Congress of the United States
began and held at the City of New York, on
Wednesday the Fourth of March, one thousand seven hundred and eighty-nine.

THE Congress of the United States, having from time to time, during the existence of the United States, erected watchful, efficient, and responsible government, and having declared the adoption of the Constitution, and the enforcement thereof, in a series of acts, each of which, in the opinion of the Congress, was necessary and proper for the execution of the Constitution, do, therefore, resolve,

RESOLVED, that the Congress of the United States do adopt, in the name of the United States, and in all places under its jurisdiction, the Bill of Rights of the

The Bill of Rights
150 Years After

1938-1939

AMERICAN CIVIL LIBERTIES UNION
31 Union Square West
New York City

(Copyrighted) 181 June, 1939
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Review of the Year
(to June, 1939)

THIS year, the 150th anniversary of the submission of the Bill of Rights to the states by the first Congress, convened March 4, 1789, sees unprecedented support of our constitutional guarantees under the stimulus of the world-wide attacks on democracy. The anniversary was celebrated by the discovery that Massachusetts, Connecticut and Georgia among the thirteen original colonies had never ratified the first ten amendments to the Constitution—the Bill of Rights. The legislatures on recommendation of their governors promptly took the belated action. Civil Liberties Union locals organized public meetings in recognition of the anniversary from Boston to Los Angeles.

Significant of increasing support of the Bill of Rights was the organization by the American Bar Association of a national Committee on Civil Rights and of similar committees in many state and city bar associations. The national Bar Association committee got into action promptly with briefs in the Supreme Court supporting the contentions of the C.I.O. and Civil Liberties Union in the proceedings against Jersey City officials, and urging the Supreme Court to take jurisdiction of the flag-saluting cases involving Jehovah’s Witnesses.

Significant too of growing vigilance for civil rights was the creation by Attorney General Murphy of a Civil Liberties Unit in the Department of Justice, pledged to investigate and act whenever civil rights are violated within federal jurisdiction. The historic two-year investigation of violations of labor’s civil rights by the Senate Committee on Civil Liberties was concluded with the recommendation to Congress of a sweeping bill aimed at industrial espionage and armaments.

In addition to this private and official vigilance for civil rights, telling advances were made by a series of decisions by the United States Supreme Court. Chief among them was the decision sustaining and extending the injunction granted by the lower courts against Mayor Hague and Jersey City officials to prevent inter-
ference with freedom of speech and assembly—for the first time putting the power of the federal government behind the protection of those rights against attack by local law, and putting new life into the long disused civil rights statute of 1871. Noteworthy, too, were the Supreme Court decisions (1) requiring states to provide equal facilities for Negro and white students, or failing that, to admit Negro students to white schools and colleges; (2) holding that aliens are not deportable for having joined the Communist Party for brief periods; and (3) voiding an attempt in Oklahoma by law to prevent the registration of Negroes for voting.

On the whole the record of the courts both federal and state throughout the country showed a more favorable interpretation of civil rights. Only one major court case represented a threatened setback—that by the federal district court in Philadelphia assessing triple damages under the Sherman anti-trust act against a union which had staged a sitdown strike. The implications of the decision, if sustained, would be far-reaching in nullifying the recent advances in law protecting labor's rights to organize and strike.

Against these favorable advances, there developed during the year a more intense anti-democratic propaganda, whose effect, if successful, inevitably will result in sweeping denials of civil liberties. This propaganda, aimed allegedly at Communism and in part against Jews, is in fact directed generally against progressive movements, the New Deal, and the C.I.O. Its chief mouthpiece became the Special House Committee on Un-American Activities headed by Rep. Martin Dies of Texas. The Committee's exposures of alleged Communism doubtless had considerable effect on the November 1938 elections in several states against candidates favorable to labor's civil rights.

The Civil Liberties Union came in for its share of attack in this propaganda, arousing a demand on the part of many critics and friends that we declare ourselves against all anti-democratic movements, even though we defend their rights of propaganda on the same basis as others. The Union declined to take any such
political position, asserting that such a function is outside the province of an organization committed to the defense of everybody’s rights without distinction.

The more conservative political tendency in the country, of which this anti-progressive propaganda is a part, was reflected in the November elections and subsequently in the legislatures. Five states adopted measures for the legal control of trade union activities. Acts restricting picketing were passed in a number of states and cities. Labor injunction laws made no headway. Not a single legislature passed a bill of any importance protecting or extending civil rights, and no such legislation has as yet gotten through Congress. On the contrary, bills restricting civil liberty have passed the House—two measures limiting further the already limited rights of aliens, backed by an unparalleled hysteria, and one making it a crime to advocate “the overthrow of government by force and violence.” The more repressive tendencies in legislative bodies were accentuated by the split between the C.I.O. and A. F. of L. which weakened the power of organized labor in the legislative as well as the industrial field.

The new machinery for the protection of labor’s rights through the National Labor Relations Act, the similar acts in five states and the labor injunction laws, has resulted in a sharp drop in strikes and consequently in fewer violations of civil rights in the industrial struggle. Strikes were only half as numerous during the year as in the year before the Supreme Court decision upholding the N.L.R.A. The attacks on that act in Congress and throughout the country and the emasculation of the “Little Wagner” acts in Wisconsin and Pennsylvania threaten to weaken the protective machinery seriously. The Civil Liberties Union has opposed all the amendments proposed to the national act as dangerous to the act’s essential purpose of protecting labor’s rights to organize free from coercion and to select without interference representatives for collective bargaining.

Interference with the rights of political, racial and religious minorities has steadily diminished though propaganda against them is ominously increasing. Interference with the activities of the Communist Party continue to be comparatively slight, in marked contrast with the record of a few years ago. More in-
stances of interference with the rights of the German-American Bund were reported, and the Union was called upon more frequently to protest in behalf of their rights than of Communist or left-wing organizations. Jehovah’s Witnesses continue to suffer what they regard as persecution in the distribution of their literature and in the expulsion of their children from the public schools for refusal to salute the flag. Many cases involving both issues came before the courts.

In the field of force, mob violence dropped to a new low with only one major instance reported through the year, and two or three slight skirmishes. While lynchings of Negroes increased from eight to twelve, the record is low compared with previous years. Troops were called out in strikes in only two states, Iowa and Kentucky, another new low.

Censorship of movies, radio, the theatre and literature also declined. Most of the reported instances affected the censorship of films, imported or independently produced in the United States. Self-regulation by the radio industry took on new vigor with the preparation of national standards which should meet the most exacting requirements of champions of civil liberty, and make unnecessary further federal legislation or government regulation to insure freedom from discrimination on the air.

Difficulties continued in a number of cities with the distribution of handbills on public questions despite the Supreme Court decision of a year ago prohibiting control by municipalities. Cases involving three state court decisions are on their way to the United States Supreme Court to settle the issue finally.

Indicative of conditions throughout the country was the survey of the practice of civil liberties in leading cities, published by the Union during the year and detailed on page 50. Outstanding was the finding that in no city in the country are the presumed guarantees to citizens of their rights more than one-half recognized in law or regulation—though they may well be recognized more than one-half in actual practice.

In the internal affairs of the Civil Liberties Union issues arose concerning our policy on radio control, on labor’s rights, on free
speech for employers under the N.L.R.A., and on our attitude to
anti-democratic movements—all set forth on page 55. A con-
troversy with the "American Mercury" magazine over an article
on the Union in 1937 entitled "Liberalism a la Moscow," which
had resulted in the Union's filing a libel suit, was settled during
the year by publication of another article in the magazine by H. L.
Mencken, agreed upon as an umpire to appraise the charges of
"Communist domination" of the Union's policies. The suit was
withdrawn upon the publication of Mr. Mencken's article and a
letter of comment by the Union's Board of Directors. The verdict
exonerated the Union of all the substantial charges brought.

As the reports on pages 57 to 58 show, the Union's mem-
bership marked up a healthy increase, but total income, both for
overhead and for special purposes, dropped over the preceding
year by 10 per cent, due largely to the inability of large contribu-
tors to renew.

In order to enable friends who desire to deduct contributions
from their income tax returns to do so, the Union created a new
corporation, the Civil Liberties Educational Fund, Inc., whose
work is entirely separate from any attempt to influence legislation.

The Union's organization, its local committees, its membership
and its program show a continuing and increasing vigor. In-
creasing anti-democratic propaganda has prompted the Union to
engage far more actively in educational counter-propaganda
against repressive tendencies in order to arouse wider practical
public support of the provisions of the Bill of Rights. The Union's
disinterested services on every front of attack on civil liberties,
as set forth in the following pages, constitute a complete refuta-
tion of those who charge the Union with partisanship in its defense
of civil rights.
Balance Sheet of Civil Liberties

*We Condemn:*

1. The decision of the U. S. Supreme Court sustaining and extending the injunction against interference with civil rights by Mayor Hague and Jersey City officials issued by District Judge Wm. Clark on application of the C.I.O. and the Civil Liberties Union.

2. The monumental report of the United States Senate Committee on Civil Liberties dealing with the violations of the rights of labor and the recommended bill to curtail industrial espionage and armament.

3. The designation by Attorney General Murphy of a Civil Liberties Unit in the Department of Justice to investigate and act on violations of civil liberty coming under the federal jurisdiction.

4. The action of Governor Culbert L. Olson of California in promptly pardoning Tom Mooney, serving a life sentence on a framed conviction.

5. The decision of the U. S. Supreme Court holding that higher state educational institutions must admit Negro students unless equivalent educational opportunities are otherwise offered.

6. The decision of the U. S. Supreme Court holding that an alien is not deportable for having held membership in the Communist Party at a time prior to the issuance of a deportation order and after his entry into the country.

7. The decision of the U. S. Circuit Court of Appeals in New York in the case of John Strachey holding that American consuls may not revoke a passport visa once granted.

8. The appointment by the American Bar Association of a national committee on Civil Rights and the appointment by state and local Bar Associations of similar committees.
9. The action of President Roosevelt in extending the temporary visas of alien visitors, refugees from foreign dictatorships.

10. The decision of the U. S. Circuit Court of Appeals at New York holding that birth control literature may be imported into the United States by qualified physicians and medical agencies.

11. The belated action of the legislatures of Massachusetts, Georgia and Connecticut in ratifying, a hundred and fifty years after submission, the federal Bill of Rights.

12. The United States Supreme Court's reversal of the conviction of a Negro in Louisiana because of the systematic exclusion of Negroes from the grand jury.

13. The decision of the United States Supreme Court voiding an Oklahoma law of 1916 under which Negroes were effectively barred from registering for the purpose of voting.

14. The conviction in Alabama under the federal civil rights law for the first time in years of persons conspiring to intimidate an editor in the free exercise of the rights of a free press.

15. The injunction restraining the police of Port Arthur, Texas, from interfering with peaceful picketing.

16. The prosecution and conviction in Newark, New Jersey of three men acting in behalf of Mayor Hague of Jersey City who violently broke up a Socialist Party meeting addressed by Norman Thomas.

17. The Massachusetts Supreme Court decision over-ruling the refusal by the Commissioner of Insurance to renew a license for the International Workers Order on the ground of its alleged Communist character.

18. The refusal of the New York State authorities to renew the licenses of detective agencies found to have engaged in industrial espionage and strike-breaking.

19. The abolition of the Los Angeles "red squad" and the demotion by the new Los Angeles city administration of Captain "Red" Hynes, long nationally notorious for his attacks on the civil liberties of left-wing and labor groups.
We Condemn:

1. The unfair conduct of the Congressional Committee on un-American Activities, headed by Martin Dies of Texas, in attacking progressive and liberal labor movements as part of an international Communist conspiracy and in making political propaganda out of its inquiry.

2. The action of Governor Bibb Graves of Alabama in refusing to pardon the five remaining Scottsboro boys despite his promise to do so in the light of the collapse of the state's case by previously freeing four of the boys.

3. The passage by the House of Representatives of two anti-alien bills: one to hold in virtual concentration camps aliens who cannot be deported; the other to deport aliens who advocate any change in the American form of government.

4. The tactics of the special committee of the House of Representatives investigating the W.P.A. in demanding the political and union affiliations of W.P.A. employees.

5. The adoption by the voters of Oregon of a statute sharply curtailing the civil rights of labor; and the adoption by other states and cities of legislation curtailing the right to strike and to picket.

6. The American administration of Puerto Rico, marked by intimidation and violations of civil rights; the President's appointment of a naval officer as governor of Puerto Rico to succeed an army officer, instead of appointing a civilian, preferably a Puerto Rican.

7. The decision of the courts in the District of Columbia upholding the law passed last year by Congress prohibiting picketing within 500 feet of a foreign embassy.

8. The public statements by the chairman of the Federal Communications Commission in opposition to certain types of programs, implying an illegal censorship of the radio; and the order of the Commission censoring international short wave programs.
9. The refusal of Governor Albert B. Chandler of Kentucky to pardon the four Harlan County miners serving life sentences on charges long proved to have been perjured.

10. The action of Governor Chandler in sending state troops into Harlan County, in the absence of disorder or requests from local officials, during the lock-out of miners by the Harlan County Operators Association.

11. The revocation by the American Consul in London of the visa granted to John Strachey, British lecturer, while he was en route to the United States.

12. The appointment by Governor A. Harry Moore of New Jersey of the son of Mayor Frank Hague of Jersey City to the highest court of the state, before which issues affecting Mayor Hague's conduct of public affairs are pending.

13. The interference by state boards and city authorities all over the country with the showing of motion pictures—"Blockade," "The Birth of a Baby," "The Birth of a Nation," and "Professor Mamlock."

