materials and setting up standards for the selection of such materials; prohibiting the presentation of Communism as preferable to the system of constitutional government of the United States of America; repealing all laws or parts of laws in conflict herewith, and providing for an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The Legislature of the State of Florida hereby finds it to be a fact that (a) the political ideology commonly known and referred to as Communism is in conflict with and contrary to the principles of constitutional government of the United States of America as epitomized in its National Constitution, (b) the successful exploitation and manipulation of youth and student groups throughout the world today are a major challenge which free world forces must meet and defeat, and (c) the best method of meeting this challenge is to have the youth of the state and nation thoroughly and completely informed as to the evils, dangers and fallacies of Communism by giving them a thorough understanding of the entire Communist Movement, including its history, doctrines, objectives and techniques.

Section 2. The public high schools shall each teach a complete course of not less than thirty (30) hours, to all students enrolled in said public high schools entitled "Americanism versus Communism."

Section 3. The course shall provide adequate instruction in the history, doctrines, objectives and techniques of Communism and shall be for the primary purpose of instilling in the minds of the students a

leaders, pressing for a major victory there, have added to the false face of “peaceful coexistence” an attempt to terrorize humanity by atomic blackmail. When this crisis is resolved, it will be followed by others—as the Communists choose to create them—all as calculated steps in their drive for world domination.⁴

These are the harsh and almost incredible facts of the mid-twentieth century. This is the situation which has brought the world perilously close to the brink of destruction—a situation which might well have been avoided had the free people of America and throughout the world comprehended in our time the truth about Communism.

National Self-Interest

Belatedly, the need for thorough education on the Communist movement is now becoming recognized.⁵ There are, broadly speaking, two underlying reasons for this need. The first is national self-interest and the very survival of freedom. As Dr. Sidney Hook recently said:

“In order to survive, the free world must acquire a more sophisticated knowledge of Communism . . . The task must be shouldered primarily by scholars and educators . . . on the appropriate levels of our educational system . . .”⁶

America, the champion of freedom under law and the only nation strong enough to oppose Communist power, is the prime target of the Soviet Union and the world-wide conspiracy which it directs. At best, America faces many years—if not many decades—of continued conflict with this determined enemy. There are no easy solutions or short cuts to dramatic “victory.” This is a new type of world conflict, little under-

⁴Although this pamphlet emphasizes the grave external threat to our country, a study of the facts as to Communist tactics and strategy will show the importance attributed by Red leaders to internal subversion in America and other western countries. The Communist Party, USA, is the official arm of the International Communist movement within the United States. Taking astute advantage of the very freedoms which they seek to destroy, the CPUSA and its adherents and dupes do all that they can to aid and abet the Communist conspiracy. See, for the most authoritative documentation of Communist internal subversion, J. Edgar Hoover, *Masters of Deceit*, Holt, Rhinehart & Winston, Inc., 1958, New York City.

⁵As early as 1952 the National Education Association adopted a resolution saying, in part: “As a measure of defense against our most potent threat, our American schools should teach about Communism and all forms of totalitarianism, including the principles and practices of the Communist Party in the United States.” *The New York Times*, July 5, 1952. But despite this 1952 resolution, relatively few separate units or courses on Communism have been included in school curricula.

⁶Dr. Sidney Hook (head of Philosophy Department, New York University), *Saturday Review*, December 31, 1960.

stood by our sheltered and generous people. It is clear that the wisdom, patience and will of our people and leaders will be sorely tested.⁷

As decisions in a democracy derive basically from the people, and must be supportable in public debate and a free press, it is obvious that our people—including those in schools and colleges—must understand the nature and seriousness of the Communist threat. This means more than an uncomfortable awareness that Communism threatens freedom and our country. It means a great deal more than creating feelings of fear, antipathy or hatred. The real need is for widespread knowledge in some depth of the history, doctrines, objectives and techniques of the Communist movement.

There is also a need for a more thorough understanding of our own system of constitutional government and freedom under law. This kind of understanding will be facilitated by the contrast with the Communist system.

