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Key Speech File

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Lewis F. Powell, Jr.
Richmond, Virginia

Connecticut State Bar
Association
Hartford, Connecticut
October 15, 1962

(As used in speech)

EDUCATION ON COMMUNISM - WHAT THE BAR CAN DO

The distinguished speaker who has ^{with} preceded me, ^{- and great wisdom -}
Dr. Richard L. Walker, has talked eloquently on the
seriousness of the communist threat, ^{He has ~~emphasized~~ emphasized} and the need for
sound education on this subject. My primary assignment
this evening is ^{the comparatively dull one of discussing} ~~to discuss~~ what the bar and lawyers can
do about ~~this need.~~ ^{this need.}

But lawyers are a stubborn lot, and the
question is usually asked: Why should the organized
bar concern itself with this subject? This is a fair
question, and there are - I think - sound answers.

The first object of the American Bar Associa-
tion, as stated in its constitution, is "to uphold and
defend the Constitution of the United States, and ~~to~~
maintain representative government." If the ambitions
of the communist dictators are realized, it is certain
that our Constitution ~~and representative government~~ in

America

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 special responsibility of lawyers and judges.

In recognition of this responsibility, the House of Delegates of the American Bar Association in February 1961, after careful study and consultation with educational authorities, unanimously resolved to:

Quote "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.~~" Close Quote

This action by a respected national organization, representing a profession noted for its sense of public responsibility, attracted attention throughout the country. It was the subject of widespread and favorable comment in the press, and was welcomed by educators at various levels.

¶ But some have asked the question whether ~~Another question frequently asked is: Was~~ ^{was} ~~not~~ this favorable reaction merely a manifestation of anticommunist feeling? Was there in fact an educational void in this area?

Although Dr. Walker has spoken convincingly on this question, perhaps a first hand testimonial at the public school level may be of interest. In the spring of 1957 the Richmond School Board, of which I was then Chairman, initiated a study of the adequacy of the high school curriculum. We were in the middle of this when Sputnik went aloft. This unsettling event served to focus urgent attention on the physical sciences and mathematics. We found in Richmond, as elsewhere, an alarming degree of obsolescence in the courses on these vital subjects*.

It also became evident that the teaching of foreign languages needed considerable attention. In moving to meet these needs we increased the graduation requirements for those expecting to attend college to

*The President's Science Advisory Committee reported in 1959 that most physics textbooks have "stood still" over the last half century and have simply been patched up by adding sections on recent developments, largely as "postscripts".

as a part of this review,

four years of mathematics, three years of laboratory science and three years of the same foreign language. We were also among the first to commence the teaching of the Russian language, to install language laboratories, and to explore the teaching of Chinese.

As a part of this ^{new} study ~~of the high school curriculum~~, we examined the course content, and the textbooks, of the so-called social studies, ~~that is,~~ ^{government and history.} One of our specific inquiries was the adequacy of instruction on the ^{communist movement.} ~~history, doctrines, techniques and objectives of communism.~~ The importance of this subject to America and the free world seemed obvious. No one can pretend to be an educated person today without a considerable knowledge of communism.

But the stakes are higher than whether our people are broadly educated. The real issue is the survival of freedom - and perhaps survival itself. Dr. Sidney Hook of New York University has put it quite simply:

Quote "In order to survive

Quote
 "In order to survive, the free world must acquire a more sophisticated knowledge of communism"* *End Quote*

Against this background of obvious need - ~~and~~ ~~public responsibility~~ - what is in fact being taught at the high school level? The answer in Richmond at the time of our study was deeply disquieting.

The social science curriculum pattern would have been quite familiar to those of us who went to school 20 or 30 years ago. There were much the same type of courses on history and government, and there were some survey courses (usually elective) on world history and comparative government. It was in these courses, ~~some~~ ~~times almost as postscripts~~, that our pupils were receiving some uncoordinated and ~~extremely~~ superficial instruction on the Soviet Union and communism. There was even less on China, other Asian countries, and ~~on~~ the emerging African nations.