14. The wholesale deportations of members of a C.I.O. timber workers union from Westwood, California.

15. The final action of the courts in Tampa, Florida, dismissing all indictments brought against policemen and others for the kidnapping and beating in 1936 of three members of the Modern Democrats, resulting in the death of one, Joseph Shoemaker.

16. The failure or refusal of the Hoboken police to protect Herman Matson, Workers Defense League speaker, from a mob attack at a public meeting.

17. The passage by the New York legislature and approval by Gov. Lehman of a bill for the dismissal of public employees found to advocate the "overthrow of government by force and violence."
The opinion of Major Leon Berry of the New Jersey Chancery court, classifying property rights as "absolute" and freedom of speech as a "qualified right" in an injunction restraining leaflet distribution and picketing.

The injunction issued by Justice Cotillo of the New York Supreme Court restraining all peaceful picketing in a strike because of acts of disorder.

The action of the district court in Massachusetts in sending to a state training school children of Jehovah's Witnesses as habitual school offenders for refusing to salute the flag on religious grounds.

The indictment under the Iowa criminal syndicalism law of five labor organizers during the strike at the Maytag Company.

The treatment by the state police and other officials of evicted share-croppers in southeastern Missouri who took to the highways.

We Regret:

1. The refusal of the U. S. Supreme Court to take jurisdiction in the case involving the law prohibiting picketing within 500 feet of foreign embassies.

2. The inability of the jury to agree in the prosecution of Harlan County officials and coal operators prosecuted under the federal civil rights statute.

3. The refusal of the U. S. Supreme Court to take jurisdiction in cases involving the expulsion of school children for refusal to salute the flag on religious grounds.

4. The failure of the Federal Grand Jury in New Jersey to return indictments against Mayor Hague and other Jersey City officials under the federal civil rights statute.

5. The refusal of the U. S. Supreme Court to consider Tom Mooney's appeal from the denial of a writ of habeas corpus by the California Supreme Court.
6. The lack of a sharp distinction in the order of the National Labor Relations Board in the case of the Ford Motor Company between expressions of anti-union sentiments on the one hand and expressions associated with coercion against workers on the other.

7. The abolition by the new Pennsylvania administration, in the interests of economy, of the state Bureau of Civil Liberties, unique in the United States.

8. The failure of the police in several New Jersey cities to protect the right of public assemblage for the German-American Bund.
The Issues Pending

1. The pardon of Warren K. Billings, convicted in California with Tom Mooney.

2. Defeat in Congress of a dozen bills extending the grounds for deporting aliens, and restricting admission; and defeat of proposed amendments to the National Labor Relations Act.

3. Passage by Congress of bills extending and protecting civil liberties, notably the anti-lynching bill; a bill curbing the use of the national guard in strikes; a bill prohibiting military training by civilian organizations; a bill to curtail industrial espionage and armament; bills for increased freedom for radio; and a bill for abolishing the Post Office Department censorship.

4. The continuation of the investigations by the Senate Committee on Civil Liberties, particularly of the Associated Farmers on the Pacific Coast.

5. The investigations by the Congressional Committee on Un-American Activities headed by Martin Dies of Texas.

6. The appeals to the United States Supreme Court from decisions of the Massachusetts, Wisconsin and California Supreme Courts upholding ordinances prohibiting the public distribution of leaflets.

7. The legality of the Oregon and other anti-labor legislation enacted in the past year.

8. The appeal in the United States Circuit Court in Philadelphia involving the reinstatement in the public schools of Minersville, Pennsylvania, of two children of Jehovah's Witnesses suspended for refusing to salute the flag on religious grounds.

9. The contempt case brought against the Los Angeles Times in the California courts for editorials commenting on pending court cases.
10. The appeal in the Colorado courts from a fine and sentence against a theatre-owner for showing the film, "The Birth of a Nation."

11. The appeal to the Montana Supreme Court of Prof. Philip O. Keeney, ousted from his position as librarian at the University of Montana for his activities in unionizing teachers.

12. The appeal to the federal Circuit Court at Cincinnati of Rebecca Shelley, American-born pacifist, expatriated by her marriage to an alien and seeking repatriation despite her refusal to take part in war.

13. The deportation action against Marcus Graham, alleged anarchist, pending in the federal courts at Los Angeles on a warrant twenty years old.

14. The release from Atlanta prison of the eight Puerto Rican Nationalists serving terms for "sedition."

15. The legality of the Federal Communications Commission's order requiring international broadcasters to confine their programs to those reflecting the good will and culture of this country.

16. The validity of the N.L.R.B. order in the Ford Motor Company case ordering the company to desist from disseminating statements criticizing labor organizations.

17. The trial of five Maytag Company strikers on charges of criminal syndicalism at Newton, Iowa.

18. The appeal to the Circuit Court of Appeals at Philadelphia from a decision in the U. S. District Court assessing triple damages against the Hosiery Workers Union under the Sherman Anti-Trust Act.
THE United States Supreme Court had before it during the year seven cases involving civil rights. In three cases the court declined to accept jurisdiction: (1) involving the compulsory salute of the flag in public schools in violation of religious conscience, which the court declined to review on the ground that it presented no federal issue; (2) the appeal of Tom Mooney from the decision of the Supreme Court of California denying him release on habeas corpus, which the court dismissed without assigning grounds for its action; and (3) the appeal from the decision of the District of Columbia courts sustaining the act passed by Congress prohibiting picketing within 500 feet of a foreign embassy.

In the four cases passed upon by the Supreme Court the decisions were favorable. Most far-reaching among them was the order upholding and extending the injunctions issued by District Judge William Clark of New Jersey against Mayor Frank Hague and Jersey City officials. The case, brought jointly by the C.I.O. and the American Civil Liberties Union, involved the rights to meet in streets and in parks, to distribute literature and to be free from deportation. The decision laid down principles under the old Civil Rights law of general application throughout the country.

Notable also was the reversal of the Missouri Supreme Court's decision denying to a Negro student, Lloyd Gaines, the right to enter the University of Missouri Law School. The Supreme Court held that states must provide equal facilities for white and Negro students, and that failing to provide such facilities for Negroes, the state could not deny admission to a state university.

Much better publicized than the case of the Negro student, was that of a restaurant keeper in Hot Springs, Arkansas, ordered deported because of a brief membership in the Communist Party some years ago. The deportation order against Joseph Strecker
had been set aside by the United States Circuit Court of Appeals at New Orleans and the Department of Labor had appealed to the Supreme Court on the ground that previous decisions had always sustained the Department in deporting persons who had at any time advocated violent overthrow of the government—a doctrine usually proved as attaching to the Communist Party. The case attracted wide attention because the Labor Department held that it could not go ahead with the much-advertised deportation proceeding against Harry Bridges, west coast maritime leader, until this point was cleared up. The Supreme Court held that past membership in the Communist Party does not warrant deportation, and implied that an alien can be deported only if he were a member at the time of entry or at the time of issuance of the deportation warrant.

Of less significance than these cases was a decision upsetting the Oklahoma registration law of 1916 under which election officials had refused to register Negroes. The decision held that the law, which was an attempt to get around the "grandfather clause," unjustly deprived citizens of an opportunity to register and that the state must provide fair facilities for the registration of all persons eligible to vote.

In the lower federal courts two noteworthy proceedings took place. One in New York concerned the legality of the American consul’s action in London in revoking the visa of John Strachey, British lecturer, while he was on the high seas en route to the United States. The Circuit Court of Appeals held that a visa once granted could not be revoked.

The other proceeding was a trial in Mobile, Alabama, under the federal civil rights statute resulting in the first conviction under that law in many years. Six persons were charged with conspiring to violate the civil rights of a local editor who had been campaigning against graft and vice.

In the highest state courts the only decisions rendered during the year affected the right of the children of Jehovah’s Witnesses to attend school without saluting the flag, in which the courts sustained the expulsions; and cases arising in three states, Mas-
sachusetts, Wisconsin and California, in which the Supreme Courts sustained ordinances regulating distribution of literature, apparently in violation of the United States Supreme Court decision of a year ago in the Griffin, Georgia, leaflet case. The cases are on appeal to the United States Supreme Court.

Laws

In the session of Congress which closed in June, 1938, only one law was passed affecting civil liberties—that prohibiting picketing within 500 feet of any foreign embassy. This law, backed by the State Department, was commonly said to have originated in the protests of the German and Italian governments against the annoyance of pickets. Congress strengthened the act passed the year before prohibiting the interstate transportation of strikebreakers so as to clarify the definition of strikebreakers. Another bill passed, thought by some to curtail civil liberties but which was not opposed by the Civil Liberties Union, required the registration with the State Department of all American agents of foreign organizations engaged in propaganda in the United States.

All bills extending or protecting civil liberties were either defeated by Congress or did not come to vote. These included the federal anti-lynching bill, beaten by a southern filibuster in the Senate after passing the House; the bills for increased freedom on radio, and for transferring to the courts the censorship of the mails now exercised by the Solicitor for the Post Office Department; the bill to admit a limited number of alien political refugees; and a bill to regulate the use of the state militia in strikes.

In the new session of Congress which began in January, 1939, all of these bills protecting and extending civil liberties were reintroduced. None of them has to date made progress beyond committee hearings. One new bill backed by the Union was introduced by Rep. Hamilton Fish of New York prohibiting military drill or drilling with arms by private unauthorized organizations.

But the main efforts of the champions of civil liberties in the current Congress have been directed to preventing the passage of bills curtailing civil rights, particularly for aliens. A drive un-
preceded in years has developed to restrict further the already limited rights of aliens. Two bills have passed the House, one to make deportable any alien advocating "any change in the American form of government," and the other setting up places of detention for aliens ordered deported for whom passports cannot be obtained. Another bill containing the same provisions and adding many more—indeed so many restrictions of civil rights that it has been dubbed the "Omnibus Bill"—is pending before the House Judiciary Committee with the support of the Army and Navy Departments and self-styled patriotic organizations. The temper of the present House may be gauged by the passage with only seventeen dissenting votes of a sedition bill penalizing the advocacy of the overthrow of government by force and violence.

Against the repressive tendencies strong in the present House, stand the more hopeful moves in the Senate for the bill presented by the Senate Committee on Civil Liberties to end industrial espionage and armaments in industries engaged in interstate commerce, and a further appropriation for the work of that committee, particularly to investigate the Associated Farmers and allied agencies engaged in wholesale attacks on the civil rights of labor on the Pacific Coast.

In the forty-three state legislatures which met early in 1939 almost no legislation extending or protecting civil liberties was passed and considerable was adopted restricting them. Conspicuous among the bills restricting civil rights were the labor relations acts controlling trade union activities passed in Minnesota and Michigan, and in Wisconsin and Pennsylvania modifying the "Little Wagner" acts. The tendency toward the legal control of trade union activities had first been established by the adoption by Oregon voters in November 1938 of an initiative measure aimed at picketing and trade union freedom.

Bills to increase the difficulties of minority parties in getting on the ballot passed the legislatures of New York and Massachusetts. The New York bill was vetoed by Governor Lehman. A bill to remove from the civil service any person "advocating the overthrow of government by force and violence" was adopted in New York despite the veto of a similar measure a year ago by
the Governor. A measure to register all aliens was passed in Pennsylvania despite the fact that it is pretty plainly unconstitutional. Pennsylvania also discontinued the State Civil Liberties Bureau, unique in the country, for alleged reasons of economy.

The single measure in the interest of civil liberties passed in any legislature was that in New York prohibiting the wearing of military uniforms by private organizations. Also adopted in New York were bills to restrict racial discrimination in the civil service and to extend the civil rights law to retail stores, beauty parlors and hotel and apartment elevators.

Bills to penalize propaganda inciting religious or racial hatred were defeated in several states because of the fear that they would be used to curtail freedom of speech, as has the one such law in New Jersey.

House Committee on Un-American Activities

When the House Committee on un-American Activities was first appointed in the spring of 1938 with Rep. Martin Dies of Texas as chairman, the Union predicted that, like its two predecessors, it would become essentially an organ of reaction attacking as Communist the progressive organizations and militant labor. Its record has amply borne out the prediction. A series of hearings which ended in December, 1938, were devoted three-quarters to the "red menace"—notably in the New Deal administration and in the C.I.O.—and one-quarter to the organizations of German-American Nazis and Fascist movements inspired from abroad. Indeed the Committee became the voice of that brand of professional patriots whose capital is defense of a spurious Americanism against progressive change.

The Civil Liberties Union came in for its share of attack by irresponsible witnesses. Repeated requests to refute the testimony were perfunctorily acknowledged. Since the Union was given no opportunity to reply, it insisted upon filing with the Committee affidavits refuting the chief points of the testimony. These were printed in the final volume of hearings. The report of the Committee referred extensively to the Civil Liberties Union, urging
further investigation on the ground that the Committee could not make up its mind as to whether it is a "Communist organization."

In the light of its record, when the Committee requested a two-year extension of its work and an appropriation six times as great—$150,000 against $25,000—the Union opposed both. Circulars were sent to our friends all over the country, radio addresses were made, and a formidable opposition was developed. But Congress voted a compromise overwhelmingly—to continue the Committee for a year, and cut its appropriation to $100,000. One new member, Rep. Jerry Voorhis of California, a New Deal liberal, was appointed to take the place of a member defeated in the November election.