Weakness in Struggle with Communism

The weakness of our education in these areas is increasingly a subject of concern. President Kennedy has said:

“It is most urgent that the American educational system tackle in earnest the task of teaching American youth to confront the reality of totalitarianism in its toughest, most militant form—which is Communism—with the facts and values of our American heritage.”

Former President Eisenhower expressed a similar view:

“Competition for men’s minds begins when they are students. This is when they must be taught to discern between the American form of government and the Soviet form.”⁸

The New York Times has commented editorially on the lack of understanding of Communism:

“One of our major weaknesses in the struggle with Communism is the lack of adequate understanding of the challenge which Communism presents.” (August 22, 1960)

Allen W. Dulles was one of the first national leaders to emphasize the need to correct this weakness. He said:

“We need, far and wide in this country, more education on the whole history of the Communist movement. . . .

⁷The prospect is for an indefinite continuation of the misnamed “Cold War” on its complex and varied fronts. Indeed, it is *warfare*—Communist style—more difficult to combat and more dangerous to our country than any other war in American history. See Strausz-Hupe, Kintner, Dougherty and Cottrell, *Protracted Conflict*, a Foreign Policy Research Institute Study, Harper & Bros., N.Y., 1959; Harry and Bonaro Overstreet, *The War Called Peace*, W. W. Norton & Co., N.Y., 1961 and *What We Must Know About Communism*, W. W. Norton & Co., 1958.

⁸Statement to conference on the Foundation for Religious Action in the Social and Civil Order, September 1956. *The New York Times*, September 8, 1956.

PREAMBLES AND RESOLUTION

by

House of Delegates of American Bar Association

(February 1961)

WHEREAS, We recognize the urgency of instructing all Americans in the full scope and aims of Communism and the increasing threat it poses to the free world and to our democracy and freedom under law, to the end that an informed citizenry may successfully defend and preserve our American heritage; and

WHEREAS, Our educational institutions, both public and private, especially at the secondary, college, and adult levels, afford the best means of developing sound programs of instruction in this area; and

WHEREAS, These institutions and educators, in accepting this responsibility, must be given public understanding and support;

NOW, THEREFORE, BE IT RESOLVED by the American Bar Association:

(1) That through our members and the cooperation of state and local bar associations we encourage and support our schools and colleges in the presentation of adequate instruction in the history, doctrines, objectives and techniques of Communism, thereby helping to instill a greater appreciation of democracy and freedom under law and the will to preserve that freedom;

(2) That to insure the highest quality of instruction in this area, those responsible for our educational programs be urged to provide the appropriate training of instructors and to stimulate the production of scholarly text books and other teaching materials of professional excellence;

(3) That we seek to implement this resolution through a special committee of seven members to observe and encourage progress in this educational program and to render annual reports to the Association, the committee to include the chairmen of our Committees on American Citizenship, the Bill of Rights, and Communist Tactics, Strategy and Objectives, and one or more of our members who are educators.

- c. Encourage formation of (i) committee of teachers to develop materials and (ii) committee of leading citizens to cooperate as means of promoting community acceptance (if desired by school authorities).

7. *Teacher Training*

- a. Responsibility of school authorities, but bar committee may be helpful.
- b. Highly qualified teachers are essential, and thorough in-service training should be encouraged.

8. *Special Points to Remember*

- a. Community standing of bar committee is important.
- b. As this is a program in education, the highest quality of instruction must be encouraged.
- c. Ultimate responsibility must rest with educational authorities. Function of bar committee is to stimulate, assist and cooperate.

* * * *

The text of the pamphlet contains additional information on all of the foregoing items. The Special Committee will cooperate with, and furnish information to, any state or local bar committee.

“There is a real urgency to build up our knowledge [through education] on the entire background and nature of the Communist thrust against our civilization.”⁹

Thus, in brief, the first and overriding reason for the program of the American Bar Association is that it is urgently in the national interest. Indeed, it relates to the most basic interest of all—perhaps survival itself, and certainly survival of freedom and our form of government.

