

## **Cold War Stories: William Worthy, the Right to Travel, and Afro-American Reporting on the Cuban Revolution**

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William Worthy isn't worthy to enter our door  
Went down to Cuba, he's not American anymore  
But somehow it is strange to hear the State Department say  
You are living in the free world, in the free world you must stay

-Phil Ochs, "The Ballad of William Worthy"<sup>1</sup>

Everyone has the right to leave any country, including his own, and to return to his country.

-Article 13(2), Universal Declaration of Human Rights<sup>2</sup>

On April 24, 1962, a federal grand jury in Miami, Florida, indicted William Worthy for violating the Immigration and Nationality Act (INA) of 1952. Federal officials charged that Worthy had defied the State Department's recently adopted travel ban to Cuba. His route, federal officials alleged, had been anything but circuitous. He had allegedly boarded the SS *Guadeloupe* in New York City and boldly disembarked the vessel when it docked in Havana. After an eleven-week sojourn in Cuba, Worthy flew directly from Havana to Miami. When the Florida-bound flight landed, customs officers at Miami International Airport stopped Worthy for not possessing a valid U.S. passport. Worthy instead presented his birth certificate and vaccination record to the agents, and after answering several questions, he was let go without citation. Yet more than six months after returning to the U.S. from post-Revolution Havana, Worthy was charged with "entering the U.S. without a valid passport," becoming the first U.S. citizen ever indicted for violating the INA of 1952.<sup>3</sup>

Bill Worthy, then the former Neiman Fellow in journalism at Harvard, former Ford Fellow in African Studies, and foreign correspondent for the *Baltimore Afro-American*, had a long history of defying international travel restrictions. In 1956, the South African government detained Worthy, the early anti-apartheid activist, for attempting to enter that country without a valid visa. In 1956-1957, Worthy flouted the U.S. government's travel ban to Communist nations and spent forty-one days reporting in China, Hungary, and the Soviet Union. When Worthy refused to promise to follow the State Department's travel restrictions in the future, the State Department responded by declining to grant him a passport. Worthy appealed the State Department's decision to deny renewal of his passport, but the State Department's actions were upheld in federal district court and the D.C. Circuit Court of Appeals.<sup>4</sup>

In April 1962, the forty-year-old globetrotting journalist was again facing legal trouble. Worthy had voyaged to Cuba four times since the Castro-led Revolution. His fourth visit to the tropical isle landed him before a federal court. Hundreds of U.S. citizens had defied the January 1961 travel ban but none faced prosecution. Worthy and his supporters immediately charged that he was being selectively prosecuted due to his active participation in the Fair Play for Cuba Committee.

Fair Play was an organization started to advocate for more objective press coverage of the Cuban Revolution and a more balanced governmental response toward the Cuban government than that which was offered by mainstream U.S. media and policymakers. In the spring of 1960, a group of thirty prominent intellectuals and activists convened to challenge the growing hostility toward the Revolution. Founding members of the organization included Bill Worthy; CBS reporters Robert Taber and Richard Gibson; best-selling novelists James Baldwin, Truman Capote, and Norman Mailer; pioneering black studies scholar John Henrik Clarke; and Monroe, North Carolina, National Association for the Advancement of Colored People (NAACP) President Robert Williams. This interracial group of young bohemians and older dissidents published an advertisement in the *New York Times* in early 1960, which declared that Fair Play's mission was to tell "what is really happening in Cuba."<sup>5</sup> Fair Play members understood that Worthy, the star foreign correspondent for black America's largest circulation newspaper, was uniquely positioned to raise critical questions about how the Cold War tainted U.S. news coverage of the Cuban government. Fair Play also surmised that Worthy's critical journalism vexed U.S. policymakers, making him a target for federal officials eager to silence Castro sympathizers.

The life of Bill Worthy—a life that scholars have largely confined to history's footnotes—merits revisiting. This Article, toward that end, mines a diverse collection of archival sources, uncovering a legacy of activism that offers fresh insights on the relationship between the black freedom movement and the right to travel in Cold War America. As many scholars have powerfully demonstrated, border control was a significant facet of U.S. Cold War policy. Federal officials often used passport regulation to silence the dissident voices of well-known activists, like W.E.B. Dubois and Paul Robeson.<sup>6</sup> But while these activists' passport troubles figure prominently in civil rights historiography, arguably no civil rights activist has done more than Bill Worthy to reimagine and reshape the right of U.S. citizens to travel abroad. In the seminal text, *Krueger on United States Passport Law*, Stephen Krueger identified fifteen constitutional cases that shape the right to travel. Within five years, Bill Worthy's bold attempts to ensure a free press in spite of State Department travel controls resulted in two landmark, constitutional decisions: *Worthy v. Herter* in 1959 and *Worthy v. United States* in 1964.<sup>7</sup>

And though Worthy has no biography and has attracted little scholarly attention, studying Bill Worthy's life complicates conventional understandings of movement politics and relationships. Worthy was a member of the Fellowship of Reconciliation (FOR) and in 1947, he and civil rights leaders Bayard Rustin, George Houser, and James Farmer participated in the famed Journey of Reconciliation throughout the upper South. FOR's trailblazing activism helped to inspire the founding of the Congress of Racial Equality (CORE), the Freedom Rides, and several notable interstate commerce lawsuits

in the mid-twentieth century. During the Montgomery Bus Boycott, Worthy championed the efforts of the Montgomery Improvement Association. Upon discovering a pistol lying on the living room couch of Martin Luther King, Jr., Worthy and King lieutenant Rustin counseled the twenty-six-year-old Dexter Avenue minister to adopt nonviolent direct action. Yet Worthy would also serve as a trusted confidant to both North Carolina's apostle of armed self-defense, Robert Williams, and Nation of Islam icon Malcolm X.<sup>8</sup> Throughout the 1950s, Bill Worthy regularly penned articles for the NAACP's *Crisis* magazine while attracting hearty support from Civil Rights Congress leader and NAACP rival William Patterson. In fact, during the movement, Worthy considered Roy Wilkins—former editor of the *Crisis*, executive secretary of the NAACP, and staunch Cold Warrior—a close political ally. Remembering Bill Worthy's race work offers scholars a more sophisticated lens to view black activism during the Cold War.<sup>9</sup>

Moreover, this Article adds new theoretical dimensions to the rich literature on black internationalism.<sup>10</sup> It builds from my previous scholarship, which examines the relationship between the U.S. civil rights movement and the development of international human rights law and norms during the height of the civil rights movement. While the Cold War constrained the political and legal vocabularies of most civil rights activists in the early 1960s, this Article examines the smaller group of black activists who remained keenly interested in the rapidly evolving, international legal order. Well before Malcolm X's call to "take the case of the black man in this country before the nations in the U.N.,"<sup>11</sup> activists, like William Worthy, rebelled against the decade's anti-communism by making rights-based claims rooted in U.S. constitutional law and, more explosively, international human rights law and norms. This Article, accordingly, chronicles how Worthy and his supporters appealed to U.S. courts and the United Nations, connected with movements and media abroad, and used the Universal Declaration of Human Rights (UDHR) to frame the global campaign for Worthy's freedom.

Finally, this Article demonstrates that not only were civil rights activists like Worthy interested in the United Nations, but many U.N. delegates also followed events in the U.S. civil rights movement. Here, I explore how the U.N. Sub-Commission on the Prevention of Discrimination and Protection of Minorities (Sub-Commission) relied on *Worthy v. United States* to shape its *Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, including His Own, and to Return to His Country*. The Sub-Commission was so troubled by Worthy's prosecution that it used his story to author a key section of this groundbreaking study on the right to return. Thus, contrary to the master narrative of the civil rights movement and traditional histories of the United Nations' international instrument, this Article recognizes that civil rights activists were integral to the United Nations' early efforts to elaborate UDHR article 13(2).<sup>12</sup>

## I. EXPOSING COLD WAR FAULT LINES

### A. Cuba in U.S. Civil Rights Discourse and Activism

Bill Worthy, like other members of Fair Play and many of his colleagues at the *Afro-American*, believed the Cuban Revolution offered an alternative vision of modern race relations. Racial segregation had dogged Afro-Cubans during Fulgencio Batista's military dictatorship. "White only" signs restricted Afro-Cubans' access to public accommodations, schools were segregated, and white Cubans owned a disparate share of the island nation's political economy. Prime Minister Fidel Castro's new regime appealed to racial progressives internationally, as *Fidelistas* championed immediate and substantive racial equality for Afro-Cubans and racially oppressed peoples across the globe. Robert Williams compared Cuba's Revolution to Africa's liberation movements, because both struggles offered tangible evidence that "social justice [need not] wait for a change of heart on the part of bigots." Black internationalists, like Williams, began trumpeting the results of the Revolution, because Cuba's seemingly quick transition from a racially closed society to a racially inclusive society contradicted the liberal American claim that "governments cannot stamp out racial inequality."<sup>13</sup>

Castro would soon win the hearts and minds of many more African-Americans through a masterful stroke of Cold War racial diplomacy. In the autumn of 1960, Castro flew to New York City to address the fifteenth session of the UN General Assembly. Although Cuban officials typically stayed at the Shelburne Hotel in Manhattan, the hotel manager required that Castro deposit thousands of dollars in advance of his visit. Castro scoffed at the hotel's demand and called the manager a "gangster." Moreover, the U.S. government restricted the travel of the Cubans, prohibiting the delegation from leaving Manhattan. A frustrated Castro threatened to pitch tents on the doorstep of the United Nations, but at the request of Fair Play, he played a different card. In a skillful navigation of Cold War racial politics, the Cuban delegation left the Shelburne Hotel and lodged at the Hotel Theresa, the nationally recognized black landmark in the commercial center of Harlem. The Cuban government declared the week "Solidarity Week with the Negro Peoples of the United States" in direct response to the "discrimination against Fidel."<sup>14</sup> Bill Worthy, at that time corresponding from Havana, reported through his *Afro-American* column that Castro had ordered Cuba's swank, twenty-story Riviera Hotel rechristened the Habana Theresa.<sup>15</sup>

The reaction from black America was overwhelming. Castro welcomed Malcolm X and two black photographers to a meeting at the Hotel Theresa. During the meeting, Malcolm noted that local blacks commended Castro for exposing the fault lines of U.S. racial politics, stating, "I think you will find the people in Harlem are not so addicted to the propaganda they put out downtown. No one knows the master better than his servants." Manhattan branch NAACP President Joseph Overton, leading Beat writer LeRoi Jones, and Harlem's poet laureate Langston Hughes attended a reception hosted by Fair Play. During the reception, Richard Gibson bestowed Castro with a bust of Abraham Lincoln, a keepsake linking "one liberator to another." Even Brooklyn Dodgers legend Jackie Robinson acknowledged that Castro's visit "gave Harlem a real lift—a sense of pride."<sup>16</sup>

