ETERNAL VIGILANCE!
The Story of Civil Liberty
1937-1938

Tear gas—and not only in Jersey City!

American Civil Liberties Union
31 Union Square West
New York City

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Reports of local civil liberties committees are printed separately in a 48-page pamphlet, free to members on request.
Review of the Year

(To June, 1938)

With conspicuous exceptions the steady improvement in the exercise of civil liberties noted for the last two years has continued. In the field of industrial strife, where trade union civil rights have for years constituted the greatest total of all violations, the intervention of the National Labor Relations Board and of the state boards in five states has greatly reduced the use of force, violence, espionage and intimidation against organized labor.

Noteworthy is the fact that the courts have almost uniformly upheld the orders of the National Board, bitterly attacked by the recalcitrant minority of employers who refuse to accept collective bargaining. Creating a resistance out of all proportion to their size, they have obscured the great strides made toward the substitution of law for force in industrial relations. All efforts to weaken the national and state acts or to establish public control of trade unions were defeated.

In addition to the beneficient effects of the National Labor Relations Act, in effect a civil liberties statute, the exposures of industrial espionage and violence by the Senate Committee on Civil Liberties has tended to reduce the employment of professional strikebreakers, detective agencies and industrial spies. Injunctions in labor disputes have fallen to a new low under the influence of court decisions sustaining the federal and state injunction laws, and extending the right to picket under any circumstances not accompanied by violence, fraud or interference with traffic.

Even communities long dominated by employers, denying all rights of union organization, have begun to yield. Significant is the prosecution brought by the
Department of Justice under the civil rights statute, long disused, against the officials and coal operators of Harlan County, Kentucky.

Since the summer of 1937, marked by the strikes in "Little Steel" and in the automobile industry, large-scale strikes have rapidly declined. The use of troops, the organization of vigilantes and cases of mob violence, common in the first half of 1937, have since been rare. Not a lynching occurred in 1938 up to June, and only four in the last half of 1937.

The freedom of action of the Communist Party has made such headway that only few cases of interference with their civil liberties arose. The few deportation orders against Communists are now suspended by the decision of the Circuit Court of Appeals at New Orleans holding that mere membership in the Communist Party is not a deportable offense. The Department of Labor has appealed the decision to the Supreme Court.

Indeed, more issues affecting the rights of German-American Nazis to carry on their propaganda arose than those affecting Communists. Interference with the right to parade, to hold meetings and to organize rural camps arose in widely scattered areas. The hostility to Nazi propaganda was responsible for the passage by the House of Representatives of a resolution for the investigation of "un-American activities" which will, of course, as do all such investigations, include Communists as well. In Massachusetts a similar legislative investigation, the only one of its kind in the country, produced a voluminous report and recommended bills aimed primarily at the Communists, although originally couched in the terms aimed at Nazis and Fascists as well.
The decisions of the Supreme Court, with one exception, were wholly favorable to civil liberties. Significant among them for their general effects on the country were the decisions voiding an ordinance in Georgia prohibiting the distribution of literature without a permit, and the decision prohibiting the use in federal courts of evidence obtained by tapping telephone wires. The Supreme Court in only one case dismissed the contentions of the Union's attorneys; the test of the Georgia poll tax law, under which thousands of poor voters are disfranchised. The court to our regret declined to review the convictions for sedition of Puerto Rican Nationalists, the issue of compulsory flag saluting in violation of religious conscience, the appeal of one of the Scottsboro boys, and the case of an alien pacifist clergyman who refused to promise to bear arms in wartime.

In the state courts the few decisions involving issues of civil rights were favorably decided with the single exception of the action of the New Mexico Supreme Court in upholding the convictions of two of three Gallup miners sentenced to long terms for being present at a fatal riot.

In Congress no bills favorable to civil liberty were passed, and practically none in the states. Congress adopted only one minor bill hostile to civil liberty. The Union took occasion to protest to the chairman of the Senate Lobby Investigating Committee the use of its investigations of income tax returns obtained by order on the Treasury Department. The Union held that all information obtained by the Investigating Committee should be secured under subpoena in order to give citizens a chance to resist in the courts demands which they regarded as improper.
MOST conspicuous in the fight for civil liberty were the issues raised by Hague dictatorship in Jersey City, denying to all those they regarded as radicals the right to hold public meetings, to distribute literature (until the Supreme Court decision was handed down) or even to walk the streets unmolested. The Union, one of the chief objects of the Hague barrage, is suing jointly with the CIO in the federal courts for an injunction to restrain lawless interference with their rights. Issues of similar character, but far less dramatic, arose in other communities dominated by political machines serving the interests of open shop employers.

