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SENATOR SAM ERVIN ★ SAYS ★



First Amendment Misused

WASHINGTON -- Inasmuch as the First Amendment and the right of dissent are being invoked with frequency nowadays to justify rioting by students on the campuses of some of our institutions of higher learning, it is timely for us to consider this Amendment and this right.

The First Amendment undertakes to make the minds and spirits of men free. To this end, it guarantees to every person in our land freedom of thought, freedom of speech, freedom of the press, and freedom of religion. One may exercise these freedoms either as an individual or in association with others having a common lawful purpose. Furthermore, the First Amendment expressly recognizes a collective freedom, I. e., the right of the people "peaceably to assemble and to petition government for a redress of grievances." Also, the right of dissent, which is the right to differ from others in opinion, may be said to be a part of the First Amendment. Under our Constitution, men can be punished for what they do or fail to do, but not for what they think or believe.

Even so, it is abundantly clear that the Amendment requires that all of these freedoms be exercised in a peaceful manner, and law abiding manner. This requirement is explicit in the declaration that those who wish to petition government for a redress of grievances must assemble peaceably, and is implicit in the nature of the freedoms themselves. They are designed to enable people to inform and persuade others, not to coerce them. Also, the Amendment doesn't authorize any acts whatever except non-violent acts tantamount to the freedoms it secures such as peaceful demonstrations and peaceful picketing, which merely proclaim the views of the participants and do not infringe on the rights of others.

These things being true, the First Amendment freedoms do not legalize, or exempt from punishment, the acts of those who commit crimes or incite others to commit crimes. Indeed, they do not deny government the power to curtail a person's right to speak if the manner of speaking and the surrounding circumstances create a clear and present danger that his words will incite others to violence and thus endanger the public safety.

During recent months groups of students, acting in concert, have used physical force and threats of physical force to disrupt the education process of the campuses of some of our public and private institutions of higher learning. Thus, students by violent means have detained administrative officers of these institutions in their offices, have denied teachers and fellow students access to buildings set apart for instructional purposes, and on occasion have even assaulted administrative officers, teachers, and fellow students, who refused to cooperate with them.

Moreover, they have often denied innocent citizens their legal rights to travel in safety on public highways by blocking such highways, or by hurling stones into their automobiles.

Those who seek to justify such outrageous conduct ignore the simple truth that criminal coercion has no place on the campus of any university or college anywhere in our land. After all, the ultimate duty of a free society is to enforce law and maintain order, and in the final analysis our universities and colleges must see that this is done or else the intellectual and spiritual light necessary to preserve a free society will perish.

straight talk

By Tom Anderson

A MAN OF STRONG CONVICTIONS



On February 20, 1970, a mild-mannered gentleman named Robert De Pugh stood before Judge Collinson in Federal Court in Kansas City and was sentenced to four years in prison. Before the sentencing, the Judge asked Mr. De Pugh whether he cared to make a statement.

"Yes, your honor," De Pugh replied.

"I am 46 years old. For the first 41 years of my life I was a completely law-abiding citizen.

"When I worked for others, I gave an honest day's work for each day's pay. When other men worked for me, I gave an honest day's pay for each day's work. I tried to be a good husband, a good father and a good neighbor. I have been given honorary membership in several scientific societies. More than 100 new medical products have resulted from my work as a research chemist.

"Even today, those who know me best will confirm that few people set for themselves as rigid a code of personal conduct as the prisoner who stands before you. My personal code of conduct does not permit me to use profanity, or to drink or smoke. My personal code of conduct does not permit me to gossip about other people's affairs or to hurt another person's feelings by sarcasm or innuendo. My personal code of conduct does not permit me to make myself look good at another person's expense.

"During the past five years, I have been repeatedly accused of crimes I did not commit. As a private citizen I have been forced to marshal my limited resources, financial and psychological, over and over again to defend myself against the awesome power of State and Federal Governments, and the cost has been high—higher than you can ever know.

"Now, Your Honor, for the other side of the coin, I stand before the Court tried and found guilty.

"It may be of little importance, but I would like to say this: I have never broken the law wantonly. I have not done anything that I thought was morally wrong or anything that actually hurt my fellowman.