It's critical to note that many African-Americans identified with Cuba's struggles against racism long before Castro's revolutionary rhetoric. In the late nineteenth century, for example, as African-Americans experienced the nadir in U.S. race relations, Cuban rebels were leading an anti-racist and anti-imperialist insurgency against the Spanish. As historian Ada Ferrer observed, "[T]he escalation of racial violence, the spread of spatial segregation by race, and the dismantling of political gains made during Reconstruction in the South occurred in the United States precisely as black and mulatto leaders gained increasing popularity in Cuba." Yet, these nineteenth century, Cuban rebels were not simply popular on the island during the struggle to overcome the legacies of African slavery and colonial domination; throughout the Cuban War for Independence, African-American journalists proudly covered the massive regiments of black and brown men fighting for equality, and well into the twentieth century, African-Americans continued to show strong affinities for Cuba's nineteenth century rebels. Marcus Garvey, most notably, named one of the ships in his Black Star Line after "the Bronze Titan," Antonio Maceo, the dynamic African descendant and martyred general in the Cuban War of Independence. The Garvey movement, like the Cuban Revolution decades later, often invoked the romantic mystique of Cuba's nineteenth century, heroes of color, and Garveyites would eventually establish more than 50 branches of the Universal Negro Improvement Association on the Caribbean island.<sup>17</sup>

A cadre of black activists in the 1960s, like Bill Worthy, drew from this older tradition of black internationalism, believing that they could occupy an ideological position that allowed them to take the Cuban Revolution seriously on issues of race and class without being Communist or bowing to America's red scare. In 1960, Worthy wrote from Havana, "If white Americans had brainwashed me to accept 'moderation and gradualism' in the fight for civil rights, if I believed that revolutionary steps against job and housing discrimination weren't feasible, I would test my theories against Fidel Castro's bold measures that overnight established equality as the law of the land, as rigid policy of his government and as the day-to-day habits of the citizenry." Only months later, Worthy proclaimed during a Fair Play rally that "the dark-skinned Cubans, hitherto victims of American-imposed racial discrimination inside their own country, are among the strongest supporters of Fidel Castro who has made any overt act of discrimination a criminal offense, punishable by 'jail sentence.'"<sup>18</sup>

Worthy asserted that despite U.S. news accounts and government reports, progressive Americans had nothing to fear when visiting post-Revolution Cuba. He confessed, "In 1947, I joined the Congress of Racial Equality test group that challenged racially-segregated seating on southern buses. All 16 of us developed upset, nervous stomachs because deep down inside, we were scared and with good reason." Yet Worthy maintained, "Cuba presents an entirely different situation. There is nothing going on here to scare anyone except those Yankees and wealthy Cubans whose ill-gotten profits are being taken away. The State Department knows this as well as I do."<sup>19</sup>

Bill Worthy also posed a challenge to State Department policymakers because he characterized U.S. foreign policy toward Cuba as imperialism. In fact, Worthy announced to the world—more than nine months before the failed Bay of Pigs invasion—that the United States planned a military assault on Cuba. In a July 2, 1960, *Afro-American*

column, Worthy quoted Cuba's minister of justice as stating, "The movements and apparent maneuvers of the present administration in Washington, economic pressures and extraordinary press campaign all seem to point toward an intention of armed aggression."<sup>20</sup>

Worthy later published at least three additional articles in 1960, emphasizing "the possibility of a well-financed invasion of mercenaries and soldiers of fortune from various Caribbean points." Though he had contacts within the Cuban government, he credited the "tan or quite dark" supporters of the Revolution, who worked on the segregated Guantanamo base, for providing detailed information about U.S. military plans. The *Afro* journalist told his readers, "I'm reminded of the steady flow of intelligence to Martin Luther King during the Montgomery bus boycott from colored servants overhearing plans and plots of white folks who regarded maids and cooks as too stupid to understand or who swallowed their own propaganda that colored Montgomerians weren't behind their militant leaders."<sup>21</sup>

Federal bureaucrats were outraged and began documenting how Worthy's activism was not simply confined to the neat, black and white columns of the *Afro-American*. In the aftermath of the Bay of Pigs invasion, Worthy aroused the ire of U.S. officials for his role in the filming of *Yanqui No!*, the critically acclaimed Time, Inc., documentary, which detailed Cubans' growing disdain for U.S. intervention in the island nation's affairs. The *Afro-American* newsman also participated in several national speaking tours in 1961 and 1962, lambasting U.S. officials for the sloppy invasion "conducted from CIA [Central Intelligence Agency] headquarters in Washington."<sup>22</sup>

During one such tour in 1962, he declared, "We know that anyone who supports, apologizes for, condones, rationalizes or winks at colonialism or imperialism in any guise is no friend of the civil rights movement in the United States." Worthy continued, "It doesn't matter if he's a life member of the NAACP, an ardent supporter of the ADA [Americans for Democratic Action], or in the left wing of President Kennedy's party." Worthy then reflected on his experiences covering developments in Cuba. "In the three years of the Cuban Revolution, neither our daily press nor the Eisenhower and Kennedy administrations have gotten beyond the wishful thinking and Anti-Communist propaganda stage. I wish that the lords of the press would give me a dollar for every time they have told us that Fidel Castro would soon be washed up and that his prestige and influence in other Latin countries had dwindled." According to Worthy, Cold War politics, which caused the U.S. mainstream press to deny the revolutionaries' growing popularity in Cuba and throughout the Third World, were antithetical to the core values of the First Amendment and "a classical example of mass mind manipulation."<sup>23</sup>

For Worthy, the growing connections between the U.S. civil rights movement and Cuba's revolutionary government were not simply symbolic or rhetorical. The alliances, rather, were tangible and offered a new model to challenge U.S. hegemony. Worthy could point to Robert Williams to justify his position. Williams faced trumped-up kidnapping charges in rural North Carolina, but rather than face prosecution under Jim Crow, he escaped from Monroe to Havana in 1961. Castro offered Williams political asylum in Cuba, allowing the fugitive to flee the country via "the new Underground

Railroad.” Worthy soon became entangled in this international manhunt by placing himself in a particularly perilous situation—as the first journalist in the world to report on Williams’s clandestine journey. When Worthy was asked how he knew of Williams’s whereabouts, Worthy, then reporting from Havana, responded, “I know because I ran into him Thursday, relaxed and smiling as he was leaving the ministry of foreign affairs. He appeared a free and unworried man.” Federal Bureau of Investigation (FBI) agents later visited Worthy to question him about the Williams dragnet. Worthy refused to speak to the agents, instead referring them to his attorney.<sup>24</sup>

### *B. Making the Case for Federal Indictment*

In the spring of 1962, six and a half months after Bill Worthy returned to the United States from Cuba, the Department of Justice indicted him for violating the Immigration and Nationality Act of 1952.<sup>25</sup> Correspondence between the State and Justice Departments showed that by late 1960, both departments were actively collaborating on how they might counter Fair Play’s message. In a December 1960 memorandum, Frank Devine, special assistant to the assistant secretary of state for Inter-American Affairs, wrote, “There is, I find, an increasingly widespread suspicion that we are faced with a concerted effort to ‘brainwash’ the American public and more particularly its intellectual and academic sectors with respect to the social revolution being wrought by the Castro regime in Cuba.” Devine continued, “A leading element in any such conscious campaign is obviously the ‘Fair Play for Cuba Committee’ which effects paid insertions in the press [and] engages in other types of pro-Castro activities.” Devine then requested for the Justice Department’s guidance. “Has the ‘Fair Play for Cuba Committee’ been asked to register as the agent of a foreign government?” One week later, Devine reported to State Department officials, “The Deputy Attorney General has decided that there is not enough evidence at present to require the Fair Play for Cuba Committee (FPCC) to register as an alien agent. However, Justice is following the matter closely.” The memo also stated, “I doubt that we can go beyond what we have done to date on the FPCC specifically, i.e. the press announcement and the planting of stories on FPCC on an unattributed basis.”<sup>26</sup>

The FBI began to shadow Fair Play members, and State and Justice officials, believing that Fair Play posed an “internal security concern [with] foreign policy implications,” denied the passport applications of Fair Play members.<sup>27</sup> After the Bay of Pigs invasion, the State Department continued to confer with the Justice Department’s Internal Security Division to determine whether the State Department should take court action to compel Fair Play to register as an agent of Cuba. The Internal Security Division reassured the State Department that Justice officials were “following [Fair Play’s] activities on a day-to-day basis, compiling evidence with a view toward citing these organizations.” Meanwhile, the coordinator of Cuban Affairs, Robert Hurwitch, promised his colleagues at the State Department that he would remain “continuously cognizant of the numbers and names of travelers to and from Cuba.”<sup>28</sup>

In particular, federal officials closely monitored Bill Worthy during this turbulent diplomatic period. James Eastland, the polemic Doddsville, Mississippi native and chairman of the Senate Internal Security Subcommittee, released a report in the summer of 1961 entitled *Cuba and the American Negro*, which detailed “Castro’s efforts to encourage racial troubles in the United States.” According to Senator Eastland’s report, Worthy, “a Negro . . . [and] featured writer in the bulletins of the Fair Play for Cuba Committee . . . displayed a marked hostility to the United States and its laws.” The report noted that in the 1940s, Worthy violated the Selective Service and Training Act, dodged a physical examination for military service, and failed to register at a conscientious objectors’ camp. He subsequently served one day in prison for his civil disobedience. *Cuba and the American Negro* also highlighted Worthy’s past passport troubles: “In the 1950’s, Worthy went to Communist China without an American passport and in violation of passport regulations prohibiting such travel, as a result of which he lost his passport.” Eastland’s subcommittee underscored how the Cold War critic had used the *Afro-American* to advance his cause. The subcommittee cited an April 1961 ad in the *Afro-American*, in which Worthy and other Fair Play signatories urged African-Americans to condemn the Bay of Pigs invasion. According to federal investigators, Worthy also assailed the “[p]olitically wild and irresponsible elements in the Pentagon, dehumanized cold-war fanatics in the CIA and FBI, and powerful economic interests” for opposing the Cuban Revolution. Eastland’s report concluded, “Despite voluminous evidence and reports to the contrary, Worthy claims that neither Fidel Castro nor his revolutionary movement are Communist and that he himself is anti-Communist.”<sup>29</sup>

