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Instruction On Communism - What the Bar Can Do

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NATIONAL CONFERENCE OF BAR PRESIDENTS

(August 4, 1962, Golden Gate Room
- Del Webb Towne House)

Instruction on Communism - What
The Bar Can Do

The ABA House of Delegates in February 1961 adopted a resolution providing, in part, as follows:

"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."

A Special Committee was created to promote the purpose of this resolution.

From the outset, the program received widespread and favorable publicity in the national press. But of greater importance, was the friendly and receptive attitude of educational authorities - who welcomed the encouragement and support of an organization with the position and prestige of the ABA.

When the Association first called for the teaching of the facts about Communism and its contrast with liberty under law, the question then being debated (timidly 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.

But this progress is measured primarily in terms of public acceptance of the idea. This has been a necessary first step. Full implementation of the idea remains to be accomplished, and this is where the cooperation of state and local bars is essential.

A substantial majority of the states have not yet provided, at the state level, for the inclusion of this subject in the curriculum of the public school system. When the ABA acted in February 1961, it is believed that only Louisiana had taken definitive action on a state-wide basis. Since that time Florida and New York have also enacted legislation, with the New York statute being entirely permissive.

But in most states, no legislation is necessary - or indeed even desirable - to effect curriculum changes. Appropriate action may be taken by the state board of education on either a mandatory or permissive basis, and in many states independent action on a "local option basis" is permissible at the level of the city or county school board. In Virginia, for example, the school board in

Richmond became one of the first in the country to inaugurate a formal unit on Communism.

Within the past year, the ABA Committee has been in communication with the state boards of education or the superintendents of public instruction in some sixteen states. Although our information is incomplete, we understand that curriculum changes have either been approved or are under study in California, Maryland, Oregon, Tennessee, Virginia and Wisconsin. These are in addition to Louisiana and Florida.

While this progress is significant, it is merely the beginning. The International Communist Movement will continue to threaten the free world for an indefinite period of time - perhaps for many decades. If the free world is to survive this threat, there must be a far wider knowledge and understanding of the history, doctrines, objectives and techniques of Communism. This means that the subject of Communism, as well as its contrast with freedom under law, must be taught in our schools and colleges. And this instruction must be thorough, objective and in depth.

It is our conviction that lawyers and the organized bar have a special responsibility to support and encourage

educational authorities in this program. The first object of the American Bar Association, as stated in its Constitution, is "to uphold and defend the Constitution of the United States and maintain representative government." It hardly need be said that both the Constitution and representative government in America would be destroyed if the Communist Movement attains its objective.

In a broader sense, freedom under law would be destroyed everywhere. The preservation of this basic freedom - which embraces all of our cherished liberties - has traditionally been within the unique competency and responsibility of lawyers and judges.

The ABA therefore urges the members of this Conference, as the leaders of state and local bar organizations, to join in implementing the program approved by the House of Delegates in February 1961.

Lewis F. Powell, Jr.
Chairman, Special Committee on
Education in the Contrast Between
Liberty Under Law and Communism