



# BULLETIN



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### FREE SPEECH AND THE NEW DEAL

For those naive enough to believe that the present administration is concerned about the preservation of the constitutional rights and liberties of citizens, there is food for thought in recent events.

When the American Liberty League made public the report of its National Lawyers Committee expressing the opinion that the National Labor Relations Act is unconstitutional, Secretary of the Interior Harold L. Ickes felt it incumbent upon himself to denounce the Lawyers Committee as being guilty of "a gross impertinence" and as "an evidence per se of disrespect for the Supreme Court."

The inescapable implications of Mr. Ickes' outburst were pointed out in a radio address (Doc. No. 69) by James M. Beck, former Solicitor-General of the United States, and a member of the National Lawyers Committee. Mr. Beck said:

"When a lawyer is called to the Bar, he takes in open court a solemn oath that he will support, maintain and defend the Constitution. While such defense is the duty of every American, whether he takes a formal oath or not, yet as the judicial interpretation of the Constitution can only arise in litigated cases, it is the peculiar duty of the lawyer to advise his clients, and if need be the general public, as to whether some newly enacted legislation is or is not a violation of the Constitution.

"His right to express an opinion is indeed a part of the right of free speech, guaranteed by that Constitution, but he has a peculiar responsibility, for the citizen cannot effectively assert his constitutional rights in a court of justice unless he is advised by a competent lawyer that his rights have been violated.

"All this would seem too obvious to require statement were it not for the fact that the lawyer's right has recently been challenged by high officials who pretend to believe that when Congress passes a law which is plainly in excess of its authority, the lawyer must remain silent, and that if he ventures to suggest that the law is a nullity, he is guilty of lese majeste. This is the rule in Russia, Germany and Italy, but it is not, as yet, the rule in free America, where, thank God, the Constitution still guarantees the right of free speech."

It is possible that some secret Executive Order has been issued designating Mr. Ickes as Federal Administrator of Free Speech, or perhaps he was merely illustrating the New Deal fondness for denunciation of anyone who dares to question the inspired infallibility of the present administration. He was noticeably silent when, a few days later, a fellow member of the Cabinet, the Honorable Henry A. Wallace, declared to Washington newspaper men: "I don't want to enforce the Potato Control Act enacted by the last Congress. I am going to do all I can to avoid enforcing the Potato Control Bill." This is the same Mr. Wallace who, when he assumed