

P.O. Box 471 Cooper Station
New York, New York 10003

October 9, 1970

To All Organizers, NC Members, and At Large Members

Dear Comrades,

Locals are being sent copies of a printed brochure and appeal letter, signed by several prominent academic figures on the Mandel case.

These materials are not for mass distribution. They should be selectively used in contacting and circularizing individuals and groups to raise money for the MANDEL CASE LEGAL DEFENSE FUND -- NECIC. More can be sent you for such purposes on request.

As explained at Oberlin, our organizations have agreed to cooperate in this case. Each local should designate someone to take charge of this fund raising effort. That person should organize visits to the teaching staffs, student bodies, students and other individuals concerned with civil liberties over the next few months. No specific quotas are set; just make the most of local possibilities.

The essential facts and issue in this important case are set forth in the printed materials. The main point to be stressed in soliciting aid from the academic community is this: Their contributions will do more than support the plaintiffs in this suit, their American colleagues and the Belgian scholar Mandel. They will be donating to defend their own rights as professors and students to invite anyone from anywhere to their campuses and hear what they have to say. That is the central issue at stake in this case.

It will be helpful if publicity for the campaign can be secured in the campus or underground press.

All contributions and communications in connection with this campaign should be addressed to: The Mandel Case Legal Defense Fund, National Emergency Civil Liberties Committee, 25 East 26th St., New York, N.Y., 10010.

Francoise Collet will be responsible for the national supervision of this aspect of the fund-raising campaign. Any inquiries about this work can be directed to her through the SWP and YSA at 873 Broadway, New York, N.Y. 10003.

Fraternally,

George Novack
George Novack

P.S. The need for funds is great! Let's do the job during October, November and December.

THE MANDEL CASE LEGAL DEFENSE FUND—NECLC

In Care of the National Emergency Civil Liberties Committee
25 East 26th Street, New York, N. Y. 10010. Tel: (212) MU 3-8120

October 1970

Dear Friend:

Enclosed is a brochure on the case of Ernest Mandel, the Belgian Marxist scholar who was twice barred from visiting the United States in 1969. This reversion to McCarthyism by the Justice Department has stirred considerable protest in this country and abroad.

Eight American scholars from seven Eastern universities have joined Mandel in bringing suit in federal court for an injunction restraining the government from excluding him from the U.S. This case is the first challenge to the restrictive provisions of the 1952 McCarran-Walter Act excluding aliens solely because of their political opinions.

Two main issues are plainly posed in this case. Do American citizens have the constitutional right to hear all views? We believe that the government does not have absolute power to refuse citizens of other countries admission to the U.S. for any reason, thereby exercising arbitrary censorship over what Americans can hear and discuss.

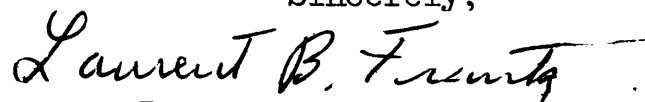
A three-judge panel heard the arguments in Brooklyn on June 24. Whatever their decision, the case will be appealed by one side or the other to the U.S. Supreme Court.

There are heavy expenses incurred in preparing this suit and carrying it through to a successful conclusion, even though fees for counsel are being paid for by the National Emergency Civil Liberties Committee. The outcome of this test case is so vitally important to our civil liberties, especially to the free exchange of ideas in the academic community, that we urge you to contribute generously to the fund for defraying these legal costs.

Checks should be made out to: Mandel Case--NECLC, Room 913, 25 East 26th Street, New York, N.Y. 10010.


Sincerely,


Germaine Brée


Laurent B. Frantz


Gabriel Jackson


Christopher Lasch


S.E. Luria


R.B. Silvers


Paul M. Sweezy

(Partial list of signatories)

The New York Times

March 26, 1970

The Right to Hear

Barring an internationally known Belgian economist from the United States on the ground that he is a Marxist is an insult to the college professors and students in this country who want to see him as well as hear him in an atmosphere allowing for the free interplay of ideas.

Dr. Ernest E. Mandel, editor of *La Gauche* and author of "Marxist Economic Theory," was refused a visa last year under the exclusion section of the McCarran-Walter Act. This vestige of the restrictive nineteen-fifties era particularly strikes at teachers and writers for advocacy of and affiliations with leftwing causes. As a result, Dr. Mandel and his hosts had to cancel lectures at Columbia, Princeton, Amherst and other colleges. The Government was made to look silly because Stanford University heard him anyway via a trans-Atlantic phone hook-up.

On a previous visit to this country, Dr. Mandel had unwittingly broken a "rule" banning discussion of Communist economic doctrines. The fact that he was one of the outspoken critics of the Soviet invasion of Czechoslovakia apparently had no effect on the authorities. Now a group of professors from six American institutions has called upon the Attorney General in Federal District Court to give the reasons why Dr. Mandel cannot be admitted for lectures and debates this spring or fall. He has again applied for a visa. Instead of simply citing the immigration law, the Attorney General is being asked to explain the nature of the criteria for preventing free scholarly exchange. This could clarify—and expose—the law's shortcomings.

Congress ought to re-examine and eliminate restrictions that in effect merely try to deny entry of ideas into this country. In the present atmosphere, a change in the immigration law covering political exclusion would be too much to expect soon. But the Attorney General could avoid further embarrassment to the United States by following the advice of Secretary of State Rogers, who disassociated himself from the ban last year. Dr. Mandel should be allowed to speak here so that he can be heard—and challenged.