IN ORDER to determine the practices in civil liberty of the larger American communities a questionnaire was sent out both to officials and to our own representatives covering all forms of interference with civil rights. The results are being tabulated to indicate the relative standing of the leading cities in the practice of civil liberties.

The issues affecting freedom in the schools and colleges, censorship of motion pictures, the radio and the theater were comparatively slight, and are covered in the reports.

THE Union’s income and membership both increased markedly during the year as did the number of local committees actively functioning. The encouraging response in a time when the Union’s activities are notably productive in results against a more favorable national background has demonstrated the growing strength of the Union’s non-partisan defense of civil liberties wherever and however the issues are raised.

The accounts in the following pages do not presume to cover all the incidents under each heading. They cover only those with which the Union had some relation.
Balance Sheet of Civil Liberties

We Commend:

1. The decisions of the U. S. Supreme Court sustaining the orders of the National Labor Relations Board affecting labor's right to organize free from interference.

2. The U. S. Supreme Court decision voiding laws requiring permits for the distribution of literature on public issues.

3. The Supreme Court decision making inadmissible in the courts evidence obtained by tapping telephone wires.

4. The Supreme Court decision holding that state courts may not enjoin picketing conducted in the absence of a strike.

5. The exposure of industrial espionage and violations of labor's rights made by the Senate Committee on Civil Liberties.

6. President Roosevelt's international appeal for extending the right of asylum to refugees from tyrannical governments.

7. The action of the Department of Justice in invoking the civil rights statute against the officials of Harlan County, Kentucky, closed by force to trade unionism.

8. The decision of the Supreme Court voiding by habeas corpus the conviction of two counterfeiters tried without benefit of counsel.

9. The release by the Alabama authorities of four of the nine Scottsboro boys without further trial.
10. The decision of the Federal Court of Appeals at New Orleans holding that mere membership in the Communist Party is not a deportable defense.

11. The veto by Governor Lehman of New York of the bill disqualifying for public office persons holding proscribed political beliefs.

12. The refusal of the Borough President of Manhattan to dismiss a qualified appointee because of opposition to his political beliefs.

13. The refusal of Governor Murphy of Michigan to tolerate bloodshed in dealing with sit-down strikes and his insistence on peaceful negotiation.

14. The acquittal in Puerto Rico of the Nationalists tried for the deaths of two policemen in the so-called riot at Ponce in 1937.

15. The reversal by the Superior Court at Philadelphia of the convictions of Emerson Jennings and an associate for the alleged dynamiting of a judge's automobile at Wilkes-Barre.

16. The decision of the Indiana Supreme Court reversing the conviction under the sedition law of a Literary Digest salesman.

17. The refusal of Mayor LaGuardia of New York to revoke under pressure a parade permit granted to the German-American Bund.

18. The action of the Department of Labor in freeing on rehearing Dominick Sallito for lack of evidence of anarchist beliefs.

19. The decision of Federal Judge Maris at Philadelphia and of the Court of Appeals at Sacramento, California, sustaining the rights of school
children who on religious grounds refuse to salute the flag.

20. The decision of the District Court in Montana ordering the reinstatement to his post at the University of Montana of Professor Keeney.

21. The action of Jewish organizations in New York in petitioning for the dismissal of an indictment for criminal libel against an anti-Semitic pamphleteer.

We Condemn:

1. The Senate filibuster which killed the anti-lynching bill.

2. The indefensible position of the Alabama state authorities in keeping in prison four Scottsboro boys on the same evidence regarded as worthless against four freed.

3. The decision of the California Supreme Court denying a writ of habeas corpus to Tom Mooney.

4. The continuous denial of civil rights by Mayor Frank Hague of Jersey City.

5. The Memorial Day police massacre of strike pickets at the Republic Steel plant in South Chicago.

6. The acquittal in the Florida courts of five Tampa policemen charged with murder, and the decision of the Florida Supreme Court reversing the prior convictions for kidnapping of the Tampa policemen.