The Committee then employed as counsel and investigators a staff of agents largely recruited from the Department of Justice. It has spent the first few months of its renewed life in canvassing evidence. Only a few public hearings have been held, and those concerned reactionary plots against the government. Nothing in the temper or conduct of the Committee indicates a change in its essential role, though its evidence is more carefully prepared.

The Union protested the employment of Joseph B. Matthews, ex-Socialist, as technical expert on the ground that the record showed such bias as to disqualify him; and protested also the Committee's failure to appoint any equivalent technical expert to deal with the reactionary anti-democratic organizations.

The Union has of course responded to the Committee's request for information by placing at its disposal its records and correspondence, and testifying before its counsel.

The example of the House Committee on un-American Activities has inspired moves in several of the states for similar investigations. A committee in Massachusetts which preceded that of the House of Representatives petered out to an inglorious end. The legislature of 1939 rejected practically all of its recommendations.
In Colorado the legislature created a “little Dies Committee,” whose labors are too new for comment.

Similar moves gained headway in the legislatures of Michigan and Pennsylvania, but did not come to fruition.

**Senate Committee on Civil Liberties**

The unparalleled investigation of violations of civil rights of labor made by the Senate Committee on Civil Liberties under Senators Robert M. LaFollette and Elbert D. Thomas resulted in the submission to the Senate early in 1939 of a bill entitled the “Oppressive Labor Practices Act.” It proposes to use the federal power to end industrial espionage and armaments in interstate commerce. The Committee published the final volumes of a thirty-six volume study, and made a report to the Senate covering its recommendations. Its appropriation which totaled $150,000 for the two years of its existence was exhausted.

But the Senate Committee’s work, though confined to the field of violations of labor’s civil rights, obviously is not completed. Senator Lewis B. Schwellenbach of Washington has introduced a resolution to appropriate $100,000 more to complete the investigation, particularly into the Associated Farmers and anti-trade union organizations on the Pacific coast. The resolution has been stalled in the Senate Committee on Audit and Control. Some effort has also been made to keep the Committee as a permanent investigating body, but the movement has gained little headway, particularly in view of the creation of a bureau on civil liberties in the Department of Justice.

The Civil Liberties Union has supported the Senate Committee’s work at every point including its recommended bill and its additional appropriation. The Union urged the Committee to undertake a probe into the violations of civil rights in Jersey City and in Tampa, Florida. In both instances the Committee regretted its inability to go beyond the schedule of inquiry already adopted. One by-product of the Committee’s work was the refusal by the New York State authorities to renew licenses to two notorious strike-breaking detective agencies.
Labor's Rights

SETBACKS to the achievements in law of labor's rights were marked all over the country as a result of the elections of 1938. Oregon led off with the adoption at the polls of a sweeping initiative measure curtailing the right to strike and picket. Similar measures were defeated in Washington and California. The Oregon measure is being contested in the state courts by labor organizations, the Civil Liberties Union and other agencies. Public hostility to the effects of the controversy between the A. F. of L. and the C.I.O. and powerful employer opposition combined to impose these restrictions on labor's civil rights.

Similar backward steps were taken by the legislatures of Minnesota, Wisconsin, Michigan and Pennsylvania. Wisconsin and Pennsylvania both modified their state labor relation laws so as to deprive organized labor of a considerable part of the rights it had won. Minnesota and Michigan passed labor relations acts restricting the exercise of rights by labor. Similar bills got through one house or the other of several legislatures, but were passed in none up to June.

Efforts to get favorable consideration for state labor relations acts modeled on the national act were wholly unavailing.

BUT the strongest national campaign of all was directed not to state action but to emasculating the National Labor Relations Act. The Civil Liberties Union examined all of the amendments proposed either by employers' associations or by the A. F. of L. and concluded that they all were either dangerous to the act's essential purpose of protecting the right of organizing unions free from employer coercion, or could be accomplished by rules of the board.

The issue of free speech for employers was sharply raised in a number of orders by the National Labor Relations Board requiring employers to desist from oral or written attacks upon unions as a form of coercion against their employes. The Union examined with care the complaints made in each case and concluded that they were without merit save in one instance—that of the
order against the Ford Motor Company. In that case the Union petitioned the board to clarify its order so as to make clear the distinction between language as part of a coercive course of conduct and language merely expressing the employer's views of trade unions or of trade union leadership.

As a result of the new legislation protecting the rights of labor to organize, strikes sharply declined—by almost 50 per cent. In many strikes there were the familiar arrests for disorderly conduct, a few injunctions and some police interference with peaceful picketing. As a result of a shoe strike at Auburn-Lewiston, Maine two years ago, nine strikers convicted of conspiracy to destroy the employer's business were jailed for six months after having exhausted their appeals in the courts.

In Newton, Iowa, a strike by the Radio and Electrical Workers Union at the plant of the Maytag Washing Machine Company, with which they had had a contract, produced a conflict so bitter that it attracted national attention. Troops were sent in by the governor after considerable pressure by the company, which had resumed operations in a back-to-work movement. At first the governor prevented operation of the plant in order to avoid bloodshed, but later he protected the strikebreakers. Three leaders of the union were cited for contempt of court for violating an injunction issued against their peaceful strike activities and fined $500 with short jail sentences. The cases are on appeal. Extraordinary were the indictments for "criminal syndicalism" brought against six leaders of the union—the first such prosecution in the United States in over a year and the only such prosecution in many years growing out of a strike. One of the defendants pleaded guilty and was given a suspended sentence. The others are awaiting trial.

In Harlan County, Kentucky, long a scene of industrial strife, the coal operators' association declined to accept the settlement reached by the United Mine Workers and coal operators generally, and locked out their men. The governor sent in troops to prevent threatened violence—the second and only other instance of the use of troops in industrial strife during the year. Interven-
tion by the agents of the Civil Liberties Unit of the Department of Justice quieted a tense situation, but the operators remained firm in their refusal to sign a contract. Four union miners, evidently at the instance of the operators, filed suit in the courts against their inclusion in the proposed closed-shop agreement on the ground that their personal liberties were thus sacrificed by compulsion to join a union. The Civil Liberties Union is following the case with close interest, although it does not recognize an issue of civil liberties in a closed shop contract where union membership is open without discrimination.

A STARTLING development in the growing legal struggle against unions was the decision of the United States District Court at Philadelphia in the spring of 1939 in a proceeding under the Sherman anti-trust act assessing triple damages against the Hosiery Workers Union on the plea of the Apex Hosiery Company that an unlawful sitdown strike conducted by the union had damaged its business to the extent of a quarter of a million dollars.

The union immediately appealed, assisted by a host of trade unions, and with briefs amici curiae by the unions, National Lawyers Guild, the International Juridical Association, and the American Civil Liberties Union. If the decision stands, the Union contended, it might well subject any union engaging in a local strike, with no purpose of interfering with interstate commerce, to heavy damages if any unlawful act is proved. The Union maintained that the Sherman anti-trust act is not intended to cover such strikes, in the light of guarantees embodied in recent federal labor legislation.

THE attack on trade unions during the year took the new form of limiting or abolishing the right of picketing. The campaign for the incorporation of trade unions, vigorous a year ago, was abandoned. The Oregon law cited above, adopted by popular vote in 1938, so restricted picketing as virtually to abolish it. So too do the statutes adopted by the legislatures of Minnesota, Wisconsin and Michigan. Local ordinances similarly were adopted restricting picketing. Los Angeles adopted one by popular vote.
A test case was taken into the courts where convictions were secured and appeals were taken, still pending. The passage of restrictive ordinances was prevented in a number of cities by labor organizations, the Civil Liberties Union and other agencies.

A unique issue affecting picketing arose in the District of Columbia when Congress passed a law prohibiting picketing within five hundred feet of foreign embassies. The case was taken into the courts by the American Civil Liberties Union when some thirty pickets, members of the American League for Peace and Democracy, were arrested in front of the German embassy. Convicted in the lower court, the cases were carried to the District Court of Appeals, which affirmed the convictions and upheld the law. The United States Supreme Court declined to review.

Injunctions

Since the passage of the federal Norris-LaGuardia labor injunction law and similar laws in seventeen states, labor injunctions have sharply decreased all over the country. The movement for extending these state laws has, however, been checked by the split between the A. F. of L. and the C.I.O., and by the more conservative character of the legislatures elected in the fall of 1938. No state has yet passed such a law, but one house or the other has passed the act in Connecticut and California. The bill in five other states was defeated. In Pennsylvania the labor injunction law was considerably mutilated by the legislature under anti-labor influence. The Civil Liberties Union assisted as best it could in the campaigns for labor injunction laws in all the states where either the A. F. of L. or C.I.O. unions campaigned for them.

Injunction cases arose conspicuously in New York and New Jersey. In New York one proceeding was extraordinary because an injunction against peaceful picketing was granted by Supreme Court Justice Cotillo despite the New York labor injunction law. His decision held in effect that any violence in a strike justifies outlawing even peaceful activities. It is now before the Court of Appeals. The Civil Liberties Union filed a brief amicus curiae.

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In New Jersey, Vice-Chancellor Berry in granting an injunction in the summer of 1938 made the astounding pronouncement that free speech is a "qualified constitutional right" inferior to the "absolute right of acquiring and possessing property." He expressed this novel philosophy in restraining the Furniture Workers Union from distributing circulars and carrying on picketing against stores purchasing from an anti-union company. The Vice-Chancellor's decision was appealed to the highest court of the state, but the appeal was dismissed as moot after the strike was called off.

The Union also aided the Newspaper Guild in Bayonne, New Jersey when cited for contempt of an injunctive order for merely announcing from a sound truck the existence of a strike against the Bayonne Times. The case is on appeal to the U. S. Supreme Court.

A chancery court in New Jersey restrained the New Jersey League of Women's Shoppers from advertising on the public streets the fact of a strike. The Civil Liberties Union is aiding in the preparation of an appeal.

In Port Arthur, Texas, police violence against striking members of the National Maritime Union based upon a campaign "to clean out Communists" was restrained by court order.

**Jersey City**

The long series of violations of civil rights in Jersey City which prompted the Union in conjunction with the C.I.O. to seek an order from the federal courts seemed on the point of being checked when Judge William Clark in the United States District Court of New Jersey at last handed down a decree in November, 1938, following the protracted hearings in the early summer. But Jersey City at once took an appeal to the Circuit Court, and the injunction, which established most of the contentions in behalf of civil rights, was stayed.

When the Circuit Court by a two to one decision affirmed Judge Clark, Jersey City appealed to the United States Supreme Court.
The court, which promptly took jurisdiction in January, 1939. Arguments were heard shortly after, Morris L. Ernst representing the Civil Liberties Union and Spaulding Frazer the C.I.O. The court took an unusual length of time in considering the case, the delay being evidently attributable to the fact that five opinions were handed down when the decision was finally rendered on June 5th. The majority opinion not only sustained the lower courts but amplified their rulings by voiding entirely the ordinances of Jersey City affecting public meetings and the distribution of literature. Not only that, but the Supreme Court, basing its decision upon the Civil Rights Statute of 1871, long disused, gave it new vitality of immense value in contesting local lawlessness all over the country.

The presentation of the case to the Supreme Court was greatly aided by the submission of a brief amicus curiae by the Committee on the Bill of Rights of the American Bar Association, headed by Grenville Clark of New York.

A previous injunction, issued by Judge Clark on application of the Civil Liberties Union and two A. F. of L. unions denied the right to picket, was stayed by the Circuit Court when Jersey City officials appealed. The Circuit Court finally declared the case moot, since the strikes were over.

The campaign for civil rights in Jersey City has been marked by many casualties on the way. John R. Longo, a young Catholic opponent of Mayor Hague, was convicted and served a sentence of nine months for alleged fraud in securing signatures to an election petition. Jeff Burkitt, for many years an opponent of the Mayor, was arrested for alleged obscene language used to the police when holding an outdoor meeting. He served six months. Both were released during the year. Rabbi Benjamin Plotkin, whose services were held in leased quarters in the Jewish Center, was ousted with his congregation apparently by influence of the Hague machine, of which he had been an outspoken critic.

While the litigation was pending in the courts, Governor Moore of New Jersey made the amazing appointment to the high-
est court of the state, the Court of Errors and Appeals, of Frank Hague, Jr., in order, as he publicly said, "to please his daddy." Young Mr. Hague's appointment was opposed by the Civil Liberties Union and other agencies on the grounds of his unfitness for the job and the impropriety of appointing the son of a man whose interests were bound to come before the court. Pending before that court is an appeal taken by Arthur Vanderbilt of Newark, former president of the American Bar Association, as attorney for Norman Thomas, who had been denied permits to speak in Jersey City and who had been forcibly evicted. It is assumed that the Supreme Court decision will make unnecessary the completion of the mandamus case.

**Mob Violence**

Mob violence and vigilante action have sharply declined during the past year as the settlement of industrial strife has tended more and more to be handled by the new agencies set up by federal and state governments. The only serious instance occurred in a lumber town in California in the summer of 1938, when several hundred strikers under the leadership of the International Woodworkers of America, C.I.O., were forcibly deported with their families by vigilantes deputized as sheriffs. The one thousand men, women and children sought refuge in a neighboring town. The Northern California branch of the Union endeavored without success to get the attorney general of California to restore them to their homes and to prosecute their assailants. The National Labor Relations Board conducted an inquiry but without result. Some of the strikers later returned to their homes, but most of them were obliged to move elsewhere.

In Tampa, the last proceedings in the courts were dropped against the assailants of the three leaders of the Modern Democrats tarred and feathered in 1935, as a result of which one of them died.