Yet, when Bill Worthy arrived at Miami International Airport in late 1961 after eleven weeks of corresponding in Cuba, he was not charged with returning to the United States without a valid passport. Worthy actually conceded to Immigration and Naturalization Services officials that he did not possess a passport for travel to Cuba. Customs agents seemed not to care much about Worthy’s admission. They simply scanned the contents of his bags and inspected his birth certificate and vaccination record. The agents then asked Worthy if he believed in God or had Communist affiliations. Worthy rejoined, “There is some power in the universe higher than man,” and asserted that he was not a Communist. After this brief detention, the officers let the *Afro-American* journalist go. More than six months after this simple exchange, federal officials were not so forgiving. On April 25, 1962, U.S. Commissioner Earle Bishopp ordered Worthy to return to Miami to answer an indictment that charged that he had reentered the country without a passport.<sup>30</sup>

## II. CIVIL RIGHTS ON TRIAL

### A. *Worthy’s Motion to Transfer Venue*

On June 21, 1962, Worthy appeared with his lawyer, William Kunstler, in U.S. District Court for the Southern District of Florida for a preliminary hearing. Kunstler, counsel for Worthy during *Worthy v. Herter* and the lightning rod who would soon rise to national prominence as the national director for the American Civil Liberties Union, had



filed a motion to transfer Worthy's case from Miami.<sup>31</sup> To be sure, the Southern District of Florida had legal authority to prosecute Worthy. Worthy had allegedly entered the United States without a valid passport in Miami. But Kunstler's request to transfer venue was a widely used, pre-trial motion permitted under federal rules of criminal procedure. The motion, pursuant to the applicable statute, was designed to ensure the convenience of the parties involved in a case.<sup>32</sup> Kunstler asserted that it would be far more convenient for the federal prosecutor and for Worthy to hold the trial in Washington, D.C. or New York City; the federal prosecutor lived in Washington and Worthy, though a writer for the Baltimore publication, maintained a New York residence.

The federal rules of criminal procedure also explicitly permitted transfer of venue to prevent potential juror hostility or prejudice. Kunstler argued, "Trial of this case in Miami will bring in the emotional Cuban angle. It would be prejudicial and dangerous for Mr. Worthy." When Judge David Dyer asked Kunstler to elaborate on his provocative claim, Kunstler retorted, "The court can, of course, take judicial notice that Miami, Florida is crowded with Cubans who are extremely hostile to the Castro regime and that said Cubans are given to frequent acts of violence." Worthy, too, told the court that he would like the case tried elsewhere, because "he had publicly approved of some aspects of the Castro regime." The FBI denied Worthy's request for protection during his trial, and Worthy went to trial fearing for his life due to "the known hostile attitude of many Cubans residing in Miami."<sup>33</sup>

Miami, particularly during the mid-twentieth century, provided Cold Warriors with fertile ground to promote racialized discourses rooted in foreign policy themes. Still two years before the Civil Rights Act of 1964 and with a swelling population of Cuban expatriates, many of whom had fresh emotional wounds from the Bay of Pigs fiasco, Miami lay at the crossroads of an escalating fight for the Third World and an intensifying civil rights movement. White southerners had long linked racial insurgency to Communist infiltration, and throughout Miami's civil rights movement, local lawmakers sponsored "red hunts" to maintain white supremacy. Cold Warriors had also rebranded Miami, depicting the city as a safe haven for Cubans seeking refuge from Castro's Communist tyranny. Elite white Cubans, according to this narrative, were victims of the Cold War; they had been forced to flee their now-despotic homeland for a new future of freedom. Miami's distinct brand of southern nationalism—its unique fusion and configuration of Jim Crow, anti-Semitism, and overwhelming contempt for Castro—transformed the city into a local battlefield of a global Cold War. Thus, for Kunstler, a left-wing Jewish lawyer, and Worthy, an African-American Castro sympathizer, the Justice Department's desire to prosecute Worthy in Miami, given the substantial inconvenience to both prosecution and defense, was a calculated, foreign policy decision.<sup>34</sup>

Black Miamians recognized the international significance of Worthy's trial. The *Miami Times* covered the motion to transfer venue, calling attention to Kunstler's claim that the indictment was merely "vindictive retaliation" for visiting Cuba. There was no need to try the case in the Southern District of Florida, the *Miami Times* article noted, "since all of the witnesses and attorneys live in [New York or Washington]." During the oral argument, "Kunstler also pointed to the curious fact that there had been a six and a

half months' silence by the government between the time Worthy returned from Cuba without a passport on October 10, 1961 and the date of the indictment, April 24, 1962." Kunstler contended, "The truth is Mr. Worthy is being punished not for re-entering the country of his birth, but for what he has written about the present government of Cuba."<sup>35</sup>

Bill Worthy soon received widespread support throughout the civil rights community. Most notably, A. Philip Randolph, the eminent labor leader and international president of the Brotherhood of Sleeping Car Porters, and Bishop Ward Nichols, African Methodist Episcopal Church leader and the first black vice president of the World Council of Churches, formed the Committee for the Freedom of William Worthy to generate support and funds for Worthy's legal expenses.<sup>36</sup>

In June 1962, many of the movement's most recognizable activists, despite the nation's overwhelming anticommunist mood and risking their own political capital over a unpopular cause, inserted themselves into Worthy's fray with the Kennedy administration. Roy Wilkins telegrammed Attorney General Robert Kennedy, urging the Justice Department to support "the request of Mr. Worthy's attorneys for a change of venue." Wilkins then suggested that the investigative journalist was the target of a selective prosecution. "Our attorneys have searched diligently," the wire dripped with sarcasm, "but thus far have found no record of any other person having been prosecuted in the precise circumstances alleged in the case of Mister Worthy."<sup>37</sup> Similarly, Congressman Adam Clayton Powell lobbied Justice officials vigorously, calling on federal prosecutors to justify the grand jury's indictment of his constituent.<sup>38</sup>

James Farmer, national director of CORE, Perry Sutton, president of the New York City branch of the NAACP, James Forman, executive secretary of the Student Nonviolent Coordinating Committee, and A. Philip Randolph registered "vigorous protest" with Robert Kennedy over the "official discrimination against Mr. Worthy." The jointly authored telegram—a virtual who's who of the freedom movement—maintained that "white citizens who have come home without passports have never been prosecuted." The cable's signatories, veterans of the Cold War, subsequently sought to pressure Robert Kennedy to drop the federal charges by highlighting how Worthy's indictment undermined the United States' ability to win allegiances in the Third World. "Besides the transparent unconstitutionality of the 1952 McCarran Act provision on which the indictment is based, this harassment of a Negro newsman has already subjected the US government and people to widespread ridicule at home and abroad. On May 11, for example, a columnist in the *Ghana Evening News* scathingly denounced the prosecutor." Lastly, the joint telegram noted that Kennedy was scheduled to address the annual conference of the Negro Newspaper Publishers Association (NNPA) in Baltimore in only a few days, and the civil rights coalition hinted that protesters might greet Kennedy at the conference. "Mr. Worthy has been invited to address the same audience the following morning," the cable read. "We urge you before [the hearing on the motion to transfer venue] to acknowledge the grievous mistake made by the Justice Department and to announce the indictment will be quashed."<sup>39</sup>

However, the civil rights community's hopes were sorely misplaced. Attorney General Kennedy was not swayed by these demands, and the federal judge denied

Worthy's motion. Stunned by the court's rebuff, the *Afro-American* writers were perhaps more appalled that "Judge Dyer's ruling was contained in a brief order which offered no explanation."<sup>40</sup>

### B. Prosecution under the Immigration and Nationality Act of 1952

Only days after Worthy's motion to transfer venue was denied, four hundred black news executives, public officials, and community leaders gathered at Morgan State College in Baltimore for the NNPA conference. During his address at the NNPA banquet, Robert Kennedy called the civil rights movement "the biggest story of our time" and added that America could never "keep world leadership as long as we have segregation." Yet Kennedy's speech and visit to Baltimore was interrupted by forty picketers who gathered outside, chanting, "Free William Worthy." Kennedy persisted in his argument that Worthy was not being selectively prosecuted, and during his speech, Kennedy declared, "No American will be denied his human or Constitutional rights because of race, creed, or religion." Kennedy, the personification of Cold War liberalism, maintained that the present administration was a friend of the civil rights movement "[f]irst because it's right, and because we are engaged in a great struggle around the world."<sup>41</sup>

NNPA organizers, as promised, then welcomed Bill Worthy to address black America's press. Worthy rose to the sturdy podium and captured the audience's political imagination, often pausing due to the crowd's thunderous applause. "Our daily papers, giant weekly news magazines, radio and television networks will not, and psychologically cannot, report the hard facts and bitter truth from Africa, Asia, and Latin America," his voice rose with firm conviction. "The American people will go down the drain of history after dwelling a little while longer in ignorance, fictitious bliss, in a cauldron of daily lies and misinterpretation unequalled in the history of the printed world." Worthy charged journalists to find the courage "to put the blame for the world situation where it belongs." According to Worthy, the blame for widespread Cold War censorship "belongs first and foremost on the Kennedy administration and the government of the United States." He maintained, "If you read the US press from day to day, you would never learn or dream that we appear to mankind to be just as barbarous, cruel, more cynically and hypocritically imperialistic as the Italians who slaughtered the Ethiopians 27 years ago."<sup>42</sup>

Worthy considered the protest and his NNPA speech to be successes. "[Robert Kennedy] got the message," Worthy remarked in an *Afro-American* article. He also believed that as activists and the press helped to dramatize his plight, the Justice Department's politically motivated prosecution would spur the Third World to question America's commitments to justice and liberty. "And when Africans read of Mr. Kennedy's address and his insistence that I stand trial in Miami at the risk of physical violence," Worthy continued, "they will also get the message."<sup>43</sup>

The Justice Department, however, did not get Worthy's intended message. In a July 1962 response to Roy Wilkins's telegram, J. Walter Yeagley, assistant attorney

general and director of the Internal Security Division, wrote, “While it is not the practice of the Department of Justice to comment on the grand jury’s indictment in advance of trial, you may be assured that we would not have presented this matter to a grand jury for its deliberations unless we were convinced that there existed sufficient evidence to establish beyond a reasonable doubt that Mr. Worthy deliberately violated the law.” Yeagley then quipped that the statute under which Worthy was indicted actually defined two offenses. Under the INA, it was unlawful to depart from or enter the United States from Communist nations without a valid passport. In Yeagley’s letter to Wilkins, Yeagley claimed that the Department of Justice had evidence that Worthy “deliberately, knowingly, and willfully traveled to Cuba without having *any* passport whatsoever,” and therefore could have charged him on the basis of his departure to Cuba from New York or on the basis of his reentry from Cuba via Miami.<sup>44</sup>