7. The kidnapping and beating of Henry Paull, Duluth attorney for the Timber Workers' Union, in the northern peninsula of Michigan.
8. The violations of steel strikers' rights by troops in Ohio cities during the summer of 1937.

9. The kidnapping, tarring and feathering of an organizer for the Socialist Party while showing a film "Millions of Us" at Dallas, Texas, together with other vigilante attacks on organizers for labor unions.

10. The lawless ban by the Memphis police on rights of C.I.O. organizers to remain in the city, and the brutal attacks on one organizer for the Automobile Workers' Union.

11. The brutal conduct of the San Antonio, Texas, police in the pecan shellers strike; and their lawless raids on Workers' Alliance headquarters and on a workers' school.

12. The conduct of the city officials of Gadsden, Alabama, in attacking labor organizers engaged in lawful activities.

13. Forced labor by cotton planters in Warren County, Georgia, in the fall of 1937.

14. The conduct of city officials of Elkland, Pennsylvania, a shoe town, in denying to labor organizers their rights to engage in lawful activities.

15. The action of the New Mexico Supreme Court in upholding the convictions of two of the three Gallup miners sentenced to 45 to 60 year terms for being present at a fatal riot.

16. The investigation by a committee of the Massachusetts legislature of un-American activities, turned into a red-baiting campaign against labor and liberals.
17. Passage by the House of Representatives of a resolution for an investigation of un-American activities, which threatens to turn into a similar red-baiting campaign.

18. Passage by Congress of a bill prohibiting picketing within five hundred feet of foreign embassies.

19. Censorship by official boards in some states and by police in others of films favorable to the Spanish Loyalist cause.

20. Killing by the Miami police of a fifteen year old Negro altar boy.

21. The action of the New York legislature in passing a bill prohibiting public employment to persons holding proscribed political views, happily vetoed by the Governor.

22. The action of the immigration authorities and the State Department in limiting the right to enter the United States of the president of the International Woodworkers of America; and in denying entrance to a Communist member of the British Parliament.

23. The action of the immigration authorities in attempting to deport on a warrant eighteen years old an anarchist editor.

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We Regret:

1. The decision of the U. S. Supreme Court upholding the Georgia poll tax law under which thousands of poor citizens are disfranchised by inability to pay tax arrears in order to vote.

2. The decision of the Supreme Court declining to review on the ground that no federal question is
involved, the issue of the refusal on religious grounds of school children to salute the flag.

3. The declination of the U. S. Supreme Court to take jurisdiction in the case of a Mennonite clergyman denied citizenship for his refusal to promise to bear arms in war.

4. The declination of the Supreme Court to review the convictions of the Puerto Rican Nationalists convicted of sedition.

5. The Supreme Court's declination to take jurisdiction in the case of a Scottsboro boy who appealed because of denial of a change of venue to the federal courts.
Centers of Repression

The cities and areas in the United States where repression is so continuous as to clearly stand out over others are:

1. Jersey City, and in less degree Hudson County, New Jersey, dominated by the political machine of Mayor Frank Hague of Jersey City in the interest of open shop business;

2. Harlan County, Kentucky, whose long reign of terror against unionization of the local miners promises to be ended by the exposures of the Senate Civil Liberties Committee and the prosecution by the federal government;

3. Memphis, Tennessee, where the city officials have banned lawful activities of C.I.O. organizers;

4. San Antonio, Texas, where a corrupt political machine dominating the police department has a long record of attacks on the rights of Mexican workers and the unemployed;

5. Tampa, Florida, and the surrounding district under control of public officials dominated by the Ku Klux Klan;

6. Chicago, Illinois, where a lawless police department controlled by a political machine is a constant menace to civil rights;

7. Boston, Massachusetts, where an unparalleled censorship of periodicals, books, plays and Sunday movies has been long established;

8. Puerto Rico, where a quasi-colonial government under a military governor has long interfered with the civil rights of independence advocates;
9. Gallup, New Mexico, a coal mining town dominated by coal companies opposed to union organization.

Note: Conditions have improved enough in a number of centers cited last year that we omit them—the Imperial Valley of Southern California; the cotton growing area of Eastern Arkansas; the automobile cities of Michigan; Terre Haute, Indiana; Atlanta, Georgia; Birmingham, Alabama; and New Orleans, Louisiana.
The Issues Pending

The following are the chief issues of national importance pending in the courts or to come before the legislatures:

1. Before the Supreme Court of the United States the application of Tom Mooney for a review of the denial by the California Supreme Court of a writ of habeas corpus. To be decided in the fall.

