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Dear Charlie:

Excuse your idiot friend for belaboring this states rights idea, but the enclosed clipping about the pardon of Mayor Curley (which, if pertinent, it would be wonderful to identify Curley by name, for they all know he's a scoundrel) indicates to me that Curley, even though convicted of a Federal offense, retained his civil rights by virtue of the State of Massachusetts' supreme power over the franchise; the Federal government could not deprive him of it. Hence the state in this issue was paramount, and he never did lose them regardless of Federal conviction.

Does the U.S. Census dare ask people their political affiliations? Has it ever? If not, isn't this again an implicit recognition that this question is ~~not~~ not within the power of a branch of the Federal government to ask?

In terms of California: has anyone ever been indicted or convicted of contempt of the legislature for refusing to answer a question relating to political affiliation? If not, doesn't the reason lie in the state primary law's recognition of the "right to decline to answer", rather than to tenderheartedness on the part of the legislature or of any investigating committee thereof?

You lawyers may not agree, and the Court may not agree, but my mind is made up: The state gave me the right to vote, legally organized the political parties to which I might belong, and then conferred upon me the privilege of declining to state my political affiliation. I regard the State of California as supreme in this matter, and no Federal agency can encroach upon that power. Only when Congress itself sets up the laws for political parties and confers upon me the ~~right~~ right to ~~join~~ join them and vote for them can it conceivably have the right to inquire as to which one I belong to. A privilege conferred by the state in this matter cannot be taken away from me by the federal government.

Moreover, I was questioned in Washington, D.C. where I do not vote, and where I belong to no political party, rather than in California where I do vote and where I do belong to a political party.

If the Court says that Communism is bad and a menace, and that for this reason Congress has the power to inquire--- then Congress should have inquired on the spot where the badness or the menace existed in my case (California), rather than in a Federal District where I could not possibly belong to anything menacing. In other words, if political unorthodoxy is in the nature of a crime and I am charged with it, then let the charge be made where the crime occurred, and let the case be tried also where the crime occurred.

The government transported me from the state in which I vote, asked me a question which the same power which confers upon me the ~~power~~ right to vote says I need not answer: and in this Federal District, where I belong to no party, has sought to nullify every rule which the state has set up concerning my franchise: then, in this ~~neutral~~ politically neuter area, it proceeds to try me and convict me before a jury which are not my peers, ~~since~~ since the general rules governing peers do not hold with them.

Moreover---if I had been tried in California, I would have been tried by a jury. each member of which has the right to vote, and therefore might be ~~presumed~~ presumed to have a deeper understanding of political rights ~~than~~ as something it cherishes for itself: whereas a Washington Jury, having no right to vote, actually has no basic comprehension of the meaning of political parties, secret ballot, etc. Therefore the jury which convicted me, by reason of its lack of franchise, was not qualified by experience or background to pass upon such a question, since there is nothing in its experience which would qualify it to understand the problem or to cherish the privilege at stake. Hence the whole trial was unfair, the jury was not a jury of my peers. Can men and women without franchise be the peers of men who do have the franchise? They are no more my peers than children, for children have no franchise either. My peers are men and women of the state of California, enjoying its franchise---and no others. That jury, of course, is the peer of a citizen of the Federal District. But they ain't no peer of mine, and I've been screwed.

Dear old boy, I know how sick you must get of this kind of maundering. But don't dismiss it. Dismiss nothing. And even if you know in advance the argument I offer is absolute nonsense, please show it also to Ben and Bob, for one man's nonsense may tip another man into a new line of thinking, and open up new fields of speculative thought. So please pass it on to them---with my apologies---as quickly as possible. And I promise, in return, to give you no more trouble.

Affectionately,