

MEMORANDUM

October 27, 1995

To: Jeremy Gunn

From: Eric Scheinkopf

Re: The Open Society by Abba Schwartz

Abba Schwartz was an Assistant Secretary of State who served as the Administrator for the Bureau of Security and Consular Affairs during the Kennedy and Johnson Administrations from the fall of 1962 until March, 1966. His book deals with the issue of restrictions on foreign visits to the United States and efforts to remove them and create the "Open Society" that he says President Kennedy envisioned. This "Open Society" would eliminate the "discriminatory" features of United States immigration laws and also enable American citizens to travel anywhere without being denied the ability to do so by "arbitrary and self-righteous bureaucratic acts and interpretations of the law."

Basically, this book, while interesting reading about the efforts to make travel to and from the United States more open, is not really applicable to the work of the ARRB. Mr. Schwartz devotes most of this book to the efforts to make it easier for foreigners to travel to the United States.

However, there was one chapter, titled "Freedom to Travel", that dealt with restrictions on the freedom of Americans to travel, including efforts to loosen restrictions concerning Cuba. This chapter might wish to be used as a guide when examining cases of Americans who wished to travel to Cuba during the 1960's. Efforts to relax travel bans to Cuba were opposed by Secretary of State Dean Rusk. During the 1960's there were legal challenges to the efforts to impose travel controls and some groups also set out to defy the regulations. In January, 1967 the Supreme Court ruled "there was no valid criminal prohibition on travel to Cuba."

Schwartz did note that when he joined the State Department in 1962 he says he found there was nobody who knew the origins of the existing travel controls and that there was not any way to "rationalize" the various explanations given for the restraints. In the fall of 1962 he found that the rules governing the travel of American citizens could be divided three ways: (1) the ban on travel to certain areas by all or virtually all citizens, (2), the ban on all or nearly all travel to some citizens on the basis of their past conduct, and (3) the ban on specific travel by some citizens on the basis of anticipated future conduct. This information might be of use in checking on travel by Americans to the USSR in the 1950's and early 1960's.

Conclusion

The Open Society as a whole is not an important resource for the ARRB's work although it is an interesting read on efforts to make it easier for visitors to come to the United States and for Americans to travel abroad. The chapter titled "Freedom to Travel" can be a useful secondary source on United States policy concerning Americans' rights to travel but is not a must read.

E:\wp-docs-opensoc\jeremy

4.0.4