2. The appeals before the Governor of Alabama for pardons of the remaining five Scottsboro boys sentenced to death or long terms in prison.

3. The decisions in various proceedings growing out of the denial of civil rights in Jersey City—an injunction in the federal courts, an appeal pending in the Circuit Court of Appeals from a previous injunction, the convictions of John R. Longo and Jeff Burkitt and proceedings in behalf of Norman Thomas, deported from Jersey City.

4. The appeal to the U. S. Supreme Court by the Department of Labor from the decision of the Circuit Court of Appeals at New Orleans holding that mere membership in the Communist Party is not a deportable offense.

5. The contest against orders of the National Labor Relations Board brought by the Ford Motor Company, Republic Steel Company and others.

6. The prosecution by the Department of Justice of the officials and coal operators of Harlan County, Kentucky, for conspiracy to deny civil rights.

7. The appeal of the University of Montana against the mandamus order to reinstate Professor Keeney.

8. The appeal of Marcus Graham, alien anarchist editor, to the Circuit Court of Appeals at San Francisco against a contempt order for refusing to answer questions as to the place and date of entry to the United States.
9. The appeal of Rebecca Shelley, American-born pacifist, denied repatriation after her marriage to a German, pending in the Court of Appeals at Covington, Ky.

10. The appeal in the District of Columbia courts by defendants fined under the new law prohibiting picketing of foreign embassies.

11. Appeals in cases involving the refusal of school children on religious grounds to salute the flag, pending before the courts in New York, Pennsylvania and Texas.


13. Action on the recommendations of the Massachusetts legislative committee investigating subversive activities.

14. The proceeding pending in the Circuit Court of Appeals in Oklahoma contesting the exclusion of Negro voters in Wagoner County.

15. The investigation by the Federal Communications Commission of radio practices restricting freedom on the air.

16. The suit in the federal courts of Miss Willie Sue Blagden of Memphis beaten in Arkansas when interceding in behalf of a Negro tenant farmer.

17. Further investigations and the legislative recommendations of the Senate Committee on Civil Liberties.

18. The program of legislation in Congress to extend civil liberties—the anti-lynching bill, relief from the post-office censorship, bills for freedom on the radio, for asylum for political refugees and for civil rights in American colonies, including the settlement of the status of Puerto Rico.
The Courts

Every opinion but one affecting civil liberties rendered by the U. S. Supreme Court during the year was favorable. Outstanding among them, for the effects on labor's rights to organize, were the decisions sustaining the National Labor Relations Board at all points. Labor injunction laws were strengthened by the decision in a Wisconsin case, in which the Union prepared a brief as amicus curiae, holding that picketing in the absence of a strike can not be enjoined.

In one other significant case the Union filed a brief as amicus curiae signed by Messrs. Lloyd K. Garrison, Francis Biddle and Osmond Fraenkel, involving the constitutionality of a Griffin, Ga., ordinance prohibiting the distribution of literature without a permit. The court in a unanimous opinion sustained the contention of the attorneys for Jehovah's Witnesses, who took up the case, and the Civil Liberties Union. In voiding the ordinance the court laid down principles which have had a salutary effect all over the country. There is still difficulty in a number of cities in making the decision effective and in clearing up the distinction between commercial leaflets and those dealing with public issues.

In another notable decision the Supreme Court interpreting an act of Congress held that evidence obtained by wire-tapping is inadmissible in the federal courts. The 7 to 2 decision, reversing in effect a previous 5 to 4 decision of the court, will discourage the practice of wire-tapping, even though the decision is limited to the use of information so obtained.

In a case from Georgia brought by habeas corpus to free two counterfeiters who had been tried without
benefit of counsel, the Supreme Court sustained the writ thus considerably widening the scope of the writ of habeas corpus as a means for the correction of violations of fundamental rights. The Union had supported the case in the lower courts.

The Supreme Court extended the right of picketing by deciding favorably an appeal by Negroes who had been restrained from picketing stores in Negro neighborhoods urging the employment of Negro workers.

The one unfavorable decision upheld the Georgia poll tax law, under which thousands of voters too poor to pay are disfranchised. The appeal was handled by Arthur Garfield Hays for the Union.