Threatened violence against over a thousand sharecroppers in southeastern Missouri, who took to the roads when they were evicted from their homes, was averted by widespread publicity
and the action of state officials. The families later were provided for and found homes with sympathizers. Proceedings in the courts have been brought in their behalf at the instance of the St. Louis Civil Liberties Committee, and an investigation into the violation of their civil rights was conducted by the Department of Justice.

**Political Prisoners**

The most famous political prisoner in the United States, Tom Mooney, serving the twenty-third year of a life sentence for a crime which his trial judge and jurors later admitted he did not commit, was freed with a complete pardon and vindication early in January, 1939, by the newly-elected governor of California, Culbert B. Olson. The proceedings were of such interest that they were broadcast nationally by radio. Governor Olson had committed himself during the campaign to the freedom of Mooney. He was unable to act similarly in the case of Mooney's associate, Warren K. Billings, because under California law a second offender, which Billings is, must first get a favorable recommendation from the Supreme Court.

The Civil Liberties Union continued to participate up to Mooney's release in the campaign in his behalf, raising considerable money among friends toward the expenses of his campaign. The Union has offered similarly to aid Billings in his campaign for release, which Tom Mooney has been aiding himself in California and throughout the country.

In the next best-known case still pending, that of the Scottsboro boys in Alabama, the state courts finished their consideration of the appeals in June, 1939. Governor Bibb Graves had indicated that he would consider pardon applications only when the court proceedings were over. He then commuted the death sentence of Clarence Norris to life imprisonment, but took no further action before his term of office expired on December 31st, though he had repeatedly promised to do so. The Scottsboro Defense Committee, with headquarters in New York, in which the Civil Liberties Union is represented, issued a pamphlet recounting the interviews with the governor and his assurances of favorable action under the title "Scottsboro—Record of a Broken Promise."
The new governor who took office in January, 1939, and before whom the pardon applications are pending, has not yet indicated his attitude.

Other men imprisoned essentially for their political or economic views are:


2. Fred E. Beal, chief defendant in the Gastonia, North Carolina, case of 1929, serving a 17 to 20-year sentence at Raleigh, North Carolina, for conspiracy to murder the chief of police of Gastonia. Beal, who jumped bail, was apprehended in January, 1938. Efforts for Beal's pardon or commutation are being made by a special defense committee which the Civil Liberties has endorsed and aided.

3. Four miners serving life sentences in Kentucky on charges of murder growing out of a clash between strikers and deputy sheriffs in 1931. Three of their associates were pardoned by the previous governor of Kentucky. The present governor declines to pardon anybody. The campaign in their behalf is conducted by the Kentucky Miners Defense Committee which the Civil Liberties Union endorses and aids.

4. Two men serving in the New Mexico state prison 45 to 60-year sentences merely for being present at a riot in Gallup, New Mexico, in 1935 in which the sheriff was shot.

5. Eight members of the Nationalist Party of Puerto Rico, headed by Dr. Albizu Campos, serving sentences at Atlanta of 6 to 10 years for seditious conspiracy against the United States. Efforts to secure their pardon or commutation have been made by the Civil Liberties Union and other agencies without success. A formal petition was submitted on their behalf to the President.
ALL of these prisoners date from cases of some years ago. Not a single person was sent to prison during the year for a term of a year or more for political or labor activities not involving acts of violence. A considerable number were sentenced for short terms, but almost all of them were released during the year. Conspicuous among them were nine members of the United Shoe Workers Union jailed in Maine for six months' terms on a charge of conspiracy to injure an employer's business through an ordinary strike. Every effort in the courts to free them failed, and the governor declined to pardon them.

It should be said that other agencies list a larger number of so-called political prisoners, but they include many sentenced for short terms and those convicted of acts of violence. Even so, the total number of prisoners either in prison or sent to prison for labor or political activities was fewer than in many years.

The Right of Assembly

EXTRAORDINARILY little interference with the right to hold meetings indoors, in parks or on the streets has marked the past year. While the survey of American cities made by the Union shows that most cities require permits for meetings on the streets or in the parks, in only a few cities were any refused or discrimination shown. Jersey City stood out during the year as the one community in which meetings were prohibited when the officials maintained that they might produce disorder. The decision of the United States Supreme Court in the Jersey City case abolishing that contention as a reason for regulating street meetings will end such discrimination not only in Jersey City but throughout the country.

Scattering instances of mob interference with meetings on the streets and in halls took place. Rowdies broke up a meeting in Hoboken, New Jersey, of the Workers Defense League and assaulted the speaker, Herman Matson, local organizer, in September, 1938. Yet Matson was arrested and convicted for disorderly conduct. His case was suspended. Hoboken is under much the same political control as Jersey City.

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In Philadelphia, organized rowdies, allegedly inspired by the propaganda of Father Coughlin, invaded meetings of progressive groups and disrupted them, and terrorized hall-owners into refusing to rent their premises. The Civil Liberties Union offered a public reward of $500 for the arrest and conviction of any person disrupting meetings or intimidating hall-owners by threats of force. No interference has since taken place.

In Woonsocket, Rhode Island, a strong French Canadian Catholic mill town, city officials denied permits to the Communist Party to hold any meetings indoors or out. A new city administration lifted the ban. At Laredo, Texas, the Union was called on to assist the Workers Alliance in getting the right to hold public meetings. Officials ceased interference as soon as the Union's services were enlisted. In Claremore, Oklahoma, the Workers Alliance was prevented from using public buildings and city parks where other groups were accustomed to meet. The Union assisted in seeking an injunction in the courts—as yet without a decision.

The German-American Bund ran into some difficulties in holding meetings, usually through opposition not of officials but of their political opponents. The Union's repeated offers of assistance to the Bund in establishing their right of assembly have been ignored. In Brookhaven, Long Island, an ordinance was adopted particularly for the purpose of preventing the Bund from parading or meeting on public highways by requiring permits for all except war veteran groups.

The use of public school buildings for public meetings, often marked by discrimination, was brought sharply to public notice in New York City by a resolution in the Board of Education prohibiting the use of schools for discussions of a controversial nature. Strong opposition, in which the Union participated, was voiced, and the resolution was finally defeated by a close vote.

**Religious Liberties**

Although religious liberties are better established in practice than any others guaranteed by the Constitution, the infringements are numerous enough for the Union to have recently set up a Committee on Religious Liberty and published
a pamphlet presenting the issues. Many of them require legislative remedies, some only clarification by the courts, and some increased public tolerance of religious minorities. The pamphlet, which deals with the restrictions upon certain religious denominations, religion in the schools, oaths, Sunday observance, conscientious objectors and the rights of free-thinkers, was endorsed by a distinguished list of churchmen.

In New York State a controversy arose in the courts, legislature and Constitutional Convention over the use of public funds to transport children to parochial and private schools. The courts, maintaining the separation of church and state, had prohibited the use of public funds for such a purpose, and the governor had vetoed a bill authorizing it. But the Constitutional Convention of 1938 presented to the people two amendments authorizing not only transportation but the extension of welfare and social services to private schools. The movement, strongly backed by Catholics, resulted in the adoption of these constitutional amendments and the passage by the legislature of enabling acts. The Civil Liberties Union opposed the use of public funds for school transportation on the ground that it was an entering wedge for public support of religious schools in violation of the constitutional principle of separation of church and state.

Flag saluting in the public schools conflicting with the religious principles of Jehovah's Witnesses is discussed in the section on schools and colleges.

Rights of Aliens

The bitter feeling against aliens which has marked recent years has gathered even greater strength lately due to increasing fear of foreign propaganda, Nazi or Communist, stimulated by the Dies Committee, and to the threatened influx of refugees competing with American workers. So bitter is the feeling that the Department of Labor was under incessant attack for failure to deport alien criminals and alien radicals, though the record shows that the Department has been scrupulous in enforcing these stringent laws. Impeachment proceedings were brought in the House of Representatives against the Secretary of Labor, the
Commissioner of Immigration and the Solicitor of the Department. They were dropped after hearings.

But the House of Representatives went on a virtual rampage against aliens, passing two novel bills among some seventy introduced, one to deport any alien advocating "any change in the American form of government," the other to lock up indefinitely aliens ordered deported for whom passports cannot be obtained. Congress had previously cut aliens off the WPA rolls for the first time—an action contested by the Southern California Branch of the Union in the federal courts, where it is on appeal. The anti-alien hysteria resulted in a registration act in Pennsylvania, doubtless unconstitutional, and in the introduction in other states of registration and fingerprinting bills.

Against this repressive tendency, the President and the Department of Labor, where discretion is permitted them under the law, showed humane consideration, particularly for political refugees. In the many cases of aliens with American wives and children, the Department assisted the legalization of their re-entry from nearby countries. The President issued a public statement authorizing the indefinite extension of the permits of visitors from dictatorships during the validity of their passports.

Two significant decisions were rendered by the courts—one affecting the deportation of a man who had been a member of the Communist Party for a brief period, the Supreme Court holding that such membership does not constitute a deportable offence; the other in the Court of Appeals at New York involving the revocation by the American Consul in London of a visa issued to John Strachey, British lecturer and author. The court held that visas once issued could not be revoked. In the federal courts in California a twenty-year-old warrant against an alleged anarchist, Marcus Graham, was at last served. But since he resisted all efforts to elicit information as to his birthplace, deportation could not be effected. The District Court sentenced him to prison for contempt for his refusal to answer. The Circuit Court of Appeals reversed, remanding the case for further proceedings, where it now rests.
The cases of aliens in the New York district involving deportation or exclusion for political opinions are ordinarily referred, when they come to the Union, to the Committee for the Protection of Foreign Born which specializes in that job, and which the Union financially assists. The Committee and the Union both were regretfully obliged to refuse aid in cases of stowaways, even though genuine political refugees, because of the impracticability of getting favorable results. Many such cases occurred among the returning soldiers of the Lincoln Brigade in Spain—aliens resident in the United States who had left without re-entry permits. In one stowaway case, however, that of Francesco Bruni, an Italian, the Union succeeded in getting him sent to Cuba instead of Italy, with a favorable prospect of re-entry to the United States. In the case of a refugee from the French penal colony of Guiana, Rene Belbenoit, whom the Union has assisted, Rep. Caroline O'Day of New York introduced a private bill to permit him to remain in the United States. It has had the effect of staying his deportation.

In the case of one ex-Communist, Joseph Zack, the Union has endeavored to secure cancellation of the order of deportation to Czecho-Slovakia on the ground that his birthplace is not proved. He has lived almost all his life in the United States.

The records of the Department of Labor show only eight deportations for radical political views in 1938 as against 17 in 1937.

Rights of Communists

Comparatively little interference with Communist activities or propaganda has been reported during the year. It is evident that the widespread propaganda against Communism is not directed primarily against the Communist Party but against progressive and democratic movements in which Communists participate. In most of the cases where interference was reported, the rights of Communists were successfully established. Only a few cases enlisted the services of the Union.

Unique among them was a prosecution in Woonsocket, Rhode Island, in the summer of 1938, for "defacing the American flag"
because it appeared on a pamphlet used by the Communist Party advertising a book by Earl Browder, party secretary. The distributor was convicted. The case was dropped by the state on appeal. The prosecution was the outgrowth of the prohibition of all Communist meetings in Woonsocket. Efforts to test the police ban on indoor meetings without permits were unsuccessful but a new city administration has abandoned the ban.

In Massachusetts, as an aftermath of the legislative investigation into subversive activities, the state Insurance Commissioner refused to license the International Workers Order, a fraternal organization, on the ground of its alleged Communist control. He was overruled by the Massachusetts Supreme Court.

In Port Arthur, Texas, alleged Communists were ordered ejected from the city by the chief of police. Governor James V. Allred of Texas ordered the state officials to investigate the action, and the evictions ceased.

Only one major court decision during the year dealt with the rights of Communists. That case received national attention because it was used as a means of attack upon Secretary of Labor Frances Perkins for not deporting more alien reds. It involved the deportation of a Hot Springs, Arkansas, restaurant keeper, Joseph G. Strecker. The Circuit Court of Appeals at New Orleans had voided the order on the ground that mere membership in the Communist Party was not sufficient justification. The Department of Labor appealed to the Supreme Court. The Court held that an alien who had joined the Communist Party for a brief period prior to the issuance of an order of deportation is not subject to the law. The Court did not pass on the larger issue of Communist Party membership as a ground for deportation. Strecker was represented by the International Labor Defense.

The revocation of the visa of John Strachey, British lecturer, allegedly on the ground of Communist Party membership, is covered elsewhere.

Rights of German-American Nazis

The activities of the German-American Nazis and the hostility they arouse have brought them into repeated conflicts with opponents who would deny them their rights of peaceful assem-
blage and parade. These conflicts are confined to a comparatively few centers in the East, notably the New York area, with scattering incidents throughout the country.

Most conspicuous among the issues was the mass meeting in Madison Square Garden in New York to celebrate Washington's Birthday, an occasion which aroused bitter public criticism, with attempts to prevent the meeting by revocation of the Garden contract or by force. The Mayor of New York declined to interfere, and the meeting was held peaceably enough, though with a strong display of police to prevent disturbance. One result of the meeting was an order from Mayor LaGuardia prohibiting thereafter the use of private guards to police meetings in licensed places, a principle which the Civil Liberties Union applauded while sustaining the rights of the Nazis to assemble.

