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Statement Delivered Relative to the Loyalty Oath Statute

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STATEMENT OF JUSTICE JESSE W. CARTER MADE OVER THE TELEPHONE
TO A GROUP ASSEMBLED AT A RECEPTION GIVEN BY DR. LEONARD
POCKMAN AT THE HOME OF DR. LEVITIN, 355 CASTENADA AVENUE IN
SAN FRANCISCO ON APRIL THE 12TH, 1953, RELATIVE TO THE LOYALTY
OATH STATUTE.

I regret exceedingly my inability to attend this reception and meet each of you personally, and I am sure Dr. Pockman has explained the unforeseeable situation which prevented my personal appearance there.

While most of you know my position with respect to so-called loyalty oaths, I am happy to re-state it for whatever encouragement it may afford in the fight for freedom of thought and expression in the atmosphere of fear, hysteria and general distrust which now exists.

It should be fitting on this occasion to call attention to the fact that tomorrow -- April 13th -- is the 210th anniversary of the birth of the great architect of free government and advocate of civil liberties and freedom of

thought and expression -- Thomas Jefferson -- and to remind those who are now clamoring for conformity and suppression of unorthodox ideas, that they are desecrating the memory of the author of the Declaration of Independence, whose philosophy was epitomized in the oft-quoted statement that: "I HAVE SWORN UPON THE ALTER OF GOD ETERNAL HOSTILITY AGAINST EVERY FORM OF TYRANNY OVER THE MIND OF MAN." In harmony with this philosophy, Thomas Jefferson declared in his First Inaugural Address as President of the United States: "IF THERE BE AMONG US WHO WOULD WISH TO DISSOLVE THIS UNION OR TO CHANGE ITS REPUBLICAN FORM, LET THEM STAND UNDISTURBED AS MONUMENTS OF THE SAFETY WITH WHICH ERROR OF OPINION MAY BE TOLERATED WHERE REASON IS LEFT FREE TO COMBAT IT." If Jefferson was right, we should welcome, rather than shun, criticism of Government and our way of life. In the atmosphere of fear and hysteria of today, Jefferson would probably be labelled a subversive and possibly put in prison as being dangerous to national security.

My views with respect to the so-called Levering Loyalty Oath were expressed in my dissenting opinion in the case of Pockman v. Leonard which is now a matter of public record. It is my understanding that this case is now before the Supreme Court of the United States on appeal from the decision of the Supreme Court of California which upheld the validity of the Levering Act. Since the decision of the Supreme Court of California in this case, the Supreme Court of the United States has held a similar Oklahoma loyalty oath statute unconstitutional. In my opinion there is no basis distinguishing the Levering Act from the Oklahoma law. They are substantially the same. Both require a list of subversive organizations of which the oath taker is a member. However, the Supreme Court of California construed the Levering Act as requiring knowledge on the part of the oath taker of the subversive character of an organization to which he belonged, and which he failed to list, before he could be held guilty of perjury. Neither act contains any such provision, and it

should follow that if the Oklahoma law was invalid because it established guilt without knowledge, the Levering Act is likewise invalid and so is the constitutional amendment which was adopted at the last general election as Proposition No. 6 on the ballot.

While it is both impossible and unwise to predict the result in any law suit, there can be no doubt as to the wisdom of presenting Dr. Pockman's case to the Supreme Court of the United States and those who have cooperated in carrying on this fight are deserving of the commendation of all who believe in the concept of civil liberty declared in the Bill of Rights. May your efforts be crowned with success.