Tom Mooney's appeal from an adverse decision by the California Supreme Court on a writ of habeas corpus was presented to the Supreme Court, which did not decide before its summer recess as to whether it would take jurisdiction. The voluminous record prevented prompt decision.

While the Supreme Court rendered only one opinion unfavorable to civil liberties, it refused to take jurisdiction in four cases which the Union supported. The cases were:

First, the appeal of the Puerto Rican Nationalists, headed by Dr. Albizu Campos, for review of their convictions for sedition. The Union filed an amicus curiae brief on the ground of improper selection of the jury.

Second, the review of the conviction of one of the Scottsboro boys, Haywood Patterson, sentenced to 75 years. The issue in this case, for the third time before the Supreme Court, was a refusal to transfer the trial to the federal courts, together with a contention that the trial court's charge violated due process.
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Third, appeals from Georgia and New Jersey in behalf of school children of Jehovah's Witnesses who refuse on religious grounds to salute the flag.

Fourth, the appeal of a Mennonite clergyman, Dr. A. Warkentin, denied citizenship because of his refusal to promise to bear arms. The attorneys for the Rev. Mr. Warkentin had attempted to differentiate his case from those previously decided by setting forth the historic tenets of the Mennonite faith.

In the lower federal courts aside from the mostly favorable decisions of the Circuit Courts of Appeals affecting orders of the National Labor Relations Board, two significant cases arose. One was the decision of the Circuit Court at New Orleans holding that membership in the Communist Party is not a deportable offense, from which decision the Department of Labor has appealed; and the other the issue of the constitutionality of a law passed by Congress prohibiting picketing within 500 feet of a foreign embassy, now in the District of Columbia courts on appeal.

IN THE State Supreme Courts only three important decisions affecting civil liberties were rendered. In Indiana the Supreme Court in the summer of 1937 unanimously reversed the conviction for sedition of Paul Butash, Literary Digest salesman, trapped by American Legionnaires at Angola into utterances held by the trial court to be seditious.

In New Jersey the Court of Errors and Appeals sustained the lower courts in refusing to reinstate in the public schools of Secaucus three children of Jehovah's Witnesses who refused on religious grounds to salute the flag. Appeal was taken from the decision to the U. S. Supreme Court which declined to review. The Union filed an amicus curiae brief in the New Jersey court.
In New Mexico the Supreme Court reviewed the convictions of three Gallup coal miners sentenced for being present at the scene of a riot in 1935 in which the sheriff and two miners were slain. One man was freed. The 45 to 60 year sentences of the other two men were sustained.

In California the Court of Appeals at Sacramento reversed the conviction of the eight defendants in the criminal syndicalism cases resulting from the agricultural worker's strike in 1935. The reversal was on technical grounds and did not affect the validity of the law. A brief amicus curiae signed by distinguished counsel was filed with the court by the Civil Liberties Union. Five of the eight defendants had already been released on parole when the decision was rendered. The three still in prison were released.

In Pennsylvania the Superior Court at Philadelphia ordered a new trial for two men convicted at Wilkes-Barre of dynamiting the automobile of a judge involved in the anthracite miners' strike of several years ago. Arthur Garfield Hays for the Union had carried up the convictions of Emerson Jennings and Charles Harris, assisted by Francis Biddle of Philadelphia and Arthur J. Sullivan. When the cases were called again in the Wilkes Barre courts, all the indictments pending against both men were dismissed. Harris was released from jail, where he had served some months in default of bail on appeal, and Jennings was freed from bail.

The Scottsboro cases came to trial again in Alabama in the summer of 1937, and again the defendants were convicted and sentenced to long prison terms. Haywood Patterson, previously tried had appealed to the United States Supreme Court. His appeal was denied.
The other defendants filed appeals to the Alabama Supreme Court where their convictions were sustained.

It is evident in the decisions of the courts during the past year as it has been in previous years that civil rights are far better protected by the higher courts than by the lower. Wherever a favorable decision of any significance was won, it was in the higher courts.

**Laws**

With Congress in almost continuous session but with only nine state legislatures meeting in 1938, attention was necessarily focused on Washington where the Union supported a large program of bills, many of which have been before Congress for several years. Few issues arose in the states.