Yeagley also asserted that it was critical for the United States to control the travel of its citizens in those countries where there were no diplomatic relations. “Such travel can result not only in danger to the individual but, as I am sure you will appreciate, could result, in some instances, in the creation of a serious international incident,” Yeagley explained. The letter additionally noted that unrestricted travel by U.S. citizens, particularly to Communist nations, would be “inimical to the national interest.” Yeagley reassured Wilkins that it was the “duty of [the Department of Justice] to enforce uniformly, and without regard to the individual involved, the laws which are enacted by the Congress.”<sup>45</sup>

In early August 1962, Bill Worthy returned to Miami to stand trial. Three newspapers—the *Miami Herald*, *Miami Times*, and *Baltimore Afro-American*—reported that on three different occasions during Worthy’s stay in Miami, he encountered racial discrimination. The *Herald* reported, “Two hotels in Miami Beach, the Seville and the Fontainebleau, did not honor room reservations made on the telephone. When the desk clerks saw Mr. Worthy, they suddenly discovered there were no vacancies.” On the morning of Worthy’s trial, Edwin Reingold, Miami bureau chief for Time, Inc., invited Worthy and Kunstler to breakfast at the Dupont Plaza Hotel coffee shop. A hotel staff member snapped, “[W]e don’t serve colored people” and refused Worthy service. Accordingly, when Kunstler and Howard Dixon, co-counsel of record and the Florida Civil Liberties Union attorney who had recently defended Tallahassee’s Freedom Riders, entered the courtroom, they waived a jury trial due to the hostile racial and political atmosphere in Miami. The *Afro-American* reported, “Observers noted only one colored person among the panel members from which the twelve jurors would have been selected.”<sup>46</sup>

After a two-hour trial, Judge Emmett Choate convicted Worthy of violating the Immigration and Nationality Act of 1952, and Worthy was later sentenced to three months in jail and nine months of probation.<sup>47</sup> It is clear from the record and Kunstler’s autobiography that Worthy was, in fact, guilty of reentering the United States without a valid passport. “Instead of a passport, Bill used an affidavit of identity, which is a document that unofficially affirms one’s citizenship,” Kunstler recounted. “He attached his picture to the affidavit and had no difficulty entering Cuba.” But Worthy was later “charged with ‘returning to the United States without a valid passport,’ a most archaic

statute.” Kunstler then conceded that “there really was no defense, for Bill had obviously violated the statute.”<sup>48</sup>

However, for Worthy’s supporters, though he had technically violated federal law, his prosecution exemplified real shortcomings in U.S. democracy. Kunstler represented Worthy because “the real issue was that the law under which Bill had been convicted was unconstitutional.” *Prensa Latina*, the Cuban news agency, fanned the flames of the Cold War in its coverage of the Worthy trial. “Who could expect anything else for a Negro from a U.S. court these days, particularly from a court in the South?” a September 1962 writer inquired. “Worthy was condemned for returning to his country without a valid passport, as if sometime it had been directed that a man should tell another he may not cross the threshold of his home.” Radio Havana Cuba blasted U.S. officials, underlining the alleged ideological impetus behind Worthy’s prosecution. “No one believes that the prison sentence he just received has anything to do with the crime for which he was tried: a passport violation. On the other hand, everyone is convinced that the courts want to jail him only because he came to Cuba and wrote the truth about what he saw when he returned to his country.”<sup>49</sup>

Worthy himself was certain that he had been the victim of a political witch hunt. “I know why I was indicted. The ‘illegal re-entry’ charge, six and a half months after my return, is a mere cover. I was indicted because I have reported the many positive achievements of the Cuban revolution, including the rapid elimination of all racial barriers,” the investigative journalist averred. “My paper,” he continued, underscoring the Cold War implications of his journalism, “the *Baltimore Afro-American*, has a not insignificant . . . circulation of 148,000, and in today’s world, a very strategic Negro readership that is interested in colonial and racial issues abroad.”<sup>50</sup>

Confidential Senate Internal Security Subcommittee records— available only fifty years after their publication—indeed point to a selective prosecution. As Worthy appealed his conviction to the Fifth Circuit, the Senate subcommittee met in executive session to discuss unauthorized travelers to Cuba. The rich exchange between J.G. Sourwine, chief counsel for the subcommittee, and Robert Johnson, chief counsel for the State Department’s Passport Office, explained what Worthy and his supporters could only conjecture:

Mr. Sourwine: “With regard to Worthy, whom you mentioned, he was prosecuted for alleged illegal entry into the United States?”

Mr. Johnson: “That is when he entered the United States at Miami from Cuba, he did not have a valid passport. He did not have a passport at all.”

Mr. Sourwine: “That is the only case where there has been a prosecution in such an instance as we have been talking about?”

Mr. Johnson: “That is right, sir.”

A familiar cloud of smoke bellowed from the Senate meeting room. Federal bureaucrats possessed the names and travel dates of more than two hundred Americans who had visited Cuba without the State Department’s blessing. Even Sourwine, the

subcommittee's top lawyer well-known for his role in investigating cases of alleged subversion, seemed baffled by the odd nature of Worthy's prosecution.

Mr. Sourwine: "Now, in the Worthy case, he is an American citizen, isn't he?"

Mr. Johnson: "Yes sir."

Mr. Sourwine: "Born in this country?"

Mr. Johnson: "Yes, sir."

Mr. Sourwine: "Doesn't an American citizen have a constitutional right to enter the United States at all times?"

Mr. Johnson: "I would say yes."

Mr. Sourwine: "If he has a constitutional right to enter the United States, how can you prosecute him on the basis of the conditions of reentry? Can you answer that?"

Mr. Johnson: "I can't answer that. Well, the question is: he was tried and convicted in Miami. The case is on appeal."

Mr. Sourwine: "Yes, he was tried and convicted, but, as a constitutional proposition, isn't the cart before the horse here? I mean this man has a constitutional right to enter the United States. Having that right, how can he be prosecuted for the mode or manner or condition of entry without derogating from the constitutional right? Wasn't this really an expedient, it was the best the Department could work out to prosecute to get some kind of prosecution for what was a flagrant of the authority of the Secretary of State?"

The Senate subcommittee, already in executive session, then quickly went off the record. No transcript of the conversation was ever produced.<sup>51</sup>

But other federal records shine greater light on the motivations for Worthy's prosecution. In an internal, Justice Department memorandum, Yeagley conceded that many other Americans had "return[ed] in apparent violation of the law," but "[a]ll of such cases we closed administratively." The Justice and State Departments had long set their sights on prosecuting Worthy. Although Worthy, a U.S. citizen, had the right to return home—as attorneys Sourwine and Johnson agreed in the Senate's executive session—the Justice Department refused to respect Worthy's constitutional right. "We did not apply it here," Yeagley conceded in the memo, "since some of the evidence, including a letter written by Worthy in advance indicated his wrongful purpose from the beginning."<sup>52</sup>

Federal officials had been spying on William Worthy. Agents had intercepted "correspondence written by Worthy to a personal and business friend, in which Worthy told of his intention of going to Cuba without a passport." Yeagley, himself a former FBI agent and aide to J. Edgar Hoover, boasted that he possessed damning evidence in these expropriated letters. "[F]rom roughly mid-July until late September, mail probably won't catch up with me regularly," a June 3, 1961 letter read. "During that time I expect to be in Cuba...I have no passport, as you know, so the route may have to be roundabout."

Federal agents had also seized a June 16, 1961 letter where Worthy sketched his plan to circumvent the Cuban travel ban. ‘On Monday morning, July 24, I catch the boat (S.S. Guadalupe of the Spanish Line) from here (NYC) to the Caribbean...N.B. What I’ve told you previously about my destination next week is strictly confidential,’ Worthy disclosed. ‘I’ve had competent legal advice just as I did before going to China, so I know what I’m doing and what the possible repercussions.’ Worthy then acknowledged those potential repercussions: prosecution and “passport reprisals.”<sup>53</sup>

Four days before Worthy was actually indicted, Yeagley produced another office document that outlined the Internal Security Division’s case against Worthy. “It is contemplated that evidence will be presented to a Grand Jury in the Southern District of Florida at Miami on Tuesday, April 24, 1962, for the purpose of obtaining an indictment against [William Worthy, Jr.] concerning his entry into the United States from Cuba without a valid passport in violation of 8 U.S.C. 1185(b),” Yeagley began. “Worthy departed the Brooklyn, New York area without a passport on July 21, 1961 aboard the vessel S.S. Guadalupe, debarked at Havana on July 25 and remained in Cuba until he returned to the United States on October 10, 1961, entering at Miami.”

“For your own confidential information concerning this individual,” Yeagley’s document revealed, “both before and after his most recent trip to Cuba Worthy made numerous speeches before local chapters of the Fair Play for Cuba Committee and before groups of college and university students claiming that ‘Cuba will be an example to follow by other nations wishing to eliminate dictatorship.’”<sup>54</sup>

U.S. officials chafed at Worthy’s defiance of travel restrictions and brash foreign correspondence. Worthy, as a black internationalist, witnessed and communicated the growing importance of Cuba in the global Cold War. Rather than the world’s superpowers waging full-scale wars to enlarge their respective spheres of influence, Worthy realized, the Cold War spawned smaller, proxy battles in the periphery to achieve those same ends. The fight for Cuba reflected this transformation in world politics, and the island’s insurrectionaries were, in turn, providing a revolutionary model for development for Third World nations to follow. Worthy’s stump speeches often detailed how “the liberation struggle under Fidel Castro relate[d] to liberation struggles under Tom Mboya in Kenya and to the colonial war in Algeria” and argued “that if the Cubans succeed in their struggle for a new standard of living, their pattern of ‘the Revolution’ will be duplicated by a dozen or more Latin American countries.” In 1962, Worthy and his supporters could only speculate as to why Worthy miffed federal policymakers so much; after all, they had no access to these governmental files. But Yeagley had left a paper trail.

