

THE ATTACK

ON SOUTHERN CONFERENCE EDUCATIONAL FUND!

A Report

by

Student Civil Liberties Coordinating Committee

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The offices and home of three New Orleans leaders of the Southern Conference Educational Fund (SCEF) were raided by approximately 100 city and state police and prison trustees on October 4, 1963.

Arrested were Dr. James A. Dombrowski, Executive Director of SCEF, Benjamin E. Smith, SCEF treasurer and ACLU counsel in Louisiana, and Bruce C. Waltzer, Smith's law partner. SCEF files and mailing lists were removed from Dombrowski's home and the New Orleans headquarters of SCEF. SCEF files and private legal files were taken from Smith and Waltzer's New Orleans law office. Smith and Waltzer were arrested at an inter-racial civil rights conference sponsored by the Louisiana Civil Liberties Union and the National Lawyers Guild.

The arrests were made on a complaint by the Louisiana Joint Legislative Committee on Un-American Activities. The Louisiana Committee charged that SCEF was a "well-known Communist Front organization" operating in violation of the Louisiana Subversive Activities and Communist Control Act¹ and in violation of the State Communist Propaganda Control Act (see Appendix). Dombrowski, Smith and Waltzer were accused of (a) violating the Subversive Activities and Communist Control Act by participating in the management of a "subversive organization" and (b) violating the Communist Propaganda Control Act by "distributing and storing Communist propaganda in the State." Violating of the Subversive Activities and Communist Control Act can result in a \$10,000 fine and/or ten years in jail at hard labor. Violating

(1) In the case of Penn. v. Nelson (1956), involving a state statute similar to the Louisiana Act, the U.S. Supreme Court ruled that prosecution of "subversion" is pre-empted by the Federal government, allowing no action by State authorities.

the Communist Propaganda Control Act can result in a \$10,000 fine and six years at hard labor.

WALLACE ATTACKS SCEF

The Joint Committee stated that the raid and arrests grew out of a television appearance on the NBC program, "Today," by the Governor of Alabama, George Wallace, who blamed SCEF for "racial agitation" in Alabama. Gov. Wallace displayed photographs of Dombrowski, Smith, Waltzer, and SCEF Field Secretaries Carl and Ann Braden, at a SCEF conference in Birmingham last year -- the first integrated conference in Birmingham in the last 25 years.

At a press conference after the raid, the Joint Committee's counsel, Jack N. Rogers, was asked if the raid had been coordinated with the FBI. Rogers displayed a newspaper clipping allegedly quoting the late President John F. Kennedy as saying that the Justice Department had no information that any top leader of major civil rights groups was a Communist. Rogers then told of his faith in J. Edgar Hoover's leadership of the FBI, but said, "We know that if we told the FBI about this raid, they would have to tell Bobby Kennedy. We cannot trust him and we expected he would tell his friend, Martin Luther King."

The three arrested men were released on parole the next day (October 5). On a motion for a preliminary hearing on October 25, Judge J. Bernard Cocke dismissed the charges against the three and SCEF on the grounds that there had been "no probable cause" shown for the issuance of the warrants.

EASTLAND SUBPOENAS FILES

At the October 25 Court appearance, State Representative James H. Pfister, chairman of the Joint Committee, testifies that he could not produce the records seized in the raids because they had been

subpoenaed by Senator James O. Eastland (D.-Miss.) and J.G. Sourwine, counsel for the Internal Securities Subcommittee of the Senate Judiciary Committee (SISS), which Eastland chairs. Pfister testified that Eastland had informed him of the subpoenas by telephone on the night of the raids. Thereupon, Dombrowski and SCEF filed an injunction against Eastland, Pfister, and the Louisiana State Police to forbid use of the files and records seized in the raid.

This injunction was declared moot by the Federal District Court on October 28 when it was discovered that the records were no longer in the state. The records on Eastland's orders had been transferred to chancery court in Woodsville, Mississippi, and then partially to Washington, D.C.

SCEF FILES SUIT

On November 1, SCEF and Dombrowski filed suit in Federal District Court in Washington for damages totaling \$500,000 against Eastland, Sourwine, the Joint Committee Chairman, Pfister, Col. T.D. Burbank and Maj. Russell R. Willie of the Louisiana State Police, and the Allstate Insurance Company of New Orleans, the indemnifying agency for the city of New Orleans. The suit charged the following:

1. documents and other property belonging to SCEF were illegally seized;
2. some of the documents, including the organization's lists of subscribers and contributors, have fallen into the hands of Eastland and SISS, and should be returned to their owners;
3. the documents, unless they are returned, may be used against supporters and friends of SCEF to intimidate them and to deter them from their efforts to achieve racial equality, as guaranteed by the First and Fourteenth Amendments of the Bill of Rights.

Also filed was a motion calling for a preliminary injunction restraining Eastland and the other defendants from using the documents "in

any way whatsoever"² and ordering them to return the material to SCEF. SCEF attorneys in the suit are Kunstler, Kunstler and Kinoy of New York and Milton Brenner of New Orleans.

Background on SCEF

The Southern Conference Educational Fund is a non-profit, educational organization whose purpose and function is "to secure to Negro citizens the rights guaranteed to them under the U.S. Constitution and to end all forms of segregation in the Southern section of the United States." It has a board of Directors of more than fifty Negro and white integrationists in the South. Its president is Rev. Fred L. Shuttlesworth, leader of the Alabama Christian Movement and Secretary of the Southern Christian Leadership Conference.