The net record to June 1st is practically zero. No bills extending civil liberties were passed and only one restricting civil liberties got by the effective opposition organized by the Union and other agencies. That one was the bill in Congress prohibiting picketing within 500 feet of foreign embassies. The bill, sponsored by the State Department in deference to protests from Fascist ambassadors, was passed by the House when the progressive bloc were conferring with the President.

The House also passed a resolution by Rep. Dies of Texas for an investigation of "Un-American Activities" aimed primarily at German-American Nazi groups but inclusive of Communists as well.

The Union supported the following bills in Congress:

1. Companion bills for freedom on the air in both Houses and Senate providing that radio stations should set aside time for the presentation of public
issues with the requirements of equal treatment for opposite aides of controversy and relieving radio stations from libel or slander on such programs. Efforts to get hearings before the committees to which they were referred were unavailing, in part because of the movement in Congress for a sweeping investigation of radio which the Union supported.

2. Substitution for censorship of the mails by the solicitor of the Post Office Department of jury trials in the courts of matter banned. Efforts to get a hearing were unavailing against Post Office Department opposition. Bills extending the Post Office Department's power of censorship over the mails fared no better.

3. Reestablishment of the traditional American right of political asylum by admitting a limited number of bona-fide political refugees, and preventing the deportation of those who would face political persecution in their home lands. A hearing was scheduled on the bill in the House but the President's move to extent political asylum in agreement with other nations after the German occupation of Austria deferred action.

4. To prevent the formation of private military forces, a bill prepared by the Union and aimed at the threatened use of force by Nazi and other organizations.

5. To prevent the misuse of the National Guard in strikes. The bill was introduced late in the session and did not come to a hearing.

The Union also supported:

A bill for the federal prosecution of local officials who fail to prevent lynchings, which died in a Senate filibuster;

A bill sponsored by the Department of Labor for extending discretion not to deport a limited number of
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aliens in non-criminal cases where American wives or children are involved, and to extend the grounds of deportation in criminal cases not now covered. Passed the House, pending on the Senate calendar;

The request for additional appropriations by the Senate Committee Investigating Civil Liberties. $60,000 granted;

The resolutions in House and Senate requesting the President to recommend to the Governor of California a pardon for Tom Mooney, reported favorably by sub-committees in both Houses;

A bill to prohibit coercion of employees by employers in national elections; pending in the Senate Committee;

A bill making military training in federal-aided colleges optional; pending in committee;

A bill to encourage adult civic education by larger federal support; pending in committee;

Bills for civil rights in American colonies, Puerto Rico, Samoa and Guam, which did not get beyond committees.

The Union aided in successfully opposing the bills for industrial mobilization in time of war; various bills for the deportation of alien radicals or disbelievers in our form of government; various bills creating the crime of sedition; and a bill to repeal the Indian Reorganization Act of 1934.

On the whole the session of Congress was unproductive on issues of civil liberty because of the conflict between the pro and anti-administrative forces. The progressives in House and Senate, on the defensive much of the time, were unable to muster support behind bills which did not occupy the center of the stage.

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The Union's legislative committee in Washington, with a legislative agent in attorney S. M. Alpher, did what could be done to move the bills which the Union supported.

The state legislatures were completely barren of legislation for or against civil liberties. In New York State one minor bill passed, regulating detective agencies engaged in industrial espionage. In Massachusetts a Legislative Committee on Subversive Activities created a furore by its irresponsible and colorful attacks and report involving labor organizations and many liberal-minded citizens in a Communist conspiracy. In New Jersey a battle was fought for a labor relations bill which resulted in a stalemate. In Michigan a similar bill, passed by the legislature, was vetoed by the Governor. In Illinois a bill for compulsory flag salute in the schools was defeated in the tail-end of the 1937 legislature.

The details of the legislative campaigns in New Jersey, Massachusetts and New York will be found in the reports of the local committees.

Senate Committee on Civil Liberties

The Senate Committee on Civil Liberties concluded the second year of its work, covering investigations of the violation of labor's rights by employers' associations and by professional patriotic societies serving the interests of employers. The Committee's hearings have been published in fifteen volumes. One of the most dramatic inquiries during the year dealt with the police attack on strike demonstrators at the Republic Steel Plant in South Chicago on Memorial Day, 1937. The Senate Committee succeeded in releasing the Paramount News Film of that event which had previously been suppressed by the company. Its findings scored the Chicago police
who had been exonerated by a coroner’s jury on the ground of using arms “as a necessary incident to their efforts to disperse a riotous mob.”