The “confidential information” contained in the Assistant Attorney General’s memo continued to spill onto the page. The Internal Security Division charged that during Worthy’s speeches, “the freelance writer and correspondent with the *Baltimore Afro-American* newspaper since 1956” had “assail[ed] the ‘faulty and untruthful reporting of our national press.’” During the six month period between Worthy’s final return from Cuba and indictment, the FBI steadily compiled intelligence on the journalist Yeagley

ripped as “an individual bent on breaking the law” and “no shining knight on a white charger bending his lance to defend the truth.” “In a recent speech before the FPCC, he stated on the whole everything he saw in Cuba was wonderful,” the Internal Security Division’s document divulged. Worthy stirred additional controversy, Yeagley’s memo leaked, by telling his audiences that mainstream U.S. press had distorted Castro’s view of Marxism and that the Cuban embargo, sanctioned by U.S. business interests, had shattered the lives of both Cuban children and adults.<sup>55</sup>

The Senate’s recently-released transcripts also show why Yeagley charged Worthy with “entering the U.S. without a valid passport” rather than both INA offenses. In the subcommittee’s executive session, federal officials admitted the difficulties of actually prosecuting a U.S. citizen for entering Cuba without a valid passport. “You would have to show that the man used the passport to enter Cuba before you could charge him with misuse,” Robert Johnson testified. Yet, the major problem with fully enforcing the statute was that “Cuba doesn’t require him to show it.” The Passport Office’s attorney resigned, “[A]s a practical matter it is going to be very difficult to make the proof that would be necessary to get a conviction in that case.” Despite Yeagley’s bluff, federal officials believed they could only charge Worthy with illegal reentry.<sup>56</sup>

The *Afro*’s prize-winning journalist did not regret his decision to flout the Cuban travel ban; reporting on new perspectives on global race relations required challenging the State Department’s encroachment upon civil liberties. “Travel control is thought control and intellectual control. Free men, thinking men . . . want none of it,” Worthy proclaimed. “For the courts and the press to permit any Secretary of State to function as assignment editor is to scrap the First Amendment, and to lower an ostrich-type curtain over throbbing areas on the map and to export despair to far, weary peoples who once looked hopefully to us and our Constitution as models.” Worthy soon appealed his conviction the U.S. Fifth Circuit Court.<sup>57</sup>

### III. MIAMI AS PRETORIA: THE HUMAN RIGHTS STRUGGLE IN THE GLOBAL SOUTH

#### A. *The United Nations Studies the Jim Crow South*

While Worthy was fighting his way through U.S. courts, Jose Ingles, special rapporteur and Filipino member of the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities, was spearheading the Sub-Commission’s study on the rights of nationals to return home. The Sub-Commission was a fourteen-member body of international experts that studied global patterns of human rights violations and reported its findings and recommendations to the UN Commission on Human Rights and, successively, the Economic and Social Council. In 1960, the Economic and Social Council commissioned the Sub-Commission to prepare “a study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, as provided in article 13, paragraph 2, of the Universal Declaration of Human Rights.”<sup>58</sup> The Ingles-led report, entitled the *Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, including His*



*Own, and to Return to His Country*, would elaborate and interpret article 13(2) in light of contemporary instances of de jure and de facto discrimination. Upon the study's completion, the Sub-Commission planned to disseminate the special rapporteur's report to educate world opinion.<sup>59</sup>

Worthy, who described his indictment as “a colossal propaganda blunder,” hoped to win a favorable court judgment by “mobiliz[ing] world opinion.” As his trial was about to start in Miami, fifty people protested the indictment in front of U.N. headquarters in New York City. Shortly after Worthy was sentenced, the journalist's friends and supporters again rallied. The *New York Times* reported, “There was almost as much going on outside the United Nations today as inside. Members of the Committee for the Freedom of William Worthy picketed early in the day in front of the United States Mission for an hour. Later that evening about 300 pickets of the Fair Play for Cuba group arrived in Hammar skjold Plaza.”<sup>60</sup>

*Prensa Latina* followed Worthy's unfolding legal drama, and throughout the ordeal, the Cuban state newspaper characterized the United States' prosecution of Worthy as a violation of UDHR article 13(2). In the aftermath of his conviction, Worthy composed a lengthy article in Spanish for *Revolución*, Havana's former guerrilla newspaper. The article documented Worthy's efforts to reverse his conviction, including picketing at the United Nations, and he exhorted “Americans true to their heritage” to engage in similar acts of civil disobedience. Members of the Committee for the Freedom of William Worthy also distributed brochures throughout Africa describing Worthy's legal troubles. Pernella Wattlely, a Harlemitte traveling in east Africa, authored a letter to the editor in the *Chicago Defender*, asserting, “Readers may be interested that at Uganda's independence ceremonies Africans talked about two cases in the US: the admission of James Meredith to the University of Mississippi and the ‘illegal re-entry’ conviction of newsman William Worthy.”<sup>61</sup>

The extralegal social motion surrounding Worthy's indictment and subsequent conviction soon attracted the Sub-Commission's attention. On October 12, 1962, the *New York Times* reported, “The United Nations has been studying the record of Mr. Worthy's Federal court trial in Miami. Its Subcommittee on Prevention of Discrimination and Protection of Minorities is preparing a report dealing with a clause in the Universal Declaration of Human Rights that everyone has the right to leave and ‘return to his country.’” The *Times* article confirmed that reports of Worthy's heavily politicized trial had reached “as far away as Ghana” and “Uganda's independence festivities.”<sup>62</sup> With the Sub-Commission fixed on Worthy's Miami trial, the United States would soon endure more international embarrassment.

The Sub-Commission's *Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, including His Own, and to Return to His Country* was a sweeping account of current trends and developments in respect to article 13(2) of the UDHR. This international study covered various infringements upon article 13(2), including discrimination based on race, sex, national origin, social origin, national security concerns, public order, health, morals, and political opinion. For much of the study, Ingles did not explicitly identify specific nations and their human rights abuses.

His analysis of discrimination under the UDHR described general tendencies of nations to disregard article 13(2). Nevertheless, Ingles lamented that the Iron Curtain had materialized in the construction of the Berlin Wall, and sections of the study appeared to suggest that Eastern European nations burdened the freedom of movement of certain ethnic minorities. Due to these thinly veiled attacks on the Eastern Bloc, State Department officials received the report far more warmly than its Cold War rivals.<sup>63</sup>

Ingles then turned his criticism to what he believed to be the most pervasive article 13(2) abuse: discrimination based on political opinion. “Although statistics are not available, there can be no doubt that the most wide-spread discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country, is that based upon political or other opinion,” Ingles explained. According to the report, countries throughout the world were increasingly denying their citizens the right to travel to certain other countries, because their home governments did not want them to come into contact with ideologies that were incompatible with their home government’s basic philosophy. “In such circumstances a national may find it necessary to leave his country clandestinely—that is, by avoiding inspection by the responsible authorities at the frontiers. . . . However, by his clandestine exit he will probably have committed an offence under the laws of his own State and may have to pay a penalty should he return.”<sup>64</sup>

Ingles began his examination of discrimination based upon political opinion by analyzing South Africa’s indifference to article 13(2). Criticizing the human rights record of South Africa was not controversial. Eastern and Western representatives to the United Nations typically agreed that South Africa was an outlier in international race relations, and each year UN organs devoted countless hours specifically criticizing South Africa’s apartheid regime. The special rapporteur’s report stated, “A recent example which might be cited is the conviction of Mr. Nelson Mandela, former Secretary-General of the banned African National Congress on South Africa and Secretary of the African National Council, for having left South Africa without a passport. He was sentenced by the Magistrate of Pretoria to two years imprisonment for this offence.”<sup>65</sup>

Ingles then moved quickly from South Africa’s archaic racial regime to a far more controversial example of discrimination based upon political opinion. “Mention might be made also of the case of Mr. William Worthy, Jr., who was charged with unlawful entry in that he returned to the United States from Cuba without a passport and was sentenced to three months imprisonment,” section 123 of the report read. Ingles cited the October 12, 1962, *New York Times* article, which stated, “The defendant contended that he was indicted six months after his return because he had ‘reported the many positive achievements of the Cuban revolution, including the rapid elimination of all racial barriers.’” Ingles had followed Worthy’s Miami trial, noting that Worthy unsuccessfully challenged the constitutionality of the Immigration and Nationality Act of 1952 for “violating the constitutional guarantees of freedom of movement, of speech and of the Press.” Ingles was also aware of *Worthy v. Herter*—Worthy’s 1957 challenge to the State Department’s travel restrictions—and the special rapporteur declared that he was skeptical that the U.S. government’s prosecution of Worthy “was simply [a case] of

illegal entry.” Ingles concluded, “The case is now on appeal to the Court of Appeals for the fifth circuit of New Orleans.”<sup>66</sup>

### *B. Reactions to the United Nations Study*

Worthy and his supporters immediately seized upon Ingles’s acknowledgment of his plight. As Kunstler and Dixon prepared Worthy’s appeal to the Fifth Circuit, they argued that the constitutional right to travel to and from the United States “has also been recognized in the Universal Declaration of Human Rights [under] Article 13.” The Committee for the Freedom of William Worthy ran newspaper advertisements for financial support and began to frame Worthy’s conviction not only in U.S. constitutional terms but also in human rights terms. The Committee also circulated press releases with article 13(2) of the UDHR highlighted: “Everyone has the right to leave any country, including his own, and to return to his country.”<sup>67</sup>

On November 29, 1962, the UN secretary-general wrote to the U.S. Mission to the United Nations (USUN), “request[ing] comment and supplementary data regarding a paragraph included as paragraph 123 of the final report of the subject study.” Federal officials quickly responded to Ingles’s preliminary report. “The United States appreciates the opportunity to comment on the reference to the trial in Florida in August, 1962 involving Mr. William Worthy, Jr., as it appears in paragraph 123 of the report of the study in respect of the right of everyone to leave any country, including his own, and to return to his country. This account is based on an article in the *New York Times* of Oct. 12, 1962.”

The State Department strongly urged Ingles to rethink his provocative assessment of *Worthy v. United States*. “The particular question at issue in relation to the study appears to be whether the charges against Mr. Worthy were consistent with [the United States’ earlier claim to the Sub-Commission] that ‘there is no authority for the denial of permission of citizens of the United States to return to the United States nor is such permission denied,’” the memorandum declared. “It should be noted that Mr. Worthy was permitted to return to the United States without question after his travel in Cuba. . . . He was therefore not denied permission to enter nor is there any suggestion that he may not remain in the United States.” State Department officials then reframed Ingles’s allegations. “The charges against him related circumstances under which he returned, namely: That he returned without a passport.”