The simple truth was, at the high school level at least, the social studies courses in Virginia had

*Saturday Review, December 31, 1960 issue, Sidney Hook (Head of Philosophy Department, New York University.)

not awakened to the revolutionary changes which are remaking the world.

At this point, I am sure some of you - especially in this enlightened section of America - are thinking that perhaps conditions in Virginia are not typical. We have had our educational problems in the South (and regrettably still have them), but I can assure you that the curriculum inadequacies which I have described are a national malady - not confined to any section or state. The textbooks used in Virginia were the best then available, and our curriculum content was generally in accord with the national pattern.*

A leading authority, Professor William Ebenstein, of Princeton, in the preface to his new textbook, referred to this pattern of neglect. He said:

Quote "Until very recently there has been little attempt to deal with communism in the high school curriculum, except as the subject arose tangentially in the study of ~~world~~ history, economics, or problems of democracy."**

*This was confirmed by surveys made in 1960 by the Legislative Reference Bureau of the Library of Congress and by the ABA Committee in 1961.

**Ebenstein, Two Ways of Life, Holt, Reinhart: and Winston, Inc. 1962.

Hope we
can talk
about Comm.
during
Panel
Discussion.

I have been speaking about the high schools, with which I have had some experience. There is substantial authority for the view that the situation at the college level has not been appreciably better. Allen W. Dulles, in a major speech on this subject in August 1960 said:

Quote "By and large . . . except in the graduate schools, (communism) is not generally taught. I have reviewed the curriculums of many of our universities and colleges and . . . our students are not yet afforded a broad opportunity to gain the essential background knowledge of communist history and policy."* *Close Quote*



At this point, may I pause to make it perfectly clear that I am not criticising our schools or colleges

*Allen W. Dulles, Speech before Veterans of Foreign Wars, Detroit, August 22, 1962. College courses on history and comparative government do, of course, deal in varying degrees with communism, but the problem is one of emphasis, priority and depth. An 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 a number of our universities are doing conspicuous work, The Russian Research Center at Harvard and the Research Institute on Communist Affairs at Columbia University being examples.

Opinion

or the fine people who run them. The backwardness of our education on communism has reflected popular opinion. Until quite recently, a public school educator who proposed a course specifically on communism would have endangered his job. A resolution offered in the House of Delegates of the American Bar Association in the early 50's urging sound instruction on this subject, was overwhelmingly defeated. In short, there was abroad in our land/somewhat the same blind reaction/ to the teaching of anything about communism/that existed during our two world wars, to teaching the German language.

But happily, and due in part at least to the leadership of the Bar and to a few farsighted individuals*, there has been a major swing in public opinion.

Other major national organizations have *now ~~steps~~ spoken out on this subject.* followed the lead of the American Bar Association. These

include the National Education Association, the American

*Among the leaders who have helped awaken America to this need are Allen W. Dulles, J. Edgar Hoover, Admiral William C. Mott, Jr., Morris I. Leibman, and Frank R. Barnett.

Legion, and the National Association of Attorneys General.*

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 today the debate is how best to provide this instruction.

In my judgment the current question - with all of its implications - is far more difficult than the initial one. It is here that I feel that the organized bar can continue to make a significant contribution.

I will now mention - without elaboration - some of the thorny problems of how best to accomplish sound instruction on communism and its contrast with freedom under law. The following questions will indicate the nature of these problems:

Just ~~Should there be legislation?~~ The ABA committee ~~(of which I was chairman last year)~~ thought

*The NEA and the American Legion have recently published a booklet entitled Teaching About Communism, Guidelines for Junior and Senior High School Teachers.

that legislation was normally not necessary. Usually, state and local boards of education have the requisite authority and are responsive on this subject.*

Second 2. Should the emphasis be on education, or should it be anticommunist indoctrination? This is a vital point. Most lawyers share my deep conviction that communism is the most sinister movement in all history; that it is the enemy of our country and of freedom everywhere; and that it must be defeated. Moreover, schools in communist countries are a major *instruments* tool of indoctrination.