In Union City, New Jersey, a meeting of the German-American Bund to be addressed by the national leader, Fritz Kuhn, was prevented by a hostile crowd in October, 1938. The Civil Liberties Union investigated the facts and concluded that the police had not used sufficient effort to restrain the crowd. In Milwaukee, the City Council banned by resolution meetings of Nazis and Silver Shirts in licensed taverns, threatening to revoke the license of any tavernkeeper who rented to them. The Council's action was based on stopping "racial and religious hatred."

In Syracuse, New York, a meeting of the German-American Bund was broken up by their opponents with the connivance of the police, who confiscated some of their literature. In Mineola, Long Island, a permit for a meeting revoked by the police on the ground that it might give rise to disorder was sharply protested by the Union. The ban stood.

An extraordinary case arose in New Jersey under the anti-Nazi law, the only one since the law was passed in 1935, involving a Bund sympathizer, Ferdinand Hepperle, a printer of West New York, who was arrested and held for the Grand Jury in 1938 for printing stickers reading "Buy Gentile—Vote Gentile." The printer maintained he had done the work for an unknown cus-
tomer. The Union’s counsel is cooperating with the printer’s attorney. It appears that the case will not be tried.

Protests by the Union were lodged against police interference with the rights of the German-American Bund in towns on Long Island and in New Jersey. Governor Cone of Florida was commended for a public statement that “the Bund, as long as it confines itself to legal activities, will have the protection of the state officials.”

**Negroes**

The Union’s intervention in issues of civil rights affecting Negroes was confined to cooperation with the National Association for the Advancement of Colored People on the anti-lynching bill in Congress, and with the Scottsboro Defense Committee in its efforts to secure the release of the remaining five boys.

Two cases affecting Negroes’ rights were decided by the Supreme Court of the United States, and are dealt with under court cases—the successful appeal of Lloyd Gaines of Missouri from a decision of the Missouri Supreme Court denying him entrance as a law student to the University of Missouri, and the appeal of Oklahoma Negroes against a registration law of 1916 which prevented them from voting. The Union offered to intervene as amicus curiae in both cases, but our services were not needed.

Lynchings during the year June, 1938 to June, 1939 increased from eight the year before to twelve. The continued comparatively low record of recent years is doubtless due in large part to the increased vigilance in the South prompted by the threatened adoption of a federal anti-lynching law.

**American Indians**

The extension of civil rights and tribal autonomy to American Indians under the Reorganization Act of 1934 has greatly diminished the conflict between government control of Indians on reservations and the Indians’ desire for freedom in their tribal life. A pamphlet relating the advances made under the act was
published during the year through an editorial committee composed of Oliver LaFarge, president of the American Association on Indian Affairs, W. Carson Ryan, formerly director of education in the Indian service, and Prof. Jay B. Nash, chairman of the Union's Committee on Indian Civil Rights. The Union aided in the widespread distribution of the pamphlet both among Indians and their friends.

Censorship

Motion Pictures

By far the most numerous instances of censorship during the year concerned motion pictures. The films censored by the state boards in seven states, and by the police censorships in Chicago, Detroit and Madison, Wisconsin, and by unofficial police censors elsewhere, were either foreign films or those independently produced in the United States.

The film "Blockade" depicting vividly what was assumed to be the bombardment of Spanish towns by Franco forces was banned under pressure of Catholic agencies in many cities, sometimes by the distributors themselves, and in some cases by the police. In Boston, despite a resolution by the City Council, the Mayor refused to ban the picture. It was wholly banned from Somerville, Massachusetts, and from a second run in Providence, Rhode Island. "Professor Mamlock," an anti-Nazi film depicting the tragedy of a Jewish family, ran into difficulties in many cities, but was usually released after protest. In Ohio, the board of censors after banning the film later released it with minor deletions. In Providence, the ban on it was tested in the courts, where it is still pending. In Boston, where legal censorship controls Sunday shows only, it was banned on that day but permitted during the week.

A strong pro-labor film, "Millions of Us," which has been distributed for several years, ran afoul of the Ohio censorship. A mandamus action was begun in the courts and the film was thereafter released with minor deletions. In Virginia, court action similarly secured the release of the film "The Birth of a Baby."
That film, by the way, has been totally barred from New York State by the board of censors. Court action in Pennsylvania secured the release of the Russian film "Baltic Deputy," banned by the censors, with a stinging rebuke. In New York State, a French film "Remous," which was refused a license both originally and in a revised form, is before the courts. Another film "The Puritan," produced abroad, was banned, but no court action was taken.

In Denver, Colorado, an unusual prosecution took place when the old film "The Birth of a Nation," glorifying the rise of the Ku Klux Klan after the Civil War, was opposed by colored agencies. The exhibitor was fined $1,400 and sentenced to 120 days in jail for showing it. The Union's counsel in Denver assisted in the defense and is intervening on the appeal which is being taken to the Colorado Supreme Court.

In Ohio, the arbitrary behavior of the censors prompted the introduction in the legislature of a bill to curb their powers, but it did not succeed in coming to a vote.

The Civil Liberties Union or its counsel have assisted in most of these contests.

Radio

While numerous instances arose of unfair discrimination by station program directors in the selection of speakers and topics, the main issue during the year concerned the growing tendency of the Federal Communications Commission to take jurisdiction over program content in violation of the explicit provision in the law prohibiting censorship.

In November, 1938, the chairman of the commission, Frank R. McNinch, made a public statement virtually serving notice on the radio stations that the Commission would not tolerate programs stirring up religious and racial prejudices. The chairman had previously suggested on the occasion of an NBC broadcast featuring Mae West and Charlie McCarthy that the Commission would take disciplinary action if such an "indecency" were repeated. The effect has doubtless been to make radio stations
much more cautious, for their licenses are subject to renewal every six months. One of the stations justified its action in cutting Father Charles S. Coughlin off the air by citing the chairman's statement. It was similarly used to cancel contracts with Judge J. F. Rutherford, leader of Jehovah's Witnesses.

But the Commission's first official censorship appeared in an order issued in May, 1939, effective in November, regulating international short-wave broadcasts from the United States. The rule provides that such programs must reflect only the culture of the United States and international good will. Protests were made at once to the Commission against the order both by the industry and by the Council on Freedom from Censorship on the ground that it is prohibited by law, and that if it stands it opens the door to censorship of all programs.

Strong representations were made to the Commission by the Civil Liberties Union against the back-door censorship involved in Chairman McNinch's public statements. Representatives of the Union appeared at the public hearings before the commission at Washington, both in regard to radio monopoly and the conditions under which licenses are granted and renewed.

No progress was made in regard to the bills in Congress for greater freedom of the air. Although the bills were introduced, the Union decided not to push them when it became apparent that most of the results could be accomplished by rules of the Federal Communications Commission and by the industry itself.

A Committee on Standards of the National Association of Broadcasters has recently been created which promises to set high levels in handling public issues, and thus to remove most of the causes for complaint which have developed in recent years. Some of the leading officials in the industry serve as advisors to the Radio Committee of our Council on Censorship.

Other Censorship Issues

The Post-office control of the mails raised two issues during the year, one an old one which has been in the District of Columbia courts since 1934, involving a book on "Nudism in
THE BILL OF RIGHTS—150 YEARS AFTER

Modern Life” by Professor Maurice Parmelee. The District Court sustained the exclusion on the ground of certain illustrations. Appeal has been taken to the United States Circuit Court. The second case involved a ban on one issue of a little mimeographed periodical “Revolt” published by the Revolutionary Workers League in Detroit, Michigan, because it quoted a sentence or two from the Communist Manifesto of 1848. Subsequent issues have been held up for scrutiny. The Civil Liberties Union has sought to discontinue the department’s control on the ground that nothing in the publication justifies the action.

Police censorship of publications sold on newsstands continues without let-up in Boston. In Providence, Rhode Island, one issue of the American Mercury was barred from the stands because of complaints concerning an article entitled “Chastity on the Campus.” The Mercury did not contest the ban, although the Civil Liberties Union offered its aid—and at a time when the Union’s suit against the Mercury for libel was pending in the courts.

A notable victory for the importation of birth control literature was won when the Circuit Court of Appeals at New York held in July, 1938, that physicians and medical agencies may receive such publications. Previously the courts had held that the law permits them to import contraceptive articles only.

In Detroit the police ban on the sale by book-stores of Ernest Hemingway’s novel “To Have or to Have Not” failed to be broken by an appeal to the courts for an injunction. The court held that it had not been shown that “irreparable damage has been done.”

In Congress no progress was made toward passage of the bill removing from the post-office solicitor the power of censorship over the mails and lodging it in the courts.

Freedom of the Press

The only case affecting the freedom of a daily newspaper arose when the Los Angeles Times was cited for contempt at the instance of the local bar association for editorial comment on a
pending court case. With fine impartiality, the same judge who
instituted the proceeding cited at the same time Harry Bridges,
West Coast maritime leader. The defense of the Los Angeles
Times was at once championed by our Southern California branch.
A. L. Wirin, its counsel, appeared as a friend of the court, making
an argument and filing a brief, both on trial and on appeal. The
case is still pending.

The most frequent "freedom of the press" issue to arise all
over the country affected the distribution of handbills. Despite
the Supreme Court’s opinion a year ago in a case taken up from
Griffin, Georgia by Jehovah’s Witnesses, in which the court voided
ordinances requiring licenses for distribution, many cities enforced
such ordinances under the guise of controlling street littering.

Three such cases are on their way to the Supreme Court, again
raising the issue—from Massachusetts, Wisconsin and California.
A case involving a similar issue, arising in Edgewater, New Jersey,
was taken into the state courts by the Union. The city’s counsel
then admitted the law was void and agreed to have it repealed. In
Paterson, New Jersey, an ordinance recently passed is not en-
forced pending repeal, because of its plain unconstitutionality. In
Chicago, where arrests were made for distributing handbills, the
Chicago committee finally obtained from the city counselor an
opinion that the regulation covers commercial advertising alone.
In Newburgh, New York, a drastic ordinance was enacted con-
trolling leaflet distribution, but was repealed after the Civil
Liberties Union called attention to the Supreme Court decision.

In a number of Connecticut towns members of Jehovah’s Wit-
nesses were arrested for distributing leaflets. Attorneys for the
organization sought in the federal courts an injunction against
interference by the Bristol, Connecticut, police. The court declined
to intervene, holding that Jehovah’s Witnesses had violated a
statute prohibiting the distribution of "offensive matter." On ap-
peal the United States Supreme Court in effect sustained the find-
ing by refusing to review.

In line with the Supreme Court’s decision, a New York magis-
trate held unconstitutional an ordinance requiring a license for
the sale of pamphlets on the public streets. The pamphlet involved was entitled "John Lewis Exposed." Mr. Lewis himself applauded the decision, saying, "I hope the members of the C.I.O. may have as much freedom to distribute their handbills and sell their publications as the C.I.O. is willing to accord to its enemies."

**Freedom in Schools and Colleges**

Comparatively few issues arose during the year in either the legislatures or the courts, which are the chief fields in which the Union's Committee on Academic Freedom works. The only further restrictive measure was a concession in New York to the professional patriots, a bill which in principle had been vetoed by Governor Lehman the year before, but which was again passed by the legislature and approved by him, prohibiting the employment as teachers or civil servants of any person advocating "the overthrow of government by force and violence." The Union and other agencies exerted pressure for a veto without avail. The law merely duplicates in the field of appointment and tenure the old penal statute known as the criminal anarchy law. Its essential danger is its restraining effect on freedom of expression on public issues.

In the courts the three-year-old case of Professor Philip O. Keeney, former librarian of the University of Montana, moved slowly on to the state supreme court, to which the university appealed from the favorable decision reinstating him. It is still pending. In Hammond, Indiana, Vernon Sigler, a high school teacher who ran for public office, was suspended from his job, but was reinstated after the election in which he lost. He sued for salary lost during what he maintained was an illegal suspension. The Union and the American Federation of Teachers assisted him, and the case is now awaiting decision.

In New Haven, Connecticut, an interesting case arose involving a group of women teachers who had taken two-year maternity leaves as provided by the Board of Education rules, but who were refused reinstatement on the ground that their places had been filled. Declining the services of our Committee on Academic
Freedom, the teachers sued independently and succeeded in regaining their positions by court order.

In several cases in other states the committee intervened when school teachers appeared to have been improperly dismissed, but without notable results. A protest concerning the method of dismissal of Dr. Elizabeth McDowell, long on the faculty of Teachers' College, New York, was lodged with the responsible officials.

The conflict between compulsory flag saluting and religious conscience continued to vex the school authorities in many states where the children of Jehovah's Witnesses were commonly expelled for their refusal. Several expulsions were contested in the courts. The Supreme Court again declined to review a case (from Massachusetts) on the ground that no federal question is involved. The American Bar Association's Committee on Civil Rights filed with the court a brief amicus curiae urging the court to take jurisdiction, but to no avail.

It seems likely that a case now pending in the Circuit Court of Appeals at Philadelphia may get to the Supreme Court by a different route, with better prospects of the court's taking jurisdiction. It involves the notable decision by District Judge A. B. Maris ordering the reinstatement of two children of Jehovah's Witnesses in the Minersville, Pennsylvania, schools.

In Massachusetts, a state court ordered two children of Jehovah's Witnesses at Deerfield sent to the state training school as "habitual school offenders" because of their refusal to salute the flag. The order has been appealed. In New York, the Court of Appeals, the highest court in the state, upheld a school requirement for flag saluting, maintaining that it does not violate the guarantees of religious freedom. "Our constitution," said the court, "requires that a religious belief, whatever it is, cannot interfere with the state's enactments for its safety, preservation or welfare." A sharp dissent by Judge Irving Lehman held that "the flag is dishonored by a salute by a child in reluctant and terrified obedience to a command of secular authority which clashes with the dictates of
conscience.” The case arose in Brookhaven, Long Island, and was handled for the Union by Arthur Garfield Hays.