Co-Plaintiffs in the Suit

- Prof. Norman Birnbaum, Dept. of Anthropology-Sociology, Amherst College
- Prof. Noam Chomsky, Dept. of Linguistics, MIT
- Richard A. Falk, Prof. of International Law, Princeton
- Prof. Robert Heilbroner, Dept. of Economics, New School for Social Research
- Prof. Wassily Leontief, Dept. of Economics, Harvard University
- Prof. David Mermelstein, Dept. of Social Sciences, Polytechnic Institute of Brooklyn
- Associate Prof. Louis Menashe, Dept. of Social Sciences, Polytechnic Institute of Brooklyn
- Prof. Robert Wolff, Dept. of Philosophy, Columbia University

[Institutions Listed for Identification Only]

HOW YOU CAN HELP

1. Send in a donation to the defense fund
2. Circulate copies of this brochure to inform others of the issues in this important civil liberties fight

-----Use This Coupon-----

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Room 913,
25 E. 26th St., New York, New York 10010

- Enclosed is \$ as my contribution to uphold the constitutional right to hear
- Keep me informed of developments in this case

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The Use Of The Visa As A Weapon Against The Free Interchange Of Ideas

THE STORY OF ERNEST MANDEL'S EXCLUSION UNDER THE McCARRAN-WALTER ACT

Do American citizens have the right to discuss ideas with individuals of all nationalities and persuasions? The Bill of Rights says yes. The Nixon administration is trying to say no.

In October 1969 Ernest Mandel, author of the classic *Marxist Economic Theory*, was invited to debate Harvard Professor John K. Galbraith in open forum at Stanford University. He was also asked to speak in November-December at a number of Eastern universities, including Princeton, Columbia, MIT and Vassar, as well as at a public meeting at New York's Town Hall.

Although Mandel had been granted entry in 1962 and 1968, when he spoke at thirty U.S. universities, Attorney General Mitchell twice refused to waive his alleged "political ineligibility" and give him a visa.

His exclusion fits into a pattern of efforts to curb dissent emanating from the Nixon administration. The closed-door provisions of the McCarran-Walter Act had largely been permitted to lapse under Kennedy and Johnson. Beginning with the Mandel case, they have been invoked against a series of prominent foreign speakers seeking to visit this country.

When the Act was passed during the witch-hunt atmosphere of the early 1950s, not many dared speak out against its encroachments on American freedoms. Today an aroused public, led by the academic community, is vigorously protesting these restrictions upon the free flow of ideas.

Prof. Galbraith stated at the start of the aborted Stanford debate: "It seems to me that the failure to give Ernest Mandel a visa is silly, stupid, irrational and also grievously bad politics." Two Nobel Laureates, Salvador E. Luria and George Wald, the presidents of Stanford, Princeton and

Vassar, such prominent writers as Susan Sontag and Noam Chomsky, and faculty members from more than fifty universities also condemned the ban.

When Mandel submitted his second request for a visa, the State Department bowed under this public outcry and recommended to the Justice Department that the ban be lifted. The Attorney General refused without explanation to sign the waiver.

An editorial in the Nov. 27 *New York Times* called Mitchell's stand "an incredible example of autocratic insensitivity" and a "triumph of police over diplomacy, of fear over freedom and of ideological rigidity over democratic common sense."

Recognizing that the right to hear is as vital to democracy as free speech, eight distinguished scholars from six leading universities have filed a joint suit with Ernest Mandel against Attorney General Mitchell and Secretary of State Rogers. They are asking the federal court to rule that the exclusion provisions of the McCarran-Walter Act

are unconstitutional under the First and Fifth Amendments. They contend that the barring of Mandel limits their right to hear the opinions of other scholars and engage in debate with them.

Leonard Boudin, general counsel for the National Emergency Civil Liberties Committee, argued on June 24, 1970 before a three-judge court in Brooklyn that the power to exclude aliens does not override the assertion by citizens of their constitutional rights. The government attorney contended to the contrary that the government has unlimited authority to exclude any alien for any reasons, including his ideas, and that the right to hear is "illusory."

That is the central issue in this historic case which is the first challenge to the politically restrictive provisions of the Act and their arbitrary application by the Attorney General. The right to hear all sides of any question free of censorship can be rendered "illusory" unless these official attacks are countered and defeated both in the courts and in the forum of public opinion.

A victory in the Mandel case would have broad implications in view of the subsequent exclusions of his wife Gisela Mandel, the Pakistani Tariq Ali, and Mrs. Shirley Graham DuBois, widow of the eminent black scholar W. E. B. DuBois, under the same act. (The ban against Mrs. DuBois was later lifted.)

The Mandel Case Legal Defense Fund has been set up to publicize the facts in this important civil liberties action and to raise the money for the heavy legal expenses involved in the litigation which should eventually reach the U. S. Supreme Court. We are asking all persons concerned with protecting our First Amendment rights to contribute generously to the work of the Fund.

**This case was initiated by the
NATIONAL EMERGENCY CIVIL
LIBERTIES COMMITTEE
With the support of
The American Foundation for Social Justice
& The Socialist Scholars Conference**

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