Sound Educational Requirement

But even if one lived in a so-called “non-aligned” nation (and believed, naively, that neither survival nor freedom was at stake), Communism would still be an appropriate subject for education. The history of much of this century is incomprehensible without a considerable knowledge of the Communist movement and its history, doctrines, objectives and tactics.

There is, therefore, a second reason for including this subject in the curriculum of schools and colleges. It is a sound educational requirement entirely without regard to other considerations.

And here, the importance of viewing this particular program as education—rather than some form of counter-propaganda—should be emphasized. In America, the educational process is closely and properly related to a principal objective of our society—freedom of the individual. This obviously includes freedom of the mind, and this in turn includes freedom and capacity to think and make rational choices. In the light of these great traditions, the subject of Communism (like any other subject) should be taught factually, thoroughly and objectively. This is, indeed, in our national interest as American students jealously reserve to themselves the right to make rational choices, and they would be the first to resent—or later to be disillusioned by—teaching which departs from these traditional standards.

There is no danger in teaching the truth about Communism. As Mr. Dulles wisely said:

“We should not be afraid to teach the subject. A history of Communism and all of its works would bear its own indictment of the system. Let the facts speak for themselves.”

* * * *

⁹Allen W. Dulles, address before Veterans of Foreign Wars, Detroit, August 22, 1960.

WHAT IS BEING DONE IN THE SCHOOLS?

As the need is evident, it is important to know with reasonable accuracy what is actually being done to meet it.¹⁰

Few Separate Units or Courses

The Legislative Reference Bureau of the Library of Congress made a survey in early 1960 at the high school level, using a carefully drawn questionnaire sent to the school superintendents in the 58 largest American cities.¹¹ Replies, from 54 of the cities surveyed, showed a conspicuous absence of formal units or courses on the subject of Communism. Only two cities had separate semester courses and one of these was merely an elective in one high school on Russian history. Nearly two-thirds of the cities also said there was no requirement that any specified time within some other course or courses be devoted to study in this area.

The ABA conducted its own survey in the spring of 1961, with similar results. Of the 278 communities which responded to the questionnaire, nearly three-fourths reported no separate units or courses, and in many others it was evident that the effort is in fact sporadic and merely incidental to other instruction.

The Prevailing Pattern

The high school curriculum pattern in the social sciences generally found today would not be unfamiliar to those who attended school in the 1920s and '30s. There are much the same type of courses on history and government of the United States, and there are survey courses (often electives) on world history and comparative government. It is in these courses, rather than in separate units or courses, that the high school students of America receive a limited amount of instruction on Communism and the leading exponents thereof, the Soviet Union and Red China. And this instruction is scattered through several courses over the high school years with little coordination or concentration.

¹⁰This portion of the pamphlet is directed to the situation in the secondary schools, where certain information is available. There is less information as to what is being done in the colleges, although it is believed that there are relatively few separate undergraduate courses on Communism in our colleges (Allen Dulles, address before Veterans of Foreign Wars, August 22, 1960). A conspicuous example of what can be done at the college level is the required course at the University of San Francisco on "The Philosophy, Dynamics and Tactics of World Communism." At the graduate level in some universities, the situation is more encouraging. Examples are the Russian Research Center of Harvard University, the Hoover Institution of War, Revolution and Peace of Stanford University and the recently created Research Institute on Communist Affairs at Columbia University.

¹¹This interesting survey was conducted at the request of Senator Kenneth B. Keating of New York.

CHECKLIST for STATE AND LOCAL BARS

NOTE: The purpose of this Appendix is to provide state and local bar committees with a checklist for the principal types of action which may be taken at the high school level. Much of this checklist is readily adaptable to the encouragement of action by colleges. Details are contained in the pamphlet itself, especially under the caption "A Program of Action by the Organized Bar."