In New Jersey, the legislature in 1939 passed a unique statute adding to the existing compulsion of flag saluting a criminal penalty for any person who aids or abets any child in refusal to salute the flag. Opposition, organized by our New Jersey Committee, was unavailing against patriotic appeals.

The National Advisory Council on Academic Freedom, a cooperative body of a number of progressive agencies, was revived at the instance of our committee during the year and conducted a thorough survey of the forces working for academic freedom throughout the country. The showing was not too encouraging. The leading college presidents of the country were circularized by our committee to elicit opinions on the principles of academic freedom set forth by the trustees of the University of Minnesota a year ago, and on the desirability of stimulating teaching on controversial public issues. The large number of replies received reflected widely differing views on practical application of the principles.

American Colonies

By far the most serious issues affecting civil rights in any of the six island possessions of the United States arose in Puerto Rico. Constant conflict between the American administration of the island and the desire of the inhabitants for greater freedom has marked recent years. The dissatisfaction finally resulted in the forced resignation of Governor Blanton Winship, and in a wider demand for statehood or independence. The appointment of Governor Winship’s successor, Admiral William D. Leahy, was protested by the Union’s Committee on Fair Play to Puerto Rico, headed by Oswald Garrison Villard, on the ground that the extraordinarily difficult problems of the island demand the services of a trained civilian governor, preferably a Puerto Rican.

The Committee has supported the right of the Puerto Ricans to determine for themselves their own political status whether through statehood or independence, and has assisted in the draft
ing of legislative proposals to that end. Numerous instances of maladministration have been called to the attention of the authorities in Washington and of the appropriate committees of the House and Senate. A petition was filed with the President of the United States for the release of the eight Puerto Rican Nationalists serving terms in Atlanta for seditious conspiracy against the United States. The prisoners themselves refused to apply on conscientious grounds. The petition on their behalf is under consideration.

The Union issued early in 1939 a pamphlet, "Civil Liberties in American Colonies," setting forth the conditions in Puerto Rico, the Philippines, Samoa, Guam, the Virgin Islands and Hawaii. The pamphlet received extensive publicity in the island possessions and throughout the United States. No legislation was introduced in Congress to make good its recommendations for civil forms of government and civil rights because of the very poor prospects of passage. They will be put before the next session of Congress.

Several cases arising in the colonies have enlisted the Union's services, notably that of a Haitian journalist, Alphonse Henriquez, ordered deported from Puerto Rico for expressions of sympathy with the independence movement, but later permitted to leave voluntarily; and the case of Miss Carmen Planas, an elected member of the Manila city council, ordered investigated by President Quezon for criticism of government officials. Court protection was denied her. The Union will take the issue into the United States courts if any action is taken against Miss Planas.

Fingerprinting

COMPULSORY fingerprinting of citizens, to which the Union is of course opposed—and the widespread pressure for voluntary fingerprinting, leading ultimately to compulsion—made less headway during the last year. The practice of fingerprinting school children who have little chance to object, was marked in some sections of the country. In one community, Santa Fe, New Mexico, where the project was announced in advance, the dis-
tribution to the Board of Education of the Union's pamphlet "Thumbs Down—The Fingerprint Menace to Civil Liberties" resulted in abandonment of the project. The Union also protested against the fingerprinting of W.P.A. employees and announced that it would aid in the courts any employee who contested it.

Professional Patriots

The activities of self-styled patriotic organizations create the atmosphere in which repression of civil rights flourishes, particularly by their incessant propaganda against all progressive movements as "Communist." Their main sounding-board during the year was the Special Committee of the House Investigating un-American Activities headed by Congressman Dies of Texas. Practically all the leading professional patriots testified before the Committee with their usual line, exposing as "Communists" peace organizations, the C.I.O., the Civil Liberties Union, and organizations favorable to labor.

In addition, these organizations brought their influence to bear for repressive legislation both in Congress and the states. In Congress they backed particularly the bills which passed the House making deportable any alien advocating any change in the American form of government, and setting up "concentration camps" for deported aliens for whom passports cannot be secured. Their indirect influence was largely responsible for the passage by the House of Representatives for the first time in years of a sedition bill penalizing advocacy of the overthrow of the government by force and violence.

Some slight investigation of these organizations was made by the House Committee on un-American Activities incidental to its inquiry into the German-American Bund. Although the relation of the German-American Nazi sympathizers with the native professional patriotic organizations appears to be unofficial, their common bond of unity in fighting "Communism" brings them together in support of the same measures and the same propaganda. Those closest to the tie-up between the foreign and domestic brands of what passes for Fascism testified before the Senate
Committee considering the appointment of Prof. Felix Frankfurter to the Supreme Court of the United States. Prof. Frankfurter's connection with the Civil Liberties Union for twenty years was made one of the chief counts against him. The charge evidently made no impression on the Senate because he was unanimously confirmed.

In the state legislatures one investigation similar to that of the Dies Committee in Washington wound up in Massachusetts and pretty well petered out after the defeat in the November, 1938, election of the chairman of the committee, Senator Sybil Holmes, who campaigned on the exposures of "Communism" her committee had made. The committee of course had been vigorously backed by the professional patriotic groups. A similar investigation was authorized by the Colorado legislature in its 1939 session with results as yet indefinite. Other investigations threatened in Michigan and Pennsylvania, but were not authorized. In New York the legislature passed for the second time a bill promoted by the professional patriots to bar from the civil service and teaching profession persons who advocate the overthrow of government by force and violence. The first bill was vetoed by the Governor; the second he signed on the ground that it provides protection against unwarranted action. The Union actively opposed both bills.

Generally speaking, in the field of professional patriotic activity there is an unofficial alliance through community of interest between the military organizations, the followers of Father Coughlin and the German-American Bund. They are aided and abetted by numerous smaller organizations, many of which are obviously rackets for the benefit of their promoters. In so far as their activities are confined to propaganda, the Civil Liberties Union of course defends them like others against interference in the rare cases when it arises.

Survey of American Cities

An elaborate survey of the practice of civil rights in American cities was made by the Union through questionnaires sent to city officials, superintendents of education and the Union's
correspondents. Despite follow-up communications to officials who did not at first reply, returns were received from only about one-third of the cities of over 10,000 population, 332 out of 959.

The results were tabulated and published in the early part of 1939, and created widespread publicity and comment. General satisfaction was expressed with the fairness of the Union's ratings of cities from "very good" to "very bad." Exception was taken in Detroit and Madison, Wisconsin, both of which were given poor ratings. In Detroit, the city council adopted a resolution calling upon the Union to justify its findings. In Madison, Wisconsin, even the Union's local committee dissented from the rating, which had been based upon the observations of a single correspondent. The Union explained that the ratings were relative, and dependent upon sources of information which were not uniform, and in some cases inadequate. The information furnished from Detroit and Madison seemed to justify approximately the ratings given.

The most striking feature of the survey was the finding that no city in the United States achieves more than a fifty per cent observance of the civil rights presumably guaranteed its citizens. Differences in laws and sections of the country apparently make little difference in the practices of civil liberty. The survey concluded that civil rights in each community stand about as local forces themselves maintain them.

Forty-two of the 332 cities were classified as "very good," 152 as "good," and the remainder as "fair" to "very bad." Conditions were found to be somewhat better in the largest and the smallest cities as against those of middle size. The survey covered freedom of speech, distribution of literature, control of newsstand sales, censorship of the radio, theatre and movies, public assembly, the use of school buildings for public meetings, the rights of political and racial minorities, and police practices.

Since the purpose of the survey was to call attention to the relative standing of cities and thus to stimulate local action in improving conditions, the salutary results have justified announcement that the survey would be repeated periodically. The survey was con-
ducted by the office of the Union under the direction of a committee headed by Richard S. Childs of the Union's board of directors. The tabulations were made by Mrs. Rebecca G. Reis.

Educational Campaign

For the first time in its existence the Union has put as item number one in its program popular education in the meaning and practice of civil liberty. This change in emphasis is due to the decline in court cases and the emergence of propaganda as the major force making for repression. The Union's program is directed to an affirmation of the principles of the Bill of Rights in their relation to all groups and individuals without distinction. A special committee on Education for Civil Liberties under the chairmanship of Carl Carmer directs the work. The activities of the committee cover education by radio, the screen, press, the schools, pamphlets and publications.

One of the Committee's major projects is historical, involving a study of the whole field of civil liberty since the World War, to be published in book form, presumably in 1940. The compilation of material has been entrusted to Travis Hoke, working on the Union's bound volumes of correspondence and clippings and other publications in the stacks of the New York Public Library.

Under the committee's direction, a news service for radio commentators has been developed, now sent to about ninety stations weekly. To stimulate the writing of plays on civil liberty the One-Act Play Magazine and the committee are jointly sponsoring a contest, offering prizes for the two best plays adapted to radio use. The judges of the contest are Brooks Atkinson, Sidney Howard, William Kozlenko, Archibald MacLeish, and Elmer Rice.

The Union planned late in 1938 a celebration of the 130th anniversary of the submission of the Bill of Rights by Congress to the states, to take place on March 4th, date of the opening of the first Congress. A distinguished committee of sponsors was enlisted through William Allen White of Emporia, Kansas, Colonel William J. Donovan of New York and Miss Mary E. Woolley, former president of Mount Holyoke. Inability to secure
the desired speakers forced a postponement of the celebration until early fall, when it will take place as a national conference on civil liberties in New York, enlisting the cooperation of other active agencies. On account of the many other celebrations of the 150th anniversary of the Bill of Rights that particular aspect of the conference has been dropped.
Organization

National Committee and Board of Directors

BY resolution adopted at the annual meeting in the spring of 1939 the membership of the National Committee was completely separated from that of the Board of Directors. In the past some members of the National Committee have been members of the Board. The National Committee, after the separation, now numbers forty-six. No new members were added during the year.

The Committee lost by death three members—Dr. Richard S. Cabot of Boston, Prof. James Weldon Johnson of New York and Nashville, Tenn., and B. Charney Vladeck of New York. By resignation the Committee lost the services of Prof. Felix Frankfurter, appointed to the U. S. Supreme Court; Dr. Henry R. Linnville, and Prof. John Dewey who requested that he be not renominated. The terms of Francis J. Gorman of Washington, D. C., and Julia S. O'Connor Parker of Boston expired.

The Board of Directors, meeting weekly in New York to carry on the Union's work, added to its membership Lester B. Granger, connected with the New York Welfare Council and formerly a member of the staff of the National Urban League, and Thurgood Marshall, counsel for the National Association for the Advancement of Colored People, succeeding Charles H. Houston who moved to Washington, D. C. Miss Dorothy Kenyon resigned upon her appointment as judge in the Municipal Court.

No change was made in the officers of the Union at the annual election.

Cooperation

THE Union continued its cooperation with other defense agencies operating through delegates from interested organizations—the Scottsboro Defense Committee and the Joint Committee for Civil Rights in Jersey City. The Union is also represented in the Conference on Immigration Policy and in the National Advisory Council on Educational Freedom.

[54]
Policy

THE Union's Board of Directors adopted during the year statements of policy as follows, available on request in complete form:

1. In opposition to proposed amendments to the National Labor Relations Act on the ground that they are either dangerous to the Act's essential purpose of protecting freedom of organization and the selection of representatives for collective bargaining or that they can be accomplished without amendment by rules of the Board.

2. Holding that a closed shop contract between a union and employer does not violate the civil rights of workers who decline to join the union when union membership is open on equal terms to all.

3. Replying to critics of the defense of civil rights of movements characterized as anti-democratic and explaining that the Union can take no position characterizing the movements whose rights it defends.

4. Discussing the legislative proposals for extending the law of libel to groups and associations, and opposing such legislation on the ground that no such laws can be written without striking at freedom of speech in general.

5. Defining the problems of control of radio, and the relation of freedom of speech to station-owners, the Federal Communications Commission and the law.

Local Committees

IN thirteen states, state-wide civil liberty committees affiliated with the Union are organized — California (Northern and Southern Branches) Colorado, Illinois, Indiana, Iowa, Maryland, Massachusetts, New Jersey, Oregon, Pennsylvania, Rhode Island, Texas and Wisconsin. In five of these, full-time secretaries are in charge of the work. In addition, there are nineteen local committees, staffed by volunteers, (page ). The Union employs a part-time representative in Washington, D. C., for legislative and
departmental work. The New York City Committee maintains a legislative agent at Albany during the sessions.

Two new committees were formed during the year—a statewide committee in Colorado with headquarters in Denver and a local committee in McLean County, Illinois. The Union withdrew during the year from the Michigan Civil Rights Federation on the ground that a national organization should not be represented in a local federation. Our local Detroit committee no longer exists. Two field trips were taken through the Middle West by the Secretary and Director to stimulate local organization.

The New York City Civil Liberties Committee, with headquarters in the national office, is financed from national funds so as to avoid duplication of fund-raising in that city. The Union helped finance the New Jersey Committee under a joint agreement until May, 1939. Financial assistance was given to other local committees for special cases and projects which they were unable to finance entirely.