"Of course, the government's position must be that the individual citizen cannot decide for himself which laws he thinks are right and which laws he thinks are wrong. Every govern-

ment that has ever existed has told its citizens the same thing. At first impression this seems reasonable enough. It's usually not too difficult to obey the law. In fact, it's very easy—easy, that is, for those who have no great convictions.

"Such a man will attend to his own affairs. He will 'keep his nose clean.' He will stay out of trouble. He will obey the law. They obeyed the law, Your Honor, and stood aside while Jesus was nailed to the cross. They obeyed the law, Your Honor, while their fellowmen were sold into slavery, and pocketed their share of the profit. They obeyed the law, Your Honor, and turned their Jewish neighbors in, so they could be legally and lawfully transported to the gas chambers. In Cuba today, it is the law-abiding wife who turns her husband in to the police for an insulting remark about Castro. In North Vietnam today it is the law-abiding citizen who takes part in the public execution of American prisoners of war. But for the man who has strong beliefs regarding the basic principles of right and wrong, the path is not always so clear—and he has few precedents to guide him . . .

"The best of all we have today—of what we call Western Civilization—was given us by men who broke the law. Think of Galileo sitting in prison for teaching that the earth revolves around the sun. Lister, Harvey and many other physicians broke the laws of their day to conduct the medical research for which we are now so thankful. Every person who is ever bitten by a rabid animal can thank his lucky stars that Louis Pasteur broke the law flagrantly while doing the research that makes the Pasteur treatment possible.

"It is in the field of law itself that laws have most often been broken. The Magna Carta was not given to the people of England as the gratuity of a generous monarch. It was fought for by men who broke the law to create better laws. How many heads rolled from the guillotine to bring a new set of laws to France? The laws of this nation and every other nation are written in blood.

(More on Robert De Pugh's statement and incarceration in this space next week.)—American Way Features

The Manion Forum

By Marilyn Manion

A WORD TO THE WISE



It all began in the name of Peace. The United Nations, planning to celebrate its 25th anniversary this year, decided to stage a "world youth" assembly on the banks of the East River. Scheduled for July 9, the gathering would include young delegates from around the world. The cost of this friendly little get-together was estimated at \$700,000. It was expected that good old Uncle Sam would come up with most of that amount.

While the Peaceful Internationalists blissfully worked on these plans, some dedicated Communist youths were busily making plans of their own at a secret meeting in Switzerland. Members of two Communist youth groups in Eastern Europe threatened to boycott the assembly unless it were revised to include certain additional guests. The additions? Communist China, North Vietnam, East Germany, the Palestine Liberation Front, and various African and Asian "national liberation" movements.

The UN capitulated to the Communists and issued 126 extra invitations to non-members. Whereupon, lo and behold, the holders of the purse strings balked. Western countries—including the United States—allowed as how paying the way for the Reds would be the last straw. So, for awhile, it looked as if lack of funds would cancel the assembly of horrors, and so much the better.

But some people can't let well enough alone. Michael Butler, who is the producer of the Broadway musical "Hair," heard that the assembly needed funding. He offered "Hair's" services to the UN—he would hold, he said,

benefit performances of the show and raise a few hundred thousand dollars for the cause. (Note to theatre-goers: The benefits—eight of them in the U.S. and Canada—took place on June 4). Butler said he acted in the spirit of "Hair"—love and service to humanity.

Naturally, the planners of the assembly were ecstatic. Said one: "We have been afraid the kids would stand away, feeling the assembly was too much Establishment; having 'Hair' in the act will turn it on." (As if the Communists could care about precisely who provides the platform for their anti-American diatribes. If the "Establishment" is to be their unwitting ally, so what?)

"It is obvious," writes Thurman Sensing, Executive Vice President of the Southern States Industrial Council, "what such representatives will do if they are permitted to enter the United States to attend the Youth Assembly. They will use the sessions at the U.N. to make propaganda war against the United States and its allies. Inasmuch as the United States has no diplomatic dealings with these nations, and as they are bitter enemies of free people, there is no reason why delegates from these nations should be admitted to the United States. Indeed, the Nixon Administration should make it plain at the earliest possible date that these youthful propagandists will not be permitted to set foot on American soil to abuse this country in the halls of the U.N. building."

The Youth Assembly was, as the *Chicago Tribune* quipped, "Saved By A Hair." A pity for America.—American Way Features