1. *Appointment of Special Committee*
 - a. Lawyers of high standing and recognized judgment are essential.
2. *Determination of Facts in Particular State or City*
 - a. Committee's first function is to determine accurately, through educational channels, the extent to which units or courses are already being taught.
 - b. Establish friendly, cooperative relationship with school authorities.
3. *Resolution by the Bar*
 - a. If need for action is found to exist, resolution by the bar association may be helpful (see Appendix B for ABA resolution).
4. *Development of Public Acceptance*
 - a. Work closely with school authorities.
 - b. Public testimony before state board of education or local school board.
 - c. Enlist cooperation of press.
 - d. Talks before PTA and civic groups (speakers to be chosen carefully on basis of knowledge, judgment and standing in community).
 - e. If legislative action is desired, bar committee can support.
5. *Bar Association Institutes*
 - a. Subject is suitable for forums or institutes at a bar meeting.
 - b. Success depends upon careful preparation and quality of participants (see pamphlet for Texas example, *supra*, pp. 10, 11).
6. *Teaching Materials*
 - a. Make ABA bibliography available to school authorities.
 - b. If desired by educational authorities, obtain outlines from other cities (see pamphlet, *supra*, p. 12).

TO PRESERVE FREEDOM

Lenin, the principal architect of the world-wide Communist movement, wrote:

“Give us the child for 8 years, and it will be a Bolshevik forever . . .
He who has the youth, has the future.”

In keeping with Lenin's dictum, the Soviet Union—and indeed every Communist country—employs education as a prime tool of the state. In such countries, the sole purpose of education at all levels is to further the Communist goal of enslaving the world.

Obviously, we should never subvert American schools and colleges in this way. But in our anxiety to see that education properly serves the needs of individuals in a free society, we must never lose sight of a paramount duty—namely, that education must adequately prepare and train our people to understand and appreciate our form of government, to comprehend that Communism gravely threatens America and freedom everywhere and to be willing to serve and defend America—the great country upon which the entire free world depends.

Leaders of American education at all levels are now anxious to assume this imperative obligation in the interest of our country—and to preserve freedom. The organized bar must accord them every support.

Special Committee of American Bar Association
On Education in the Contrast Between Liberty
Under Law and Communism

No criticism of these courses is intended or implied. Much of their content is a basic part of high school education and a prerequisite to the thorough study of Communism. But such courses are not designed to, and do not meet, the need in question.

The Need for Separate Units or Courses

The position of the ABA Committee is that these existing courses should be supplemented by separate courses or units dealing with Communism in depth, and specifically contrasting its doctrines, its methods and its objectives with the American system of freedom under law.

The essential point is to accord this subject the importance and emphasis which it so urgently deserves. The Committee believes that this can best be accomplished by specific and separate courses or units. While the duration of these may vary, there is sound reason to believe that a full half-year course (i.e. one semester) is necessary for the most effective treatment of this important and complex subject. It will be remembered that many subjects, less exacting in mental discipline and certainly less significant to national survival, are widely taught for full semesters or longer.

But in view of obvious difficulties with already over-crowded curricula, many educators consider that it may be necessary to think initially in terms of establishing separate units of four to six weeks within the framework of existing senior high school courses in history and government.¹² It is hoped that such limited units will be expanded as rapidly as possible to accord this subject the emphasis it deserves.

Encouraging Recent Developments

Although the over-all picture (outlined above) is one of widespread need for prompt and constructive action, there is heartening evidence of recent progress. An increasing public awareness of the need is becoming evident, and this is encouraging educational authorities and organizations to act. Many educators have hesitated in the past only because of apprehension as to public misunderstanding. Happily, this situation is now changing.

A number of localities have already manifested leadership in commencing separate courses or units of instruction.¹³ Boston, Dallas, Indi-

¹²Although designated as “units,” these would be separate and intensive courses for the prescribed periods of time.