The USUN memorandum recognized that Worthy “could have obtained an adequate travel document while in Cuba for the particular purpose of returning to the United States.” Though the United States had no “diplomatic or consular representatives in Cuba, arrangement had been made for the Swiss Legation to issue such documents. This fact was clear during testimony at Mr. Worthy’s trial.” The State Department emphasized that issuance of a passport was subject to administrative regulations but available “to all United States citizens, irrespective of race, color, creed, or profession.”<sup>68</sup>

As expected, the U.S. officials criticized Ingles's study throughout the Sub-Commission's 1963 session. Morris Abram, the first general counsel of the Peace Corps, longtime ally of President Kennedy, and the U.S. member of the Sub-Commission, profoundly understood how the special rapporteur's report tarnished the image of U.S. democracy abroad. During the 1963 debates, Abram asserted, "The case of Mr. William Worthy, Jr., who had been convicted of violating United States law forbidding entry into the country without a valid travel document, might have a place in Mr. Ingles' study, but if so, it should not have been cited under the heading 'political and other opinion.'" Abram believed that Ingles should create a new category for characterizing a country's valid travel restrictions. Rather than "discrimination based on political or other opinion," Worthy's case should be reclassified as "administrative control of the right of a national to return to his country." Abram subsequently echoed the USUN reply. "Mr. Worthy had not been tried for holding any particular political opinion, but for violation of an Act prohibiting an American citizen from re-entering the United States from Cuba without a passport." Rather, he maintained, "Mr. Worthy could have easily procured a passport from the Swiss Legation in Havana, Cuba, before leaving for the United States and would have suffered no penalty."<sup>69</sup>

Abram and the State Department were technically correct on at least one front. As federal officials pointed out, the journalist could have potentially complied with the INA of 1952 by obtaining a passport from the Swiss diplomatic mission in Havana before returning to the United States. Nonetheless, Worthy reasoned that the State Department's argument was mere pretext. Under federal law, citizens who used this method to return to the U.S. from Cuba had to sign an affidavit admitting that they traveled to Cuba in violation of the travel ban. These returnees, pursuant to federal law, could be subject to prosecution. Perhaps equally important, Worthy was deeply dedicated to ensuring free speech, journalistic integrity, and an anti-racist world. His defiance of the U.S. travel ban to Cuba was an act of civil disobedience. He had not only risked his career for these principles; he was willing to risk his life for them as well.<sup>70</sup>

Ingles balked at Abram's suggestion that the report reclassify Worthy's prosecution. Ingles told the Sub-Commission that he "did not think that [his inclusion of *Worthy v. United States* in the study] should give rise to much difficulty." Regardless of the U.S. viewpoint, Ingles reasoned, "The essential thing was that all cases should be dealt with in this study, whether they involved discrimination or limitation."<sup>71</sup> Ingles clearly understood that few governments throughout the world actually practiced de jure discrimination. Governments increasingly relied on facially neutral measures to restrict travel; in Cold War America, "administrative control" of travel had the same effect as forthrightly denying passports to known Revolution sympathizers.

The special rapporteur's important analysis of *Worthy v. United States*, however, missed a much larger point about the changing nature of Cold War conflict in the early 1960s. Race and ideology could not be easily characterized as separate analytic categories; rather, they frequently intersected to produce human rights violations under Article 13(2) of the UDHR. As Worthy argued and Senator Eastland's report demonstrated, federal officials were becoming particularly concerned with how civil rights activists, like Worthy, were using Cuba to shame America abroad.<sup>72</sup>

Two separate, globally consequential events were transpiring simultaneously: the U.S. civil rights movement, more aggressive than ever before, was exposing to the world the deep flaws in U.S. democracy, and Castro was becoming increasingly popular in Latin America and Africa. A close alliance between “Cuba and the American Negro,” as Senator Eastland’s subcommittee had reasoned, would cripple U.S. efforts to enlarge its sphere of influence in the Third World. The Senate subcommittee, like many other federal officials, worried that black activists would only help to make Castro more popular throughout the decolonizing world by hailing Cuba “as a land which recognizes no racial discrimination, as a shining model in contrast with the United States.” At the same time, U.S. officials fretted that the Cuban government would use such ridicule of U.S. race relations as a means to offer Third World governments an alternative path to “modernity”—one that explicitly eschewed U.S.-style governance.<sup>73</sup> U.S. travel restrictions were therefore integral to circumscribing the alliance between “Cuba and the American Negro” and limiting the opportunities to blemish the nation’s foreign reputation. Worthy, a beloved movement journalist with ties to Cuba’s revolutionaries and various diasporic communities throughout the world, embodied this significant threat to U.S. foreign policy interests. Consequently, Ingles’s single-axis analysis of article 13(2) discrimination glossed over how race and ideology intersected and reshaped the nature of the global Cold War during the early 1960s.

For State Department officials, the special rapporteur’s powerful indictments of the Berlin Wall and the Eastern Bloc’s control of ethnic minorities’ freedom of movement were far too important to derail publication of the entire study. Though not fully satisfied with the complete text of the study, U.S. officials were content that the study had largely shamed the Eastern Bloc. U.S. officials, hoping not to further ruffle Ingles, who had not yet completed his study, ceased criticism of his work, and the passages linking the passport trial of Nelson Mandela to that of William Worthy remained in the final version of the landmark study.<sup>74</sup>

#### IV. CONCLUSION

The United Nations was not the only governmental body to recognize that U.S. officials had infringed upon Worthy’s right to return to his home country. Only weeks after the Sub-Commission began drafting the Convention, the U.S. Court of Appeals for the Fifth Circuit overturned Worthy’s passport conviction. The unanimous court declared that “inherent in the concept of citizenship ... [is] a right to return.” The court found this fundamental right rooted in the due process clause of the Fifth Amendment to the U.S. Constitution. The court, however, observed that the right of U.S. citizens to return to the country without criminal penalty was even older than the U.S. Constitution: “In all the States from the beginning down to the adoption of the Articles of Confederation the citizens thereof possessed the fundamental right, inherent in citizens of all free governments ... to have free ingress thereto and egress therefrom, with a consequent authority in the States to forbid and punish violations of this fundamental right.” The court held, “We do not think that a citizen, absent from his country, can have his fundamental right to have free ingress thereto subject to a criminal penalty if he does not

have a passport.”<sup>75</sup> The court’s opinion was not a partisan decision. Even legal counsel for Jim Eastland’s subcommittee had recognized that the right to return was a fundamental right.

In the years following *Worthy v. United States*, Worthy, true to his calling, continued to cover and make news in hot spots across the globe—breaking sensational stories on the Vietnam War, the assassination of former Grenadian Prime Minister, Maurice Bishop, and covert U.S. involvement in the Iranian Revolution; winning a five-figure, cash settlement at home from the U.S. government for its illegal seizure of Worthy’s correspondence from Iran; and becoming a leading academic voice in the fields of critical and African-American journalism.<sup>76</sup>

The *Worthy* opinion had a significant impact on the career of William Kunstler. Kunstler remembered, “[T]his was my first experience arguing an issue about which I felt passionate. In trying to prove to a federal circuit court that a law was in violation of the US Constitution, I felt a great sense of responsibility and importance. I was very angry that a journalist, an American citizen, had been restricted in his travel to other countries, then hounded, harassed, and jailed by his own government.” The *Worthy* decision was Kunstler’s first time ever invalidating a statute, and his work in this case “confirmed [his] faith in the justice system.” Kunstler exclaimed, “Let the other lawyers draft wills and do real estate closings. I had *changed* the law! I had made a contribution! I felt an enormous thrill and a desire for more of the same.” Kunstler became in the black freedom movement, defending leaders such as Martin Luther King, Jr., Assata Shakur, and Stokely Carmichael.<sup>77</sup>

Finally, Fair Play, the *Afro-American*, and the Committee for the Freedom of William Worthy all lacked consultative status as non-governmental organizations at the United Nations. Pursuant to UN regulations, none of these organizations could offer Ingles or the Sub-Commission formal commentary on the right of nationals to return home. Yet Ingles, and ultimately the Sub-Commission, relied on the advocacy of these non-governmental organizations to discuss contemporary denials of UDHR article 13(2). Non-state actors, engaged in extraparliamentary activism, had played a valuable role in international standard-setting. Worthy, a journalist with no legal training, had transformed into a norm shaper by defying Cold War travel restrictions.<sup>78</sup> And a high-profile, civil rights prosecution had helped to frame a key moment in legislative debates at the United Nations.

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<sup>1</sup> Phil Ochs, “Ballad of William Worthy” (1964), *All the News That’s Fit to Sing* (Compact disc; Collectables Records; 2012).

<sup>2</sup> Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) at Art. 13(2) (Dec. 10, 1948).

<sup>3</sup> Indictment of William Worthy, U.S. District Court, Southern District of Florida (Apr. 24, 1962), William Worthy Papers, Travel Series, box 10.1, Cuba/Cuba Case Folder (Department of Rare Books and

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Manuscripts, Sheridan Libraries, Johns Hopkins University, Baltimore, Md.); “Journalist Indicted by Grand Jury,” *Chicago Defender*, Apr. 26, 1962, p. 2; “Worthy Surrenders on Illegal Entry,” *Atlanta Daily World*, April 29, 1962, p.1; “Newsman Indicted in Passport Hassle,” *Philadelphia Tribune*, May 1, 1962, p. 15; “Hearing for Bill Worthy is Delayed,” *Baltimore Afro-American*, May 12, 1962, p. 1; Immigration and Nationality Act, 8 U.S.C. §1185(b) (1952); Editorial, “Stretching the Law,” *Chicago Defender*, May 16, 1962, p. 11; “Afro-American Newsman Faces U.S. Indictment,” *Cleveland Call and Post*, May 19, 1962, p. 1C; “Worthy Must Face Hearing in Fla.,” *New York Amsterdam News*, May 26, 1962, p. 21.

<sup>4</sup> “Worthy to Face Passport Showdown,” *Baltimore Afro-American*, Feb. 16, 1957, p. 1; Grace Hudson, “Stand by Worthy,” *Baltimore Afro-American*, Feb. 23, 1957, p. 4; “Why Bill Worthy Went to Red China,” *Baltimore Afro-American*, Jan. 5, 1957 p. 1; Peter Kihss, “Liberties Unit Backing Newsman Indicted by U.S. in Passport Case,” *New York Times*, May 11, 1962; William Worthy, “Digging behind the Headlines,” n.d., William Worthy Papers, Travel Series, box 10.1, Cuba/Cuba Case Folder, Sheridan Libraries; “Worthy Rejects Passport Offer,” *Baltimore Afro-American*, Jan. 4, 1958, p. 1; *Worthy v. Herter*, 270 F.2d 905 (D.C. Cir. 1959).