Hostility to the Senate Committee’s work threatened appropriations to complete its hearings and investigations. Telegrams and letters from friends of civil liberties all over the country made plain to the Senate the support of the committee’s work, and the appropriation requested, $60,000, was granted, making a total of $150,000 for the two years of the Committee’s labors. The Committee expects abruptly to conclude its investigations and to make its recommendations for legislation to the Congress meeting in January 1939.

The Committee’s exposure of industrial espionage and of anti-union armament by employers have gone far to diminish resort to violence in fighting unions. Conditions in communities investigated by the Committee have materially improved. One major prosecution resulted from the Committee’s exposures—that brought by the Department of Justice against the officials and coal operators of Harlan County on a charge of conspiracy to deprive workers of their rights to organize.

Labor

ONLY those familiar with the violations of labor’s rights can appreciate the enormous change which has taken place in industrial conflict since the Supreme Court’s decisions in the spring of 1937 sustaining the National Labor Relations Act. While it is too early to say that a regime of law has supplanted a regime of force, the tendencies are all in that direction. The National Labor Relations Act is in substance a civil liberties document. It contains only guarantees of labor’s rights to organize and to select representatives of its own choice free from employer coercion or interference. How fair the administration of the act has been is demonstrated by
the Supreme Court's support of the Board's action in every case which has come before it, and in the almost unanimous support of the Board's orders by the Circuit Courts of Appeals. While resistance to the Act and its administration is widespread, it reflects obviously only a minority of employers who command avenues of propaganda out of all proportion to their size.

The newspapers raised the familiar cry of "freedom of the press" when the Board's agents subpoenaed two editors to testify as to the use among employees of two anti-union publications. The Civil Liberties Union supported the propriety of the Board's inquiry.

When in the order against the Ford Motor Company the Board required the company to desist from all anti-union propaganda among its employees, the Union's Board of Directors felt that clarification of the section was necessary to insure the employer's right of free speech. A request to the National Labor Relations Board was made to present arguments on the point when and if hearings in the Ford case are reopened.

Court decisions affecting labor's rights were generally favorable, particularly with regard to picketing. Fewer labor injunctions were issued.

Despite these favorable developments in the field of law, the year 1937 showed a long record of violence in strikes in the industries which resisted union organization. Most of the violence was directed against strikers in the little steel and automobile strikes. Violence in strikes dropped sharply after the summer of 1937. In the months previous up to July 1, twenty-four strikers and sympathizers were killed and 490 injured, according to press reports, chiefly on picket lines while not engaged in acts of violence. Ten of the deaths of strikers took place at the Republic Steel plant in South Chicago on Memorial Day. One police officer was killed (in an
A. F. of L. strike in Alcoa, Tennessee) and 70 officers were injured. One non-striking workers was killed and 31 injured. The figures are a fair indication of the proportionate violence by strikers and against them.

Some of the strife brought such disorder that troops were called out in eight strike areas during 1937; once only in 1938 up to June 1st. A notable exception to the usual strike-breaking by troops occurred in Monroe, Michigan in June 1937 when the governor sent the troops to protect union meetings against threatened attack by vigilantes.

The other areas policed by troops in 1937 were—Auburn-Lewiston, Maine, for two days in the Shoe strike. Burlington, North Carolina, cities in the Ohio Steel strike zone, Akron, Ohio, on two occasions, Ardmore, Oklahoma, in an oil company strike, Johnstown, Pennsylvania, in the steel strike and Alcoa, Tennessee, in the aluminum strike. The one instance in 1938 took place in Minneapolis, where an employer who was also a major in the national guard got out 25 men to police a strike at his own factory. A court of inquiry of the guard criticized him severely.

The Union published a pamphlet surveying the use of troops in strikes, entitled “Call Out the Militia,” by Walter Wilson and Albert Deutsch, advocating federal legislation to curb their misuse.

The menacing movements of vigilantes which gained headway in the little steel and automobile strikes were short-lived. All of the vigilante groups were temporarily organized by employers to do what they could not induce public officials to do. Some of the most flagrant cases of violations of civil rights are chargeable to them.