But in America, the educational process is closely and properly related to a principal objective

*Louisiana and Florida by legislation adopted in 1960 and 1961 respectively now require the teaching of the contrast between communism and the American system. A New York statute effective last month (N.Y. Laws 1961, Ch. 662) makes the teaching of the facts about communism permissive. But most states have still left this to voluntary action by state and local boards. Although information is incomplete, the ABA committee reported last summer 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 many local school boards which have moved without state-wide action. *Missouri*

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:

Quote "We should not be afraid to teach the subject. The history of communism and all of its works would bear its own indictment, ~~of the system~~. Let the facts speak for themselves."* *Close Quote*

Then? Should there be a separate unit or course?

The view expressed in the ABA pamphlet, which I strongly

*Allen W. Dulles, Address before Veterans of Foreign Wars, Detroit, August 22, 1960.

share, is that separate courses or units are necessary. The subject of communism is far too vital and difficult to be taught "tangentially" (as Professor Ebenstein commented) in general social studies courses. If it is to receive the necessary emphasis and thoroughness, there must be separate courses of study.

Moreover, unless this subject is accorded the status of a separate unit or course, there will be no special training of teachers and this, in turn, means that even the "tangential" instruction would be superficial and often misleading. The teaching of this infinitely complex subject should not be left to the football coach who teaches social studies on a part time basis.

South Are suitable textbooks now available?

A year ago the answer to this question was in the negative. Fortunately, this situation has materially changed for the better with the publication in recent months of several books designed specifically for

classroom use.* No school system can now fairly delay instruction on communism because of alleged absence of suitable classroom materials.

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5. Is it necessary to provide special training for teachers? As indicated above, the answer is plainly "yes". Indeed, teacher training is perhaps the most difficult problem, ~~because~~ ^{in fact,} there are relatively few persons adequately prepared to teach a course on communism. As the unfortunate history of the past 20 years clearly reveals, very few people in the free world - including our leaders - have really understood the nature, scope and thrust of the communist movement.

But the fact that the supply of qualified teachers is limited is no justification for perpetuating the state of ignorance which, for two

*Ebenstein, Two Ways of Life (The Communist Challenge to Democracy), New York: Holt, Reinhart & Winston, Inc. 1962; Swearingen, The World of Communism, Cambridge: Houghton Mifflin Company, 1962; Hoover, A Study of Communism, New York: Holt, Reinhart & Winston, Inc. 1962. In addition, Dr. Colegrove's book, The Menace of Communism, New York, D. Van Nostrand Co., Inc., 1962, has now gone into a second edition.

decades, has caused America to misappreciate and underestimate communist intentions and capabilities.

Once a school system, whether at the state or local level, has resolved to provide instruction on this subject, a thorough program for the inservice training of teachers must be planned and implemented. Moreover, immediate attention must be given to the training of future teachers through the "teachers colleges".

Optional

The ABA committee, under the chairmanship of Morris I. Leibman, is working on a far reaching plan for the cooperation of the organized bar with educational authorities in providing summer institutes for teacher training.*

*At the regional level, there were at least ^{four} three universities which this year offered summer institutes for the training of high school teachers, namely, the University of South Carolina, the University of Southern California, and Vanderbilt University. In Louisiana and Florida, the legislatures have provided for the inservice training of teachers on an extensive basis. In Virginia, and it is to be hoped other states, inservice training is scheduled this fall.

and St. Louis University

might comment

This page is optional

Sixth Q.

Is there a danger of "extremist influence"?

Optional

It is certainly true that the subject of communism tends to evoke extreme and emotional reactions. Special care must therefore be exercised - by bar committees and educational authorities - to avoid extremist influence of both the right and the left. Obviously, all implications of domestic politics must also be scrupulously avoided.

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 sound education in this area is to dispel this ignorance and to focus informed attention on the real enemy of freedom - the international communist movement.

This can and must be done with 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.

A bar committee can be especially helpful if teachers or educational authorities are attacked

Can omit

unfairly because of differences of opinion as to how the subject of communism should be presented.