¹³In Richmond, for example, a separate six weeks unit on Communism was presented during the 1960-61 session to high school seniors in government and history courses. Tried as an experiment, the program aroused the interest and approval of faculty, pupils and parents; was endorsed by the press and is now being prepared as a permanent addition to the Richmond high school curriculum.

anapolis, New Bedford (Massachusetts) and Richmond (Virginia) are among the cities which have led in initiating such instruction. No doubt there are others with existing programs, and a number of cities have announced plans for future programs.¹⁴

A recent development of interest has been action by several state legislatures requiring or approving education on the contrast between Communism and the American system. Florida and Louisiana have made this mandatory. The New York Act, effective in September 1962, is permissive.¹⁵

The action in Louisiana is of interest to bar associations, as it resulted in major part from the initiative and work of a committee of the Louisiana State Bar Association. The result is that a course entitled "Americanism vs. Communism" is now required in all high schools in that state, and the Louisiana Board of Education has prepared a pamphlet containing an outline of materials and bibliography for such course.

The foregoing are cited merely as examples of the recognition by communities and secondary school educators that something must be done to meet this educational void. Other communities have acted, and many have programs under consideration. It is hoped that the organized bar can be of assistance in bringing these programs to fruition, as well as in stimulating action in the thousands of schools which have no programs in this area.

Happily, the organized bar will not be alone in this undertaking. It is understood, for example, that the National Education Association, in cooperation with the American Legion, is now working on a program to encourage the teaching of the facts about Communism.¹⁶

This was also the subject of a successful conference in Chicago in April 1961 sponsored by the National Military, Industrial and Education Conference. Outstanding leaders from education, business and government met for three days and considered ways and means of stimulating

¹⁴For example, the Seattle School Board, after careful study by a special committee, has recently (fall of 1961) approved the inclusion in existing courses of major materials and instruction on Communism at several grade levels from the seventh to the twelfth grades.

¹⁵Fla., Acts of 1961, Ch. 61; La., Acts of 1960, Resolution No. 54; N. Y. Laws, 1961, Ch. 662. The Florida statute, approved May 27, 1961, is set forth in Appendix C to this pamphlet as one example of legislative action. Legislative action is usually not necessary, and may not in all cases be the best initial approach. Normally, state and local boards of education have the requisite authority. For example, the Virginia State Board of Education, by resolution in April 1961, authorized units on Communism commencing with 1961-62 session. The California Board of Education has appointed an advisory committee to recommend an appropriate program.

¹⁶Described briefly in *The PTA Magazine*, September 1961, p. 17.

All of these afford opportunities for the inclusion of appropriate instruction of the teachers who will give the new units or courses on Communism, and state and local bar committees can encourage and promote this activity. Likewise, such committees can ask that the curriculum of the teachers' colleges be strengthened to assure that graduates in the social sciences are specifically and thoroughly prepared to teach this subject, and to contrast it with the American system of freedom under law.

Private and Parochial Schools

The program of the ABA applies with equal urgency to the private and parochial schools throughout the country. The available evidence indicates that in general they have essentially the same needs and problems as do the public schools.²⁴ While controlled and operated privately, rather than through publicly elected or appointed officials and bodies, there is every reason to believe that these schools will welcome the type of cooperation and assistance from state and local bar committees described above.

Word of Caution

It must be remembered that this is a program in education, undertaken in the national interest and in the belief that broader knowledge of the Communist conspiracy will assure its ultimate defeat. But in the implementation of this program, great care must be exercised by bar committees and educational authorities to avoid—in fact and in appearance—all implications of domestic politics. As the subject of Communism tends to evoke extreme and emotional reactions, special care must also be exercised to avoid extremist influence of both the right and left, and to refrain from branding as "pink" or "communist" differing or unpopular views.

Much of the extremism—and also the naivete so often found on this subject—stems from ignorance and lack of understanding. One of the purposes of this program is to dispel this ignorance, and to focus informed attention on the real enemy of freedom—the International Communist movement and its imminent threat to our country. This must, of course, be done with determination and conviction, but also factually and with due regard to the Bill of Rights and standards of fairness which are the hallmark of the freedom under law we seek to defend.