<sup>5</sup> Van Gosse, *Where the Boys Are: Cuba, Cold War America and the Making of a New Left* (New York, 1993), 141-48.

<sup>6</sup> Mary Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton, 2000), 61-63; David Levering Lewis, *W.E.B. DuBois: The Fight for Equality and the American Century, 1919-1963* (New York, 1994), 530-31; Martin Duberman, *Paul Robeson* (New York, 1988), 382-83.

<sup>7</sup> Stephen Krueger, *Krueger on United States Passport Law* (Hong Kong, 1997).

<sup>8</sup> August Meier and Elliott Rudwick, “The First Freedom Ride,” *Phylon*, 30 (Fall 1969), 213-22; Raymond Arsenault, *Freedom Riders: 1961 and the Struggle for Racial Justice* (New York, 2006), 32-40; Christopher Strain, *Pure Fire: Self-Defense as Activism in the Civil Rights Era* (Athens, Ga., 2005), 38-39; David Garrow, *Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference* (New York, 2004), 72-73. See also “Robert Williams Asks U.S. to Support War on South,” *Baltimore Afro-American*, April 25, 1961, p. 2; William Worthy, “Raise Funds for Arms for Carolinian,” *Baltimore Afro-American*, July 22, 1961, p. 1; “Robert Williams Begins Cuban Radio Broadcasts,” *Baltimore Afro-American*, July 24, 1962, p. 16; “Aids Monroe Defendants,” *Village Voice*, May 9, 1963, p. 5; William Sales, *From Civil Rights to Black Liberation: Malcolm X and the Organization of Afro-American Unity* (Boston, 1994), 107.

<sup>9</sup> William Patterson, “A Courageous Step,” *Baltimore Afro-American*, Apr. 20, 1957, p. 4.

<sup>10</sup> Carol Anderson, *Eyes Off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955* (Cambridge, 2003); Brenda Gayle Plummer, *Rising Wind: Black Americans and U.S. Foreign Affairs, 1935-1960* (Chapel Hill, 1996).

<sup>11</sup> Malcolm X, “The Ballot or the Bullet,” in *Malcolm X Speaks*, ed. George Breitman (New York, 1994).

<sup>12</sup> Alan Dowty, *Closed Borders: The Contemporary Assault on Freedom of Movement* (New Haven, 1989); Hurst Hannum, *The Right to Leave and Return in International Law and Practice* (Boston, 1987).

<sup>13</sup> Timothy Tyson, *Radio Free Dixie: Robert F. Williams and the Roots of Black Power* (Chapel Hill, 1999), 232.

<sup>14</sup> *Ibid.* For Castro’s account of the Hotel Theresa episode, see “Translation of the Speech Delivered by Fidel Castro at the 872th Plenary Meeting of the United Nations General Assembly” (Sept. 26, 1960), National Archives, College Park, Md., Department of State, Record Group 59, box 17, Fair Play for Cuba Committee January-June 1961 [hereinafter State Department Central Files].

<sup>15</sup> William Worthy, “20-Story Hotel in Cuba is Now Habana Theresa,” *Baltimore Afro-American*, Oct. 1, 1960, p. 1.

<sup>16</sup> Similarly, black outlets, including the *Afro-American*, *Pittsburgh Courier*, *New York Citizen-Call*, trumpeted Castro’s Cold War racial diplomacy. Tyson, *Radio Free Dixie*, 234.

<sup>17</sup> Robert A. Hill, et. al., *The Marcus Garvey and Universal Negro Improvement Association Papers, Volume XI: The Caribbean Diaspora, 1910–1920* (Durham, 2011), clxxxix; Frank Guidry, *Forging Diaspora: Afro-Cubans and African Americans in a World of Empire and Jim Crow* (Chapel Hill, 2010); Rebecca Scott, *Degrees of Freedom: Louisiana and Cuba after Slavery* (Cambridge, 2005); Ada Ferrer, *Insurgent Cuba: Race, Nation and Revolution, 1868-98* (Chapel Hill, 1999), 3-6; Aline Helg, *Our Rightful Share: The Afro-Cuban Struggle for Equality, 1886-1912* (Chapel Hill, 1995).

<sup>18</sup> William Worthy, “No Color Bar in Cuba Says Writer,” *Baltimore Afro-American*, Sept. 24, 1960, p. 9; Charles Layne, “Jail Sentences for Bias in Cuba Newsman Finds,” *Philadelphia Tribune*, Apr. 11, 1961, p. 1.

<sup>19</sup> William Worthy, “Writer Sees No Need to Stay Out of Cuba,” *Baltimore Afro-American*, Oct. 8, 1960, p. 2.

<sup>20</sup> “Worthy Warns against U.S. Troops in Cuba,” *Baltimore Afro-American*, May 6, 1961, at 15; Fair Play for Cuba Committee, “A Moral Disaster for the United States,” April 1962, William Worthy Papers, Travel Series, box 10.1, Cuba/Cuba Case Folder, Sheridan Libraries; William Worthy, “Cuba Fears Attack, Bill Worthy Reports,” *Baltimore Afro-American*, July 2, 1960, p. 2.

<sup>21</sup> William Worthy, “Castro’s Supporters Boast: ‘We are Cured of Fright,’” *Baltimore Afro-American*, July 9, 1960, p. 17; Worthy, “Cuba Hunts ‘Invaders,’” *Baltimore Afro-American*, Oct. 15, 1960, p. 17; Worthy, “Worthy Spends Holidays in Cuba,” *Baltimore Afro-American*, Dec. 31, 1960, p. 1; Worthy, “Uncovers U.S. Bias in Cuba,” *Baltimore Afro-American*, Sept. 17, 1960, p. 2; Worthy, “Cuba Fears Attack, Bill Worthy Reports,” p. 2.

<sup>22</sup> Benjamin Mandel to *Time Magazine*, letter, Jan. 25, 1961, Records of the Senate Internal Security Subcommittee [hereinafter SISS Records], RG 46, Individual File Names, Series 2, box No. 184, William Worthy Folder (National Archives, Washington, D.C.); Fred Fry, “Where Do We Go From Here,” *Philadelphia Tribune*, May 2, 1961, p. 9.

<sup>23</sup> “Cuba Story Not Told—Worthy,” *Baltimore Afro-American*, Jan. 13, 1962, p. 1.

<sup>24</sup> “Robert Williams Reported in Cuba,” *Atlanta Daily World*, Oct. 1, 1961, p. 1; William Worthy, “Williams Flees U.S. by New ‘Underground R.R.,”” *Baltimore Afro-American*, Oct. 7, 1961, p. 1; Worthy, “Williams Tells His Story of Monroe,” *Baltimore Afro-American*, Oct. 14, 1961, p. 1; Worthy, “Williams Tells Worthy, ‘I Was a Marked Man,’” *Baltimore Afro-American*, Oct. 21, 1961, p. 6; “FBI Agents Pay Bill Worthy,” *Baltimore Afro-American*, Mar. 31, 1962, at 2.

<sup>25</sup> “Says Americans Deceived About Castro’s Reform,” *Cleveland Call and Post*, Feb. 11, 1961, p. 1B; “Prize-Winning Newsman Charges: U.S. Press Deceiving Americans about Castro, Cuban Revolution,” *Philadelphia Tribune*, Feb. 11, 1961, p. 9; “Worthy Charges Castro Victim Of ‘Hatchet Job,’” *Baltimore Afro-American*, Feb. 11, 1961, p. 6.

<sup>26</sup> Frank Devine, memo, Dec. 21, 1960, Department of State, RG 59, box 17, Fair Play for Cuba Committee January-June 1961 (National Archives, College Park, Md.); “Registration by ‘Fair Play for Cuba Committee’ as a Foreign Agent, from Frank Devine to Mr. Hurwitch, Miss Whiteman, Mr. McDonnell, Mr. Phillips” (Dec. 21, 1960), State Department Central Files, box 17, Fair Play for Cuba Committee January-June 1961. “Registration by ‘Fair Play for Cuba Committee’ as a Foreign Agent; Mr. Devine, Mr. Stevenson, Mr. Hurwitch” (Dec. 28, 1960), State Department Central Files, Box 17, Fair Play for Cuba Committee January-June 1961.



<sup>27</sup> James McDonnell and Robert Hurwitsch, memo, July 7, 1961, Department of State, RG 59, box 17, Fair Play for Cuba Committee January-June 1961 (National Archives, College Park, Md.); "Fair Play for Cuba Committee," May 29, 1961, Department of State, RG 59, box 17. "Action on Passport Application of Mr. Richard Gibson of the Fair Play for Cuba Committee," May 10, 1961, Department of State, RG 59, box 17, Fair Play for Cuba Committee January-June 1961 (National Archives, College Park, Md.).

<sup>28</sup> "The Cuban Information Retrieval System," n.d., Department of State, RG 59, box 30, PPV, Press Publications, and Visuals (USIS) (National Archives, College Park, Md.).

<sup>29</sup> U.S. Congress, Senate, Internal Security Subcommittee, *Communist Threat to the United States through the Caribbean*, 87 Cong., 2 sess., 1961, p. 470. See also "Eastland and Worthy," *Baltimore Afro-American*, Sept. 2, 1961, p. 4. Even after Eastland's report, *Cuba and the American Negro*, SISS continued investigating Fair Play. See SISS Records, RG 46, Individual File Names, Series 2, box 184, William Worthy Folder (National Archives, Washington, D.C.); For Release: From the Senate Internal Security Subcommittee, June 10, 1963, Guide to the Printed Ephemera Collection on Organizations PE 036, Robert Wagner Labor Archives, box 34, U.S. Fair Play Committee for Cuba, 1961-1963 folder (Tamiment Library, New York University, New York, N.Y.); Abba Schwartz Papers, box 6, John Kennedy Presidential Library and Museum (Boston, Mass.); *Committee on the Judiciary, Hearings before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws, State Department Security, 1963-1965* (Washington, D.C., 1967).

<sup>30</sup> "Reporter Must Answer To Passport Indictment," *New York Times*, May 22, 1962, p. 34.

<sup>31</sup> U.S. Const. amend. VI. See William Kunstler, *Deep in My Heart* (New York, 1966); William Kunstler, *My Life as a Radical Lawyer* (Secaucus, 1994).

<sup>32</sup> 28 U.S.C. §1404 (1958).

<sup>33</sup> "Fears For Life, Worthy Tells Court," *Baltimore Afro-American*, June 23, 1962, pp. 1-2. Bill Worthy's sister, Myrtle, began a well-publicized hunger strike after echoing these sentiments in an impassioned letter to Robert Kennedy. Myrtle Worthy to Robert Kennedy, letter, July 11, 1962, William Worthy Papers, Travel Series, box 10.1, Case Folder, Sheridan Libraries.