* * * *

Now, may I come back to the role of lawyers and the organized bar. The question most frequently asked, by those who are concerned about the communist menace, is what can ordinary citizens do to combat it. Various answers can be given--from "write your congressman" to "buy savings bonds." But most of these ^{answers} are superficial and frustrating ~~answers~~.

It seems to me, and to the ABA committee, that the single greatest need is for genuine understanding of communism, and of the issues and techniques of the war it is waging against all free institutions. The development of such understanding is primarily the task of education at all levels - in our schools, colleges and for adults.

In America, the nature and content of education are not predetermined by an omnipotent

national government. These are determined at the state and local levels, primarily by citizen boards. Moreover, public opinion and citizen leadership through PTAs and other groups have a profound influence on the entire educational process. Lawyers and bar associations can participate, with special effectiveness, in moulding public opinion and activating educational boards and authorities.

Here, then, is an area where every citizen, including lawyers, can do something. (Taking a direct and active interest in what your schools and colleges are teaching, working cooperatively with your school boards and PTAs, or organizing adult study groups, may not be as dramatic or satisfying emotionally as petitioning Congress to blockage Cuba. But in the long view of our struggle with this tyranny, sound education of our people may well be the single most important pre-requisite to ultimate victory.

Optional

While we are talking here tonight about one particular educational void, it hardly need be

said that the entire educational process in America must be accorded far greater emphasis-- just as in Russia today it enjoys the highest priority.

The affirmative teaching of the values of our American system, and its rich legal and cultural heritage from western civilization, must of course be the foundation of our social science education. This is the great heritage which communism seeks to destroy. As J. Edgar Hoover aptly says, in his splendid new textbook:

Quote
 "Our citizens must develop (through education and by example)..., in a positive fashion, our greatest weapon against communism - individual freedom under law."*

Lawyers, more than others, have a special duty and responsibility to help develop this wider appreciation that freedom under law is the basic answer to the communist threat.

*Hoover, A Study of Communism, p. 186 (Holt, Reinhart & Winston, Inc. 1962)

It is of course true that education is a slow process at all levels. Indeed, the "lead-time" of programs initiated in the schools today must be measured in terms of a decade or more. But our only hope of winning the Cold War is long term. Nuclear war is a real and ominous possibility. Most of us had rather be "dead than Red," but one must believe that these are not the only alternatives. There is a third course which America can and must pursue, namely, victory in the Cold War. This is necessarily a long range and difficult course.

And here, may I emphasize that there must be victory rather than "co-existence", as communism will never cease its efforts to destroy freedom. Dr. Charles Malik, Lebanese scholar, former President of the U. N. ^{General} Assembly and internationally known authority on communism, recently said:

Quote "It is impossible to have any peace with the Marxist-Leninist International Communist Party. So long as this party dominates any

government,

government, there can be no peace. Marxism-Leninism is an absolute spiritual assault on the fundamental values of man, freedom, truth, spirit and God; and with such an assault, there can be no peace."*

There can, indeed, be no peace with communism. Despite differences as to short term methods and tactics, communist party leaders everywhere are in complete accord as to the ultimate goal. This is communist domination of the world, and the liquidation of all other forms of social and political organization.

There is not the slightest hope of any voluntary relinquishment of this goal. When ^hKrushchev talks of "peaceful coexistence" and "total disarmament" he is speaking "Communes"--a Cold War language used to deceive, delude and divide the Free World.

At best, we are in for a protracted struggle
~~At best, we are in for a protracted struggle~~
 which will extend for decades. The wisdom, will and patience of our people will be tested more severely

*Address, Virginia State Bar Association, Hot Springs, Virginia, July 6, 1962.

than in all previous wars in our history. We must, of course, fight this Cold War within the framework of a free society. This accents the need for the knowledge and understanding which, in a democracy, both the people and our leaders must possess. This means, of course, not merely knowledge of the communist movement, but the breadth of knowledge and wisdom which is attainable only by free men with free institutions.

It is the high purpose of this meeting tonight, and the aspiration of the ABA Committee, to promote and encourage this kind of knowledge and wisdom.