²⁴Culver Military Academy, Culver, Indiana and Episcopal High School, Alexandria, Virginia are examples of preparatory schools which have specific courses. Catholic schools in particular have shown a commendable awareness and leadership in this area.

Special Outlines and Materials

In view of this situation, the customary approach in preparing a unit or course on Communism is to develop an outline.²¹ This is primarily for the guidance of the teacher, and must be used in conjunction with selected reference material.

Although a number of school divisions have prepared such outlines there does not appear to exist, at this time, any central pooling of information on these outlines and related materials.²² This is essentially a function which the proper educational organizations will no doubt assume, but until materials are generally made available through educational channels the organized bar may be helpful.

The school divisions which have pioneered with units or courses on Communism are usually quite willing to share their experience with others. Requests may be made directly to the superintendent of schools in the cities above mentioned (*supra* pp. 7, 8) for copies of the outlines and materials used. In certain instances, the ABA may be able to assist in suggesting sources of materials. Requests may be made directly to the ABA Committee (1155 East 60th Street, Chicago 37, Illinois) for such assistance or for additional copies of this pamphlet containing the ABA bibliography.²³

Teacher Training

There are two problems here, namely, (i) the in-service training of teachers already in the school systems and (ii) the training of future teachers in the social science courses offered in the "teachers' colleges." The importance of competent and thoroughly prepared teachers can hardly be over-emphasized.

Again, this is a responsibility of the educational authorities. But it is believed that state and local bar committees can be helpful. A great deal of attention is currently being devoted to the continuing education or, as it is usually called, in-service training of teachers in various subjects. Most state boards of education and local school boards now provide summer institutes for teachers as well as local programs of in-service teacher training during the school year.

²¹The preparation of such an outline is a task for qualified educational personnel. But committees of outstanding citizens—perhaps organized by the local bar association—can be helpful in reviewing and consulting. Approval of the outline by such a committee also promotes public acceptance.

²²One of the best sources is *The Institute of American Strategy*, 140 South Dearborn Street, Chicago, which has reproduced in a useful booklet materials from New Bedford, Indianapolis, Boston, Chicago and the state of Pennsylvania.

²³See Appendix D. The American Bar Association Committee does not endorse any particular outline, text or reference material or teaching material. Its function, in this respect, is merely to collect and disseminate information which must be evaluated by the appropriate state and local educational authorities.

more effective education with respect to the nature of Communism and its challenge to America and freedom.

Scholastic Magazines, a widely known magazine for high school students, commenced in November 1961 a series of fifteen articles on "What You Should Know about Communism and Why." It is planned that these will later be edited and printed as a text for classroom use.¹⁷

* * * *

A PROGRAM OF ACTION BY THE ORGANIZED BAR

It is thus evident that the resolution of the ABA was timely, and that the organized legal profession of America can now render significant public service by acting vigorously to encourage and assist educational authorities.

Appointment of Special Committees

A first step, recommended by the ABA, is the appointment of special committees which parallel the general purpose of the ABA Special Committee. This program would receive maximum impetus if every state and local bar association were to appoint such a committee, comprised in each case of lawyers widely respected for their judgment and devotion to civic duty. (It hardly need be said that the success of this program will depend in major part upon the quality and standing of these committees.)

Such committees should first ascertain, carefully and through the appropriate educational authorities, the extent to which specific units or courses on Communism are being taught in the particular state or locality.¹⁸ As noted above, the surveys by the Library of Congress and the ABA indicate that in 1960-61 there were no such specific programs of instruction in the great majority of our states and localities.

Educational Authorities Welcome Interest

Based on experience to date, the educational authorities will usually welcome the interest and cooperation of such bar committees. In most situations where appropriate action has not already been taken or initiated, the bar committees will find that the state and local school

¹⁷In announcing this series, the editors said: "America's youth must know the facts about Communism . . . [and] its challenge to the free world. But even current text books are outdated."