In November 1938, a gathering of several thousand people from all over the South met in Birmingham to form the Southern Conference for Human Welfare (SCHW), which continued as an unincorporated educational association with an interest in economics and race relations. In 1942, the SCHW was incorporated as a non-profit organization in Tennessee; it moved its main office to New Orleans in 1946.

In 1947, the SCHW decided to engage in political action; it assigned its charter to a new name, Southern Conference Educational Fund, Inc., and SCHW reorganized as an unincorporated association for liberal political action in the South. SCEF became a purely educational civil rights organization. The SCHW dissolved in August, 1949. SCEF now has a mailing list of some ten thousand.

On March 29, 1944, the Special Committee on Un-American Activities

(2) The Louisiana Joint Committee held hearings on November 8, in the course of which, photocopies of SCEF's membership lists were displayed.

(the Dies Committee) cited SCHW as a "Communist Front." On June 12, 1947, the House Un-American Activities Committee (HUAC) stated in a report that the SCHW was "a Communist front organization which seeks to attract liberals on the basis of its seeming interest in problems of the South." although its "professed interest in Southern welfare is simply an expedient for larger aims serving the Soviet Union and its subservient Communist Party in the United States." HUAC based its findings on SCHW leaders' affiliations with other "Communist Fronts" and on positions which SCHW had taken that were supposedly parallel to the Communist Party line, ie. racial equality. No hearings were held prior to the issuance of the report.

SISS INVESTIGATES SCEF

In March, 1954, the SISS held hearings in New Orleans on SCEF. One of the witnesses called, Leo Sheiner, a Miami attorney, was later disbarred for invoking the 1st, 4th, 5th, 6th, 8th, 9th, and 10th Amendments to the Constitution in refusing to answer the questions of SISS about his political beliefs.

Dombrowski, SCEF executive director, denied under oath that he was a Communist or under Communist discipline, when confronted with Paul Crouch³, long-time government witness, and John Butler, an illiterate steel worker from Texas who had briefly been a member of the Communist Party from 1941-1942.

Later in the hearing, Crouch and Butler accused Aubrey Williams, then SCEF president, and former head of the National Youth Administration under Franklin D. Roosevelt, of being a member of the Communist Party in the forties. Williams denied the allegations and asked that they be repeated without the privilege of Congressional immunity so he could initiate libel suits. Williams also stated that he had

withdrawn his name from several organizations, including the Stockholm Peace Appeal, when he discovered that they were Communist-dominated.

Existence of cooperation between the Eastland Senate Internal Security Subcommittee and state investigative bodies can be found as early as 1954, when SCEF attorney Benjamin E. Smith, acting as counsel to witness Dombrowski, charged that "in the absence of any legitimate legislative purpose, (SISS) intends to aid, further, and support criminal prosecutions in State and Federal Courts. Especially this is true when it is noted that press releases in recent days have called attention to the statement by Superintendent Brevemburg of the Louisiana State Police to the effect that members of his organization will attend the Subcommittee hearings to determine whether or not there have been violations of the State anti-Communist statutes.

The House Un-American Activities Committee held hearings on "Communist Activities in the South" in May, 1958. Among those called was Carl Braden, SCEF Field Secretary, who denied the right of the Committee to investigate his beliefs and associations. For refusing to answer committee questions on First Amendment grounds, Braden was cited for Contempt of Congress and jailed for one year. His conviction was upheld by the Supreme Court.

(3) Crouch's testimony in the case of Subversive Activities Control Board v. C.P.U.S.A. was thrown out because of perjury by the U.S. Supreme Court.

APPENDIX

Preamble to the
LOUISIANA COMMUNIST PROPAGANDA CONTROL ACT

"There exists a clear and present danger to the security of the State of Louisiana and the well-being and security of the citizens of Louisiana from the infiltration of a significant amount of Communist propaganda into the State. In addition, this State is a stopping place or "way station" for sizeable amounts of Communist propaganda to the rest of the U.S. and to many foreign countries.

"The danger of Communist propaganda lies not in its being "different" in the philosophy it expresses from the philosophy generally held in this state and nation, but instead in the fact that it is a specific tool or weapon used by the Communists, for the express purpose of bringing about the forceable total destruction of the philosophy of freedom upon which this state and nation were founded. "Words are bullets," and the Communists use them so. Whatever guarantees of sovereignty and freedom are enjoyed by this state and its citizens are certain to vanish if the United States of America is destroyed or taken over by the Communists, and we therefore declare that any Communist effort by propaganda infiltration or otherwise against the United States and should be rightly considered as an attack upon or a clear and present danger to the State of Louisiana and its citizens. Such attacks should therefore be the subject of concurrent jurisdiction such as is now in effect both on the state and federal level concerning such dangers as the narcotics traffic, bank robbery, kidnapping, etc. We hereby declare that the danger of Communist propaganda infiltration is even greater than the danger from narcotics, pornographic literature, switch blade knives, burglar tools, or illicit alcohol in dry jurisdictions, all of which have been the subject of valid statutory regulation by the States within the Constitutional framework. The federal regulations on the subject is either inadequately enforced, as much Communistic propaganda materials unlabeled and unidentified as such is in fact entering the State of Louisiana at this time; or they are not sufficiently strong. Therefore, we enact the following measure."