<sup>34</sup> Jeff Woods, *Black Struggle, Red Scare: Segregation and Anti-Communism in the South, 1948-1968* (Baton Rouge, 2004); Raymond Mohl, "South of the South: Jews, Blacks, and the Civil Rights Movement in Miami, 1945-1960," in *The Civil Rights Movement*, ed. Jack Davis (Malden, 2001).

<sup>35</sup> "Vindictive Retaliation Says Afro-American Attorney," *Miami Times*, June 23, 1962, p. 5; see also "Brochure on Worthy Case," *National Guardian*, Oct. 22, 1962, p. 4.

<sup>36</sup> "Committee Protesting Worthy Case," *Baltimore Afro-American*, Oct. 20, 1962, p. 11.

<sup>37</sup> Roy Wilkins to William Worthy, NAACP Papers, Part 24 Series A, Reel 16, June 18, 1962; Roy Wilkins to Robert Kennedy, telegram, June 20, 1962, William Worthy Papers, Travel Series, box 10.1, Case Folder, Sheridan Libraries; "Indictment Protested," *Washington Afro-American*, July 3, 1961, p. 2; "William Worthy Trial Here Aug. 5," *Miami Times*, July 7, 1962, p. 4.

<sup>38</sup> Walter Yeagley to Adam Powell, letter, July 5, 1962, William Worthy Papers, Travel Series, box 10.1, Case Folder, Sheridan Libraries.

<sup>39</sup> "Florida Keeps Worthy Trial," *Baltimore Afro-American*, June 30, 1962, p. 1; "A USA Journalist and All His Troubles," *Baltimore Afro-American*, Aug. 4, 1962, p. A5 (reprinting the May 11, 1962, article appearing in the *Ghana Evening Standard*); "Draft of Telegram to Attorney General," NAACP Papers, Part

24 Series A, Reel 16, June 18, 1962; James Farmer et al. to Robert Kennedy, telegram, June 20, 1962, William Worthy Papers, Travel Series, box 10.1, Case Folder, Sheridan Libraries.

<sup>40</sup> “Fears For Life, Worthy Tells Court,” 1-2; Notice of Motion, *United States v. Worthy*, June 22, 1962, William Worthy Papers, Travel Series, box 10.1, Case Folder, Sheridan Libraries; “Florida Keeps Worthy Trial,” 1.

<sup>41</sup> “RFK tags rights ‘biggest story,’” *Baltimore Afro-American*, June 30, 1962, pp. 1-2; See also “Picket for Worthy,” *Baltimore Afro-American*, June 9, 1962, p. 1; “RF Kennedy is Picketed at College,” *Baltimore Sun*, June 23, 1962, p. 23; “National Newspaper Publishers’ Association,” *Miami Times*, July 14, 1962, p. 16; William Worthy to Martin Johns, letter, Nov. 13, 1962, Worthy Papers, Travel Series, box 10.1, Case Folder, Sheridan Libraries.

<sup>42</sup> “Worthy condemns press ‘blackout,’” *Baltimore Afro-American*, June 30, 1962, p. 2.

<sup>43</sup> *Ibid.*

<sup>44</sup> Walter Yeagley to Roy Wilkins, NAACP Papers, Part 24 Series A, Reel 16, July 18, 1962.

<sup>45</sup> *Ibid.*

<sup>46</sup> “2 Miami Beach hotels refuse service to Worthy,” *Baltimore Afro-American*, August 18, 1962, p. 2; “Afro-American Newsman Convicted for Cuba Trip,” *Miami Times*, August 11, 1962, p. 1; “‘I have no regrets,’ says Wm. Worthy,” *Baltimore Afro-American*, August 18, 1962, pp. 1-2.

<sup>47</sup> *Worthy v. United States* transcript, *William Worthy v. United States* case file, Apr. 22, 1963, Docket Number 20062, Session Number 71-A-10, box 506 of 1592, Location A-31-037-2-3 (National Archives, Fort Worth, Tex.) [hereinafter Worthy transcript].

<sup>48</sup> “Writer to Stand Illegal Entry Trial,” *Miami Daily News*, August 6, 1962, p. 1C; “Afro-American Newsman Convicted for Cuba Trip,” 1; Henry Cavendish, “Worthy Wanted to Talk on Cuba,” *Miami Daily News*, August 8, 1962, p. 1C; Notice of Adjudication, *United States v. Worthy*, Sept. 7, 1962, Worthy Papers, Travel Series, box 10.1, Case Folder, Sheridan Libraries; Kunstler, *My Life as a Radical Lawyer*, 96.

<sup>49</sup> “Comments on Worthy Sentence,” *Prensa Latina*, Sept. 24, 1962, SISS Records, RG 46, Individual File Names, Series 2, box No. 184, William Worthy Folder (National Archives, Washington, D.C.); “U.S. Should Listen to William Worthy Transcript,” *Radio Havana Cuba*, Sept. 20, 1962, Records of the Senate Internal Security Subcommittee, Worthy Folder.

<sup>50</sup> “Brochure on Worthy Case Issued,” *National Guardian*, Oct. 22, 1962, p. 4, SISS Records, RG 46, Individual File Names, Series 2, box 184, William Worthy Folder (National Archives, Washington, D.C.); “‘I have no regrets,’ says Wm. Worthy,” 1-2. See also “Worthy Gains Support in His Appeals,” *Pittsburgh Courier*, Sept. 1, 1962, p. 26.

<sup>51</sup> The U.S. Senate, Report of Proceedings, “Hearing held before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary,” State Department Security Executive Session—Confidential, Apr. 10, 1963.

<sup>52</sup> Walter Yeagley to Robert Kennedy, February 2, 1964 Series 1, *Kennedy Justice* Files, 1954-1971, box 23, folder William Worthy (John Kennedy Presidential Library, Boston, M.A.).

<sup>53</sup> Walter Yeagley to John O’Rourke, Nov. 29, 1962, Series 1, *Kennedy Justice* Files, 1954-1971, box 23, folder William Worthy (John Kennedy Presidential Library, Boston, M.A.).

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<sup>54</sup> “William Worthy, Jr. Unauthorized Travel to Cuba—Contemplated Prosecution under 8 U.S.C. 1185(b),” Apr. 20, 1962, Series 1, *Kennedy Justice Files*, 1954-1971, box 23, folder William Worthy (John Kennedy Presidential Library, Boston, M.A.).

<sup>55</sup> *Ibid.*

<sup>56</sup> See note 51.

<sup>57</sup> “‘I have no regrets,’ says Wm. Worthy,” 1-2.

<sup>58</sup> U.N. Doc. E/CN.4/Sub.2/157.

<sup>59</sup> *Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country*, U.N. Doc. E/CN.4/Sub.2/220/Rev. 1 (1963).

<sup>60</sup> William Worthy to Robert Williams, Robert Williams Papers, Reel 1:0348, April 29, 1962; “50 Picket U.S. Mission at U.N.,” *New York Times*, June 24, 1962, p. 16; “You Can’t Come Home Anymore,” flier, June 23, 1962, Worthy Papers, Travel Series, box 10.1, Case Folder, Sheridan Libraries; Lawrence O’Kane, “Pickets are Busy as UN Reopens,” *New York Times*, Sept. 19, 1962, p. 17.

<sup>61</sup> News Release, Oct. 16, 1962, Robert Williams Papers, Reel 1:0389; “US Hysterically Shaking due to Cuba, Says William Worthy,” *Havana Revolución*, Aug. 18, 1962, p. 3; “US is Accused of News Control,” *New York Times*, Oct. 12, 1962, p. 12. See also Pernella Wattlely, “U.S. Racial Bigotry,” *Chicago Defender*, Oct. 29, 1962, p. 12; “Worthy Issue Tied to African Confab through Brochures,” *Baltimore Afro-American*, June 1, 1963, at 20.

<sup>62</sup> “US is Accused of News Control,” 12.

<sup>63</sup> Richard Plender, *International Migration Law* (Dordrecht, Netherlands, 1988), 98.

<sup>64</sup> *Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country*, U.N. Doc. E/CN.4/Sub.2/220/Rev. 1 (1963).

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

<sup>67</sup> Brief of *United States v. Worthy*, Southern Christian Leadership Conference Papers, Reel 36:22, June 1963; Press Releases, A. Philip Randolph Papers, Reel 2:0035.

<sup>68</sup> *Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, including His Own, and to Return to His Country*, U.N. Doc. E/CN.4/Sub.2/220, Dec. 5, 1962, Morris Abram Papers, Manuscript, Archives, and Rare Book Library, box 94, folder 8 (Emory University, Atlanta, Ga.).

<sup>69</sup> U.N. Doc. E/CN.4/Sub.2/SR.385 (1963).

<sup>70</sup> See Worthy transcript.

<sup>71</sup> U.N. Doc. E/CN.4/Sub.2/SR.386 (1963).

<sup>72</sup> “US Hysterically Shaking due to Cuba, Says William Worthy,” 3; U.N. Doc. E/CN.4/Sub.2/SR.386 (1963).

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<sup>73</sup> U.S. Congress, Senate, Internal Security Subcommittee, *Communist Threat to the United States through the Caribbean*, 87 Cong., 2 sess., 1961, p. 470. For a penetrating analysis of Cuba's role in reshaping the Cold War, see Odd Arne Westad, *The Global Cold War* (Cambridge, 2005).

<sup>74</sup> Subcommittee on the Prevention of Discrimination and Protection of Minorities Guidance Paper, (Dec. 13, 1961), Department of State, RG 59, box 550 (National Archives, College Park, Md.); Subcommittee Discrimination and Minorities—Study on Right to Leave, Jan. 29, 1963, Department of State, RG 59, box 3204.

<sup>75</sup> *Worthy v. United States*, 328 F.2d 386 (5th Cir. 1964)(citing *United States v. Wheeler*, 254 U.S. 281, 293 (1920), cf. *Slaughter-House Cases*, 83 U.S. 36 (1873)).

<sup>76</sup> “Court Tosses Out Worthy Conviction,” *Baltimore Afro-American*, Feb. 29, 1964, pp. 1-2. “Worthy Hails Decision,” *New York Times*, Feb. 22, 1964, p. 2; Broussard and Cooley, William Worthy, 393-395.

<sup>77</sup> Kunstler, *My Life as a Radical Lawyer*, 97.

<sup>78</sup> U.N. Charter art. 71 and G.A. Res. 288 B(X) of 1950.