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## Committee On Education In the Contrast Between Liberty Under Law and Communism

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**COMMITTEE ON EDUCATION IN THE CONTRAST  
BETWEEN LIBERTY UNDER LAW AND COMMUNISM**

**Verbal Report To House of Delegates  
(August 8, 1962)**

Mr. Chairman and Members of the House:

Unlike most Special Committees, this one has had a short life. If the proposed amendment to the Constitution is adopted - and I hope that it will - this Committee will be merged into the Communist Tactics Committee. The result will be a new Standing Committee to deal with all problems of Communism in which the organized bar has an interest.

But before the final rites are pronounced, it may be of interest to the House to receive in capsule form a report on the Committee's brief career.

There have been few better examples of the influence and prestige of the American Bar Association. It was in February 1961 - only eighteen months ago - that this House unanimously resolved to:

"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."

When this resolution was adopted, all available evidence indicated that the subject of Communism was seriously neglected in schools across the country. Indeed, the subject was charged with emotionalism, and was so controversial that few educators were willing to speak up. There were voices of some extremists - both from the right and the left - but there were relatively few individuals or organizations of stature willing to follow the leadership of Allen Dulles in urging the teaching of the facts about Communism in depth, as a regular part of the curriculum of our schools and colleges.

The action by this House in February 1961 immediately attracted national attention. It was the subject of widespread and favorable publicity in the press, and inquiries flooded into ABA Headquarters. The vast majority of these inquiries - from bar organizations, educational authorities and the public generally - sought advice as to what could be done to promote this program.

In response to this demand, the Committee prepared and printed a pamphlet as a guide to state and local bar

organizations. Released in February 1962, more than 12,000 copies of the pamphlet have been distributed - the great majority upon request.

This pamphlet, like the House Resolution, was received with favor by the press and educational authorities. The April issue of Overview, a national publication for educational executives, commented as follows:

"The ABA pamphlet will be very useful to educators for the case it makes, as well as for a fine bibliography of material available to coursemakers. This is no confusion of Communism with the income tax - but a clear, reasoned support for a scholarly study of Communism as a political system."

When the ABA resolution was adopted in February 1961, it is believed that only Louisiana had taken definitive action on a state-wide basis to introduce the study of the facts about Communism. Since that time, Florida has enacted a mandatory statute, New York a broadly permissive one, and other state legislatures have the question under consideration.

But in most states, no legislation is necessary to effect curriculum changes. Normally, state boards of education have authority to take the requisite action. This Committee has been in communication with the school authorities at the state level in at least sixteen states.

In addition, there have been literally hundreds of inquiries about the ABA program from local school officials and from individuals and organizations interested in education.

Although our information is necessarily incomplete, we know that state boards of education or state superintendents of public instruction have either approved courses on Communism, or initiated a study towards the establishment thereof, in California, Maryland, Oregon, Tennessee, Virginia and Wisconsin. These are in addition to the states in which legislative action has been taken. And many local school boards have moved without state-wide action.

At the time of the ABA Resolution, the question then being debated (and by relatively few voices) was whether there should be instruction on this subject. The extent of the progress since February 1961 is indicated by the fact that the question today is how best to provide this instruction.

No one would suggest that the ABA has been solely responsible for this change in the climate of thinking on this important subject. Other responsible organizations

have been interested, including the Institute for American Strategy, the National Association of Attorneys General, and recently the endorsement jointly by the American Legion and the National Educational Association.

But it is not too much to say - and of this, I think we may justly be proud - that the positive and constructive leadership of the American Bar Association may well have been a decisive factor in bringing about this dramatic change.

Although this Association may derive some satisfaction from the progress to date, the magnitude of the task which remains ahead is more than sufficient to dissipate any complacency. International Communism has never deviated from its ultimate goal of world domination. This grave threat to our country and to freedom will, at best, be with us for decades. As Dr. Sidney Hook has said, if the world is to survive, our people "must acquire a more sophisticated knowledge of Communism." This can only be accomplished by thorough and objective education, and we have just progressed to the point of agreeing that this is important in the national interest as well as in the interest of a proper education in the mid-twentieth century.

The problems ahead include the preparation of suitable materials for classroom use, and above all the adequate training of teachers. All of this is and must remain, primarily the responsibility of the educational authorities. But the encouragement and cooperation of responsible organizations, such as this Association (with its special competency and duty to defend the rule of law), will materially assist in establishing and maintaining the quality of education in depth which is so necessary to a broader understanding of the Communist challenge to our country and to freedom everywhere.

Lewis F. Powell, Jr.  
Chairman

August 1962.