

Internal Security Bill of 1950, also called the McCarran Act (Excerpts)

Directions: Read the excerpts and answer the questions that follow.

To protect the United States against certain un-American and subversive activities by requiring registration of Communist organizations, and for other purposes.

TITLE I-SUBVERSIVE ACTIVITIES CONTROL
Section 1. (b) Nothing in this Act shall be construed to authorize, require, or establish military or civilian censorship or in any way to limit or infringe upon freedom of the press or of speech as guaranteed by the Constitution of the United States and no regulation shall be promulgated hereunder having that effect...

Sec. 4. (a) It shall be unlawful for any person knowingly to combine, conspire, or agree, with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship...

(d) Any person who violates any provision of this section shall, upon conviction thereof, be punished by a fine of not more than \$10,000, or imprisonment for not more than ten years, or by both such fine and such imprisonment, and shall, moreover, be thereafter ineligible to hold any office, or place of honor, profit, or trust created by the Constitution or laws of the United States...

(f) Neither the holding of office nor membership in any Communist organization by any person shall constitute per se a violation [of this law]. The fact of the registration of any person ... as an officer or member of any Communist organization shall not be received in evidence against such person in any prosecution for any alleged violation of [this or] any other criminal statute...

Sec. 5. (a) When a Communist organization [is registered or ordered to register] it shall be unlawful-
(1) For any member of such organization ... (B) to hold any non-elective office or employment under the United States; or...(D) if such organization is a Communist-action organization, to engage in any employment in any defense facility.
(2) For any officer or employee of the United States or of any defense facility ... (A) to contribute funds or services to such organization...

Sec. 6. (a) When a Communist organization ... is registered...it shall be unlawful for any member of such organization... (1) to make application for a passport, or the renewal of a passport, to be issued or renewed by or under the authority of the United States; or (2) to use or attempt to use any such passport.

Sec. 7. (a) Each Communist-action organization [and Communist-front organization shall submit an annual report which provides]

(1) The name of the organization and the address of its principal office.

(2) The name and last-known address of each ... officer of the organization...

(3) An accounting of all moneys received and expended (including the sources from which received and the purposes for which expended) by the organization during the period of twelve full calendar months next preceding the filing of such statement.

(4) In the case of a Communist-action organization, the name and last-known address of each member of the organization ...

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Sec. 10. It shall be unlawful for any [Communist] organization which is registered ...

(1) to transmit or cause to be transmitted, through the United States mails or by any means ... any publication ... unless such publication, and any envelope, wrapper, or other container in which it is mailed...bears the following, printed in such manner as may be provided in regulations prescribed by the Attorney General, with the name of the organization appearing in lieu of the blank: "Disseminated by _____, a Communist organization"; or (2) to broadcast or cause to be broadcast any matter over any radio or television station in the United States, unless such matter is preceded by the following statement, with the name of the organization being stated in place of the blank: "The following program is sponsored by _____, a Communist organization".

Sec. 12. (a) There is hereby established a board, to be known as the Subversive Activities Control Board, ... (e) It shall be the duty of the Board ... to determine [through hearings] whether any organization is a "Communist-action organization" ... or a "Communist-front organization" ...

Sec. 13. (1) All hearings conducted under this section shall be public. Each party to such proceeding shall have the right to present its case with the assistance of counsel, to offer oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. ...

(e) In determining whether any organization is a "Communist-action organization", the Board shall take into consideration- (1) the extent to which its policies are formulated and carried out ... pursuant to directives or to effectuate the policies of the foreign government or foreign organization ... or under the ... direction and control of the world Communist movement referred to in section 2 of this title; and (2) the extent to which its views and policies

do not deviate from those of such foreign government or foreign organization; and (3) the extent to which it receives financial or other aid, directly or indirectly, from or at the direction of such foreign government or foreign organization; and ...

(7) the extent to which, for the purpose of concealing foreign direction, domination, or control, or of expediting or promoting it objectives, (i) it fails to disclose, or resists efforts to obtain information as to, its membership ...and (v) it otherwise operates on a secret basis; and (8) the extent to which its principal leaders or a substantial number of its members consider the allegiance they owe to the United States as subordinate to their obligations to such foreign government or foreign organization. ...

TITLE II-EMERGENCY DETENTION

Sec. 102. (a) In the event of any one of the following: (1) Invasion of the territory of the United States or its possessions, (2) Declaration of war by Congress, or (3) Insurrection within the United States in aid of a foreign enemy, ... the President is authorized to make public proclamation of the existence of an "Internal Security Emergency". (b) A state of "Internal Security Emergency" (hereinafter referred to as the "emergency") so declared shall continue in exercise until terminated by proclamation of the President or by concurrent resolution of the Congress.

Sec. 103. (a) Whenever there shall be in existence such an emergency, the President, acting through the Attorney General, is hereby authorized to apprehend and by order detain, pursuant to the provisions of this title, each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage.

Critical Thinking Questions

1. Explain in your own words what specific actions were prohibited under the McCarran Act.
2. According to the text of the McCarran Act, was it intended to limit free speech and press? To what extent did the implementation of the law limit free speech, press, and association?
3. Which parts of the law, if any, might ease your mind if you were a communist or had been one in the past, but had taken no subversive action of any kind?
4. If you were president, would you sign or veto this law, and what would be your reasoning? What consequences would likely result from your chosen course of action?
5. Did the McCarran Act make assumptions about organizations deemed to be communist? If so, are the assumptions valid?