Reports of the activities of the local committees are published in a supplement which will be sent free on request to any member of the Union, 10 cents to non-members.
Finances  
(to the close of the fiscal year, Jan. 31, 1939)

The year showed a ten per cent drop in the Union's income, both in the operating fund and in special funds. Members contributed to the operating fund $24,104 against $26,000 last year; and to special funds $4,582 against $9,104 the year previous. But counting contributions to the new Civil Liberties Educational Fund, Inc., which were diverted from our usual special funds receipts, the total ran to $7,100. The reduction in income in both operating and special funds is due primarily to the inability of a number of large contributors to renew. The total income from members during the year was $28,686 as against a total of $35,109 the year before.

The Union received during the year two bequests—one from Andrew Grey of New Jersey in the amount of $920 which was put into the general reserve fund, and a $1,000 bond from J. W. Griggs of California, which yielded $534 and was invested in a $1,000 Southern Pacific bond. The interest and dividends received from the McMurtrie bequest of some years ago totaled $1,049. Interest from other investments totaled $254. Literature sales totaled $241.

From all these sources of income (aside from the new bequests) the Union's total receipts for the year in all funds were $30,231, a drop of $6,609 from the previous year of $36,840. Offsetting this drop were receipts from our members of $2,550 by the Civil Liberties Educational Fund, Inc.

Expenditures in the operating fund for the Union's ordinary overhead increased slightly over the previous year to a total of $25,403 (as against $25,186). The budget for operating expenses remains approximately $25,000 a year. The operating expenses were met only by a contribution of $1,000 from the McMurtrie Fund toward additional pamphlet printing.

In special funds, receipts from members and friends totaling $4,582 were less than one-half the total expenditures of $10,781. These expenditures were about $700 in excess of the year before.
The total expenditures of the Union for all purposes were $36,213, which was $6,031 in excess of the year's receipts. The deficit was taken from the capital of the McMurtrie Fund.

Funds handled by local affiliated committees are covered in their own financial reports, and are not here included. The total amount raised and spent locally was approximately $15,000. Both in the national and local offices and throughout the country, extensive volunteer service keeps the cost of the Union's work to a modest figure.

The membership of the Union steadily increased during the last fiscal year ending January 31, 1939, from 4,990 to 5,378, a gain of 388. But this figure does not represent the true growth of membership, for 960 new members joined and 572 were dropped by deaths and non-payment of dues. In addition to this total, 475 who have not paid dues since 1937 are carried on the rolls in the expectation that most of them will renew. On separate lists are carried 430 contributors to special funds who are not members of the Union. The total number of members and contributors on the rolls January 31, 1939, was therefore 6,283 as against a total of 5,876 the year previous.

The Operating Fund is made up of contributions and dues from members as follows:

One contributor at $1,200; one at $1,000; three at $500; eight between $200 and $500; 16 between $100 and $200; 30 between $50 and $100; 72 between $25 and $50; 632 between $10 and $25 ($25 being the upper limit of fixed dues) and 4,615 paying dues of $1 to $10.

Mrs. Margaret DeSilver of New York continues her contribution of $1,200 annually which had long been given by her late husband, Albert DeSilver, former associate director of the Union. $1,000 was contributed by the Christian Social Justice Fund, and $1,000 by the late Bishop Robert L. Paddock.

Contributors in amounts of $400 and over to the operating or special funds were: Miss Helen Phelps Stokes, Mrs. Thomas
Civil Liberties Educational Fund, Inc.

The decision by the Treasury Department that a "substantial part of the Union's work is devoted to influencing legislation" prevents contributors to the Union from deducting their gifts in their income tax returns. Since a large part of the work for civil liberties has no connection with legislation, a new corporation, the Civil Liberties Educational Fund, Inc., was formed to which gifts can be made, presumably deductible from income tax returns. The report of that Fund is therefore made separately by its trustees.
Treasurer's Report
for the fiscal year ending January 31, 1939

OPERATING FUND

Balance, February 1, 1938 .......................................................... $3,319.63

RECEIPTS:

Contributions ............................................................................... $24,104.35
Literature sales ........................................................................... 241.47
Interest on investments ................................................................ 254.04
McMurtrie fund contribution toward pamphlet printing ........... 1,000.00

.......................................................... $25,599.86

EXPENDITURES:

Office salaries ............................................................................ 7,679.46
Executive salaries (net) .............................................................. 5,267.00
Pamphlets and literature ............................................................ 3,586.91
Postage ....................................................................................... 2,709.28
Rent and electricity ................................................................... 1,677.71
Stationery and printing .............................................................. 1,145.08
Social security taxes ................................................................... 779.48
Office supplies ........................................................................... 694.08
Telephone ................................................................................... 495.16
Bookkeeping and audit ............................................................... 410.00
Multigraphing and mailing ......................................................... 292.76
Telegrams .................................................................................... 286.69
News clippings ........................................................................... 183.24
Meetings and luncheons ............................................................. 76.50
Binding ......................................................................................... 76.50
Bank charges ............................................................................... 18.29
Travel .......................................................................................... 17.90
Miscellaneous ............................................................................. 7.04

.......................................................... $25,403.08

Surplus for the year ..................................................................... $ 196.78

Balance, January 31, 1939 ............................................................. $3,516.41
SPECIAL FUNDS

I. Summary

<table>
<thead>
<tr>
<th>Income</th>
<th>Expense</th>
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<tbody>
<tr>
<td>Special Funds for defense in court, and campaigns</td>
<td>$4,358.12</td>
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<tr>
<td>Legislative campaigns</td>
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<td>Local and affiliated committees</td>
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<td>Censorship Fund</td>
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<td>Book Fund</td>
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<tr>
<td>Civil Liberties Educational Campaign</td>
<td></td>
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</tbody>
</table>

Total: $4,582.78 $10,781.71

The deficits in the funds listed above were met from the McMurtrie Fund, and Special Undesignated Funds.

II. Detailed Accounts

These are treated in two groups; first, special fund accounts, and second, reserve funds. All cover the year to Jan. 31, 1939.

1. SPECIAL FUND ACCOUNTS

Defense in Court

This is the general account of funds contributed for defense cases in the courts, both for specific and undesignated cases. In addition, funds for the same purpose were taken from the McMurtrie Fund.

Balance from 1937: $616.07

Receipts:

Contributions from friends: $4,358.12

Total Receipts: $4,974.19

Expenditures:

1. For the court proceedings involving the injunction in the federal courts against Jersey City officials: $1,297.54

2. Test in the District of Columbia courts of the law prohibiting picketing of foreign embassies: 384.62
3. Contribution toward the campaign for pardon of Fred E. Beal .................................................. 200.00
4. Expenses in testing the revocation of a visa to John Strachey ................................................... 177.45
5. Expenses in court proceedings arising out of the strike of pecan-shellers at San Antonio .......... 167.31
6. Expenses in carrying to the Indiana Supreme Court the conviction of Paul Butash under the criminal syndicalism law ................................................................. 152.00
7. Contribution to the Bayonne Times strike committee for costs of appealing injunction against Hudson County Newspaper Guild ................................................................. 150.00
8. Costs of appealing conviction of Herman Mattson, growing out of mob attack at a Hoboken, New Jersey meeting .......................................................... 104.00
9. Contribution toward expenses of brief amicus curiae in contempt case against the Los Angeles Times .................................................................................................................. 82.39
10. Court costs and fees in testing Paterson, N. J., ordinance controlling leaflet distribution ........... 80.00
11. Expenses of counsel in contesting ban on Workers Alliance meetings at Laredo, Texas .... 55.05
12. Expenses of Committee on Fair Play to Puerto Rico ........................................................................ 50.41
13. Court test of ban on street meetings of Workers Alliance at Claremore, Okla. ..................... 50.00
14. Cost of appeals to membership and friends for special funds to handle court cases and campaigns ......................................................................................................................... 262.68
15. Contributions of less than $50 (55 cases) .......... 692.05

$3,905.50

Toward deficit of Civil Liberties Educational Campaign ................................................................. 452.62

Total expenditures ................................................................................................. $4,358.12

Balance at close of year ......................................................................................... $ 616:07
Aid to Local and Affiliated Committees 
and Cooperating Organizations

RECEIPTS:
Contributions from friends ...........................................$ 12.00
Paid from McMurtrie Fund ............................................ 3,861.55

Total receipts ......................................................... $3,873.55

EXPENDITURES:
New York City Civil Liberties Committee for campaign on legislation at Albany:
Attorneys fees and expenses .......... $329.07
Secretarial services and expenses..... 59.03
Telephone, telegrams, postage ....... 100.00
Office and clerical expense .......... 61.13

549.23

For office expenses and secretarial work .......... 62.44
Telephone and postage on case work .......... 66.00
Court costs in case of Gertrude Epstein, New York teacher ........................................ 153.37
Court costs in contesting injunction against strikers in the Busch Jewelry Company case...... 109.18
Court costs in false arrest case .......... 8.00

948.22

New Jersey Civil Liberties Union:
Toward salary of local secretary and assistant ........................................ 753.00
For legislative work at Trenton .......... 175.35
Telephone and postage .................. 16.07

944.42

Chicago Civil Liberties Committee:
Contribution toward general overhead of the committee ........................................ 200.00
For investigation and legal expenses in combatting police brutality .......... 51.00

251.00

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Washington, D. C., Civil Liberties Committee,
Cancellation of loan made in 1937 323.00
Toward budget of American Committee for
Protection of Foreign Born 500.00
Toward expenses of Puerto Rican Civil Lib-
erties Association in connection with Ponce
trials 300.00
Northern California Branch of the American
Civil Liberties Union 250.00
Traveling expenses of secretary of American
Civil Liberties Union for organization work
of local committees 348.31
Other expenses regarding local committees 8.60

1,729.91

Total expenditures $3,873.55

Legislative Campaigns

RECEIPTS:
Contributions from friends $ 52.00
Paid from McMurtrie Fund 1,489.88

Total receipts $1,541.88

EXPENDITURES:
For campaigns on civil liberties bills in Congress:
Attorneys fees and expenses 884.40
Telegrams, telephone and postage 239.50
Traveling, office and clerical expense 70.31

Total $1,194.21

For campaign in connection with the investigation
of un-American activities by the "Dies Committee":
Attorneys fees and expenses 100.00
Telegrams, telephone and postage 170.00
Traveling, office and clerical expense 77.67

Total $ 347.61
Civil Liberties Educational Campaign

RECEIPTS:
Paid from McMurtrie Fund .................................. $ 440.63
Paid from special undesignated funds ................. 452.62
Total ........................................................................... $ 893.25

EXPENDITURES:
Toward publication of pamphlet on Indian civil
rights .......................................................................... $ 250.00
Toward costs of study of civil liberties over
twenty years ............................................................... 150.00
Preparation of scripts for radio use ................. 81.00
150th anniversary of Bill of Rights .................. 412.25
Total ........................................................................... $ 893.25

Book Fund

Balance from 1937 .................................................. $ 127.20

RECEIPTS:
Sale of books ......................................................... 145.66
Total ........................................................................... $ 272.86

EXPENDITURES:
Purchase of books ................................................. 124.19
Balance at close of year ........................................... $ 148.67

Injunction Fund

RECEIPTS:
Paid from McMurtrie Fund .................................. $ 36.66

EXPENDITURES:
For expenses of campaigns in state legislatures .......... 36.66

Censorship Fund

RECEIPTS:
Contributions from friends ................................ $ 15.00
Paid from McMurtrie Fund ................................. 174.73
Total receipts ......................................................... $ 189.73
**Expenditures:**
- Attorneys fees and expenses ........................................ $ 41.85
- Telephone and telegraph ........................................... 84.54
- Documents and postage ............................................... 63.34

  Total expenditures ...................................................... $ 189.73

**Academic Freedom**

**Receipts:**
- Paid from McMurtrie Fund ........................................... $ 216.95

**Expenditures:**
- For secretarial work, postage, telephone, telegraph and pamphlets ........................................ $ 67.43
- Expenses of brief in case of Dr. Philip Keeney of Montana ........................................ 66.54
- Attorney fees in the case of Vernon Sigler of Indiana ........................................ 50.00
- Costs of briefs in the Minersville, Pa., Jehovah’s Witnesses case ........................................ 27.13
- Part costs in case of Lovell vs. Griffin, Ga. ........................................ 5.85

  Total expenditures ...................................................... $ 216.95

**2. GENERAL RESERVE FUND**

**McMurtrie Fund**

Balance from 1937 ........................................... $28,750.35

**Receipts:**
- Interest and dividends ........................................ 1,049.86

  Total receipts ...................................................... $29,800.21

**Expenditures:**
- Estate expenses .................................................. $ 29.57

  Contributions:
  - Pamphlet printing ............................................. 1,000.00
  - Local and affiliated committees ......................... 3,861.55
  - Legislative campaigns ...................................... 1,489.88
  - Civil liberties educational campaign .................. 440.63
  - Academic freedom ........................................... 216.95
  - Censorship ..................................................... 174.73
  - Injunctions ..................................................... 36.66

  Total expenditures .................................................. $ 7,249.97

  $22,550.24
Miscellaneous Reserve Funds

Balance from 1937 .......................................................... $ 1,952.50

RECEIPTS:
  Andrew Grey bequest .................................................. 920.00

Total ..................................................................................... $ 2,872.50

EXPENDITURES:
  Loss on sale of securities from bequest of J. W. Griggs .................................................. 465.42

Balance at close of year .................................................. $ 2,407.08

Revolving Loan Fund

Principal Feb. 1, 1939 ..................................................... $ 441.07

(unchanged during year)

Loans made and repaid during 1938:
  Chicago Civil Liberties Committee; loan cancelled and repaid to loan fund from Special Fund .................................................. $ 200.00
  International Labor Defense, for bail premiums in Atlanta, Georgia, cases; balance from 1937 .................................................. 210.00
  International Labor Defense, for bail premiums in Atlanta, Georgia, cases, 1938 loan .................................................. 260.00
    (repaid in part..............$125)

Loans outstanding, Jan. 31, 1939:
  International Labor Defense on bail premiums..... 135.00
BALANCE SHEET, JANUARY 31, 1939

ASSETS:
Cash on hand and in banks .............................................. $10,774.59
Loans receivable ............................................................ 329.30
Investments, at book value, in stocks, bonds and real estate ......................................................... 24,857.73
Furniture and fixtures, at depreciated value .......... 692.10

Total assets ........................................................................... $36,653.72

LIABILITIES:
Taxes payable ....................................................................... 12.48
Funds for transmission ........................................................ 216.60
Deferred contributions ....................................................... 1,600.00

...................................................................................... 1,829.08

NET WORTH:
Operating and general reserves ......................................... 8,661.51
Trust Fund reserves .......................................................... 26,163.13

Total Net Worth* ............................................................... $34,824.64

Total Liabilities and Net Worth ........................................... $36,653.72

*The Net Worth is subject to two adjustments:
2. During 1938, the Treasury Department held that the American Civil Liberties Union is liable for Social Security taxes. All old-age benefit taxes have been determined and paid. Unemployment insurance taxes for 1936, 1937 and the first quarter of 1938 are still unpaid. The amount due, without penalty or interest, is approximately $520. The net worth is subject to reduction by the full amount due.