¹⁸The appropriate educational authorities at the state level will normally include the state superintendent of education and the state board of education. At the county and city level, these will include the superintendent of schools and the local school board. The approach by a bar committee should be tactful and in full recognition that the responsibility for action lies with the educational authorities.

authorities are not unaware of the need. In fact, the need is now generally recognized by educators. The failure to meet it has usually resulted from doubts and misgivings by the superintendents and school boards as to how to deal with problems involved.

Specific Problems

These problems include (i) the general public unawareness of the extent of the need for instruction on Communism; (ii) in view of this unawareness, doubt in the minds of the educational authorities as to community or public acceptance of such instruction; (iii) the lack of adequately trained teachers; (iv) the belief that suitable teaching materials are not available; and (v) the already overcrowded condition of school curricula, making it appear difficult to replace—even for a six weeks unit—anything presently being taught.

A bar association committee can be of significant help with most of these problems.

Public Acceptance

Public unawareness of the need for instruction in this area and the possibility of public misunderstanding are problems well within the competence of the organized bar. Action by the bar to acquaint the public with the need can take many forms. It can start with resolutions of the state and local bar associations. At the proper time, and working closely with the school authorities, there can be public testimony before the state board of education or local school board, or indeed before state or local legislative committees or bodies. Also, there can be talks before parent-teacher associations and other civic groups.

Relatively few persons, including lawyers, have the requisite knowledge in depth to speak intelligently on the subject of Communism, and bar committees should exercise care and restraint in purporting to be experts. But no such depth of knowledge is required to speak in favor of providing adequate education on the Communist movement and its contrast with freedom under law.

Forums and Institutes

An effective way to develop public support for this program is through forums and institutes at state and local bar meetings. The audiences reached would be lawyers—rather than the public generally—but if such institutes are properly conducted, with speakers carefully chosen, they should stimulate lawyers to assume active roles in creating public awareness and acceptance.

An excellent example of this type of constructive bar activity was the forum conducted by the State Bar of Texas at its annual meeting in

July 1961. A half-day program was devoted to the subject of "Education for Democracy," with emphasis on the urgent need for adequate education on the history, objectives and techniques of Communism. The success of the forum was assured by the quality of its participants.¹⁹

The Special Committee of the ABA on Communist Tactics, Strategy and Objectives has inaugurated a series of institutes intended primarily to bring nationally known experts before audiences of professional and community leaders. State and local bar committees, in the areas where these institutes are held, may find them helpful in stimulating interest in providing appropriate education in the schools and colleges.

Teaching Materials

One of the more perplexing problems is the difficulty of locating suitable teaching materials. Although the standard textbooks widely used in the high school teaching of history and government contain certain information on Communism, and many of these make brief comparisons of Communism with the American system, such texts are designed for other purposes. Indeed, there is a fairly widespread belief among educational authorities that there are no textbooks now available in this area.

But there is in fact a good deal of material, including at least one book written specifically as a text.²⁰ As set forth in the appended bibliography, there is a great wealth of literature on Communism (and the Soviet Union) by foreign and American authors, including some superior studies made by agencies and committees of the Federal Government. Film strips and moving pictures are also available.

The difficulty is that little of this great mass of material is presently in convenient form for classroom use. Much of it is excellent and some is indispensable for reference by both teachers and pupils, but there is still a need for more effective classroom material—including a condensed text designed for a unit of several weeks intensive study.

¹⁹The principal address was made by E. Dixie Beggs, representing the American Bar Association, and panel discussion members included Frank D. Stubbeman, Chairman of the Texas Bar Committee on American Citizenship, Tom Ramey, former Chairman, Texas Educational Commission, R. L. Dillard, Jr., President of the Dallas School Board, Abner McCall, President, Baylor University and Thornton Hardie, President, Board of Regents, University of Texas.

²⁰See Colegrove, *Democracy Versus Communism*, Second Edition (1961), (D. Van Nostrand Co., Inc., Princeton, N.J.).