Certificate
We have audited the records of the American Civil Liberties Union, Inc., for the year ending January 31, 1939. We certify that the accompanying Balance Sheet is in accordance with the books, and, in our opinion, correctly sets forth the Union's financial condition as of January 31, 1939.

COOPERATIVE LEAGUE ACCOUNTING BUREAU.

NOTE:—A complete copy of the auditor's report will be sent to any contributor who requests it. The Union's financial methods and accounting are endorsed by the National Information Bureau, 215 Fourth Avenue, New York City, an agency formed to advise contributors.

Contributions to the Union are not deductible from income tax returns. The Income Tax Bureau at Washington has held that a "substantial part of the Union's activities is directed to influencing legislation," which, under the law, does not permit deductions in tax returns by contributors. Those interested in contributing to civil liberties work which does not include legislation may address the Civil Liberties Educational Fund, Inc., at 31 Union Square West, N. Y. C.
Publications
(from June 1938 to June 1939)

Pamphlets

Censorship of Motion Pictures. Reprint of the foreword and introduction from a pamphlet “What Shocked the Censors” published in 1933. (12 pages.)

Civil Liberties in American Colonies. A pamphlet setting forth the essential facts in recent years and suggesting remedies. (32 pages.)

Eternal Vigilance. The Story of Civil Liberty, 1937-38. (96 pages.)

Local Civil Liberties Committees Reports 1937-38. Supplement to “Eternal Vigilance.” (48 pages.)

Everybody’s Rights. Excerpts from editorials commenting on the Union’s intervention on behalf of conservatives. (8 pages.)

Mayor Hague’s Suppression of Constitutional Rights in Jersey City. Series of four bulletins.

Proposed Amendments to the New York Constitution, submitted to the New York State Constitutional Convention by the American Civil Liberties Union. (4 Pages.)

Religious Liberty in the United States Today. (48 pages.)

Why is John Strachey Barred from the United States? A statement of the case involving the exclusion of John Strachey from the United States. (4 pages.)

Pamphlets Revised

The American Civil Liberties Union, Inc. A pamphlet setting forth its principles and work, with list of National Committee and Board of Directors and their connections. (12 pages.)

Civil Liberty. A statement defining the position of the American Civil Liberties Union on the chief issues. (4 pages.)


State Legislation Limiting Labor Injunctions. Draft of a model state bill prepared with the cooperation of the International Juridical Association by Nathan Greene. (27 pages, mimeographed.)
SUMMARY OF ARGUMENTS AGAINST SEDITION, CRIMINAL SYNDICALISM AND CRIMINAL ANARCHY LAWS, prepared by James Lipsig of the New York Bar. (10 pages, mimeographed.)

WHY WE DEFEND FREE SPEECH FOR NAZIS, FASCISTS AND COMMUNISTS. An answer to critics who would deny liberty to those they characterize as enemies of democracy. (4 pages.)

Mimeographed Pamphlets

CONSERTIVISM AND CIVIL LIBERTY. Address by Grenville Clark at Annual Meeting of the Nassau County Bar Association, Mineola, New York on June 11, 1938. (15 pages.)

MODEL STATE LABOR RELATIONS ACT, prepared by the National Lawyers Guild. (19 pages.)

POLICIES CONCERNING CIVIL RIGHTS IN LABOR RELATIONS, adopted by the American Civil Liberties Union. (14 pages.)

CIVIL LIBERTY IN AMERICAN CITIES. Summary of a survey of civil liberty in American cities, based on 332 American cities of over 10,000 population. (17 pages.)

SUPPLEMENT TO SELECTED BIBLIOGRAPHY ON CIVIL LIBERTIES IN THE UNITED STATES. Dec. 1937-Jan. 1939. (17 pages.)

Reprints

ACADEMIC FREEDOM, resolution of Board of Regents of the University of Minnesota; reprinted from the Journal of the American Association of University Professors, March, 1938. (4 pages.)

FASCISM’S FORERUNNER. An article on the Dies Committee, reprinted from the “Christian Century” of Dec. 7, 1938. (2 pages.)

HOW FREE IS OUR PRESS? by William Allen White, reprinted from the “Nation” of June 18, 1938. An authoritative and simple statement of the influences qualifying the “freedom of the press.” (4 pages.)


The Union also advertised and distributed the following publications:

Books

DEMOCRACY WORKS by Arthur Garfield Hays. Discussion of economic basis of democracy with much material on civil rights. Random House, 1939. (324 pages.)

FREEDOM OF INQUIRY AND EXPRESSION. An up-to-date series of articles in the November, 1938 number of The Annals of the American Academy of Political and Social Science, edited by Prof. Edward P. Cheyney of the University of Pennsylvania. (292 pages.)


A HISTORY OF CRIMINAL SYNDICALISM LEGISLATION IN THE UNITED STATES by Eldridge Foster Dowell. Johns Hopkins Press, 1939. (176 pages.)


Pamphlets

ADDRESSES ON THE BILL OF RIGHTS. Delivered at a dinner of the Civil Liberties Committee of Massachusetts, Feb. 1939, in commemoration of the 150th Anniversary of the Bill of Rights. (35 pages.)

THE BASIC PRINCIPLES OF AMERICA'S DEMOCRACY. Addresses delivered at the 39th National Encampment, Veterans of Foreign Wars of the United States, August 22, 1938. (24 pages.)

BUILDING AMERICA. Civil Liberties Issue. Vol. IV, No. 8. (32 pages.)

CENSORSHIP IN BOSTON, published by the Civil Liberties Committee of Massachusetts, 1938. (16 pages.)


CIVIL LIBERTIES, a radio address by Hon. Frank Murphy, March, 1939, reprinted by the Chicago Civil Liberties Committee. (6 pages.)

DEPORTATION FOR MEMBERSHIP IN THE COMMUNIST PARTY by Carol King, Member of the New York Bar. Reprinted from the Bulletin of the International Juridical Association of May, 1938. (8 pages.)

`NATIONAL LABOR RELATIONS BOARD AND FREE SPEECH. Reprinted from September, 1938 Bulletin of the International Juridical Association. (12 pages.)`

`THE NEW DAY FOR INDIANS. A survey of the workings of the Reorganization Act of 1934 by an editorial committee—Jay B. Nash, Oliver LaFarge, W. Carson Ryan. (48 pages.)`


`OUR CIVIL LIBERTIES. Address delivered by Dr. John A. Lapp before the Chicago Federation of Labor, June 5, 1938, published by the Chicago Civil Liberties Committee. (11 pages.)`

`RECENT LIMITATIONS ON FREE SPEECH AND FREE PRESS. Reprint from Yale Law Journal, Nov. 1938, covering the Los Angeles Times contempt case, and freedom of speech for employers and unions in two cases. (16 pages.)`

`SCOTTSBORO—A RECORD OF A BROKEN PROMISE. An argument in support of pardon applications by Osmond K. Fraenkel. Published by the Scottsboro Defense Committee. 1939. (19 pages.)`

`SAN ANTONIO—THE CRADLE OF TEXAS LIBERTY, published by the Texas Civil Liberties Union, 1938. (16 pages.)`

### Periodical Publications

**The Civil Liberties Quarterly**, with a summary of the chief events, has been issued regularly, sent free to Union members.

**The Arbitrator**, a monthly published by William Floyd, with a page of notes on civil liberties issues prepared by the American Civil Liberties Union.

**Twice a Year**, a semi-annual journal of literature, the arts, and civil liberties, has published considerable material supplied by the Union.

**Weekly Press Releases** go out to several hundred newspapers and periodicals all over the country and to friends interested to keep up with current events. Subscription $1.50 a year (free to members paying dues of $10 and over).

**Weekly News Summaries** for radio use, distributed free to interested stations.

**Weekly Column**, "Sweet Land of Liberty," furnished to Federated Press for service to over 100 weekly papers.
OFFICERS

Dr. Harry F. Ward, chairman; Rt. Rev. Edward L. Parsons, Dr. Mary E. Woolley and Dean Lloyd K. Garrison, vice-chairmen; B. W. Huebsch, treasurer; Roger N. Baldwin, director; Lucille B. Milner, secretary; Arthur Garfield Hays and Morris L. Ernst, counsel.

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(arranged alphabetically by states)

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AMERICAN CIVIL LIBERTIES UNION, NORTHERN CALIFORNIA BRANCH,
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505 Douglas Building, Los Angeles
Dr. Edwin P. Ryland, chairman; Dr. Clinton J. Taft, director

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1933 Mission Ridge Road
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AMERICAN CIVIL LIBERTIES UNION IN COLORADO, 1545 Tremont Place,
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MITTEE, 203 N. Wabash Avenue
Dr. John A. Lapp, chairman; Ira Latimer, secretary

MCLEAN COUNTY CIVIL LIBERTIES COMMITTEE, 505 E. Walnut Street,
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Will H. Johnson, chairman; Herbert H. Hiett, secretary

INDIANA CIVIL RIGHTS COMMITTEE, Route 1, Box 219-A, New Palestine
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Rev. Willard Johnson, chairman; Carl Bogenrief, secretary
KANSAS CITY, KANSAS COMMITTEE, 566 Freeman Avenue
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WESTERN MASSACHUSETTS CIVIL LIBERTIES COMMITTEE, Amherst
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KANSAS CITY CIVIL LIBERTIES UNION, 713 Fidelity Bldg., Kansas City, Missouri
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Dr. Jerome E. Cook, chairman; Mrs. Ralph W. Thayer, acting secretary

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Rev. S. Marcus Houge, president; Everett S. Looney, secretary

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Rev. W. Rupert Holloway, chairman; Rev. James C. Flint, secretary

MILWAUKEE CIVIL LIBERTIES COMMITTEE, 1930 No. Cambridge Ave.  
Prof. Philip H. Person, chairman; Mrs. Thomas Duncan, secretary

WISCONSIN CIVIL LIBERTIES COMMITTEE, Milwaukee State Teachers College  
Dr. Frank E. Baker, chairman; Dr. A. T. Wallace, secretary

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The Union also cooperates with the following organizations, not affiliated:

LOUISIANA LEAGUE FOR THE PRESERVATION OF CONSTITUTIONAL RIGHTS, INC., 7839 S. Claiborn Ave., New Orleans
George Dreyfous, acting president; Mrs. L. S. Davis, secretary

CIVIL RIGHTS COMMITTEE OF THE PORTLAND LEAGUE FOR PEACE AND FREEDOM, 99 Atlantic Street, Portland, Maine
Mrs. Arthur G. Pettengill, chairman; David Einbinder, secretary

CIVIL RIGHTS FEDERATION, 1001 Hofmann Building, Detroit
Rev. J. H. Bollens, chairman; Milton N. Kemnitz, secretary

PROFESSIONAL LEAGUE FOR CIVIL RIGHTS, 910 Majestic Building, Detroit
Gjertine Silnes, recording secretary

SOUTHERN COMMITTEE FOR PEOPLE'S RIGHTS, Box 665, Chapel Hill, N. C.
Donald H. Stewart, chairman; Mrs. Elizabeth Winston Malcombre, secretary

OHIO LEAGUE FOR CONSTITUTIONAL RIGHTS, Ohio State University, Columbus
Judge Robert N. Wilkin, chairman; Prof. Robert E. Mathews, secretary

THE CIVIL LIBERTIES UNION OF THE PHILIPPINES, P.O. Box 2999, Manila, P. I.
Fernando E. V. Sison, president; R. Marino Corpus, secretary

PUERTO RICO CIVIL LIBERTIES ASSOCIATION, P.O. Box 1180, San Juan
Felipe Colon Diaz, acting president; Vincent Geigel-Polanco, secretary
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<td>Ellis Building, Phoenix</td>
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<td>Arkansas</td>
<td>Rev. James W. Workman</td>
<td>Central Meth. Church, Fayetteville</td>
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<td>307 Lyon Bldg., Reno</td>
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<td>173 Park Ave., East Orange</td>
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<td>Duke University, Durham</td>
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<td>N. Dakota Ag. College, Fargo</td>
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