The Union was called upon to render services in many strike areas. Both the local committees and the
national office participated actively. In the shoe strike at Auburn-Lewiston, Maine, in the summer of 1937, Mr. Wirin, of the national office organized forces in Maine to help secure the release of six strike leaders, including Powers Hapgood, national organizer, and their Boston counsel, Sidney S. Grant, imprisoned for contempt under a sweeping injunction. Arthur Garfield Hays argued the case before another Justice of the Supreme Court, and secured the release of the men. Proceedings on the injunction have not yet taken place and will probably be dropped. In the course of the campaign a commission of inquiry was organized by the Union, headed by Representative Henry G. Teigan of Minnesota. Its activity and report together with delegations to state officials organized by the Portland Committee, checked the repression of strikers' rights.

When the situation got tense in Youngstown, Ohio, in the little steel strike in the summer of 1937, Mr. Wirin investigated, organizing a local committee of citizens who attempted to mobilize public opinion in support of strikers' rights against overwhelming propaganda for "the right to work." A similar investigation was made in Johnstown, where charges were widely heralded of extensive violence by strikers to property. All the charges fell flat when tried in court.

At the aluminum strike in Alcoa, Tenn., under A. F. of L. auspices, in the summer of 1937, a clash between strikers and police resulted in the death of one policeman, two strikers, and the wounding of 28 workers. An investigator was sent in by the Union from Chattanooga and a report published, followed by requests to the governor for an official investigation. The governor's answer was to send in troops to prevent further disorder. A grand jury probed the shootings but returned no indictments. Civil suits were instituted by the family of one of the men killed and are still pending.
At Elkland, Pa., company shoe town, reports of unlawful interference by officials with labor organization prompted the Union to send in an investigator. The State Bureau of Civil Liberties of Harrisburg also investigated, finding "conditions which are almost unbelievable in any civilized community." Among the civil rights violations reported by the Bureau were searches without warrant, bans on peaceful assembly, virtual peonage, deportation of union organizers, detention of strikers without hearings or bail, the use of Burns detectives as town police and the importation of professional strike-breakers. Conditions did not improve during the strike. The Bureau of Civil Liberties has prepared recommendations for the next legislature to invoke the State's authority against such local lawlessness.

At Gadsden, Ala., company controlled town, similar official lawlessness under pressure of employers prompted an investigation by the State Federation of Labor and other agencies, including the Civil Liberties Union. Their report was printed and widely circulated. Conditions are said to have somewhat improved.

Accounts of other violations of labor's civil rights in which the Union participated will be found in the reports of the local committees.

**Picketing**

With the decline in resort to injunctions, picketing in labor disputes has become freer. The decisions of the courts in picketing cases have shown on the whole a liberal tendency. The Civil Liberties Union's position on picketing recognizes the right of any and all persons to picket at any time or place for any purpose as a form of free speech, provided there is no interference with traffic, no disorder and no fraudulent signs. The right to picket was extended by a decision
of the United States Supreme Court upholding Negroes who sought to influence storekeepers in colored neighborhoods to employ Negro workers. The Court held that such picketing is protected by the federal labor injunction law. The case arose in the District of Columbia.

The most persistent campaign against picketing takes place in California where in many cities local ordinances are prohibitive. The Union assisted in appealing a ruling of a lower court upholding a restrictive ordinance in Berkeley. It was sustained on appeal. In Long Beach a new anti-picketing ordinance was passed prohibiting all picketing. A test case voided it. In San Jose the Superior Court prohibited all picketing in the absence of a strike. The Civil Liberties Union and the International Juridical Association joined in preparing a brief for the appeal now in the California Supreme Court. San Francisco over a year ago repealed by popular vote a stringent anti-picketing law. Efforts by initiative to adopt a new one failed. In Los Angeles a restrictive picketing law was vetoed by the mayor.

In Birmingham, Alabama, peaceful picketing was banned by the chief of police on the ground that "the very presence of pickets is an act of intimidation." The Union sought a test of the order, now in the appellate court.

Restraints on picketing in Jersey City were taken into the federal courts by the Civil Liberties Union and both A. F. of L. and C.I.O. unions. The cases are pending.

Interference with picketing for political purposes was incidental. Generally, police permit without interference picketing demonstrations before foreign consulates. In Washington, D. C., picketing before embassies was made an offense by Congress. The law was
taken into the courts by the Civil Liberties Union in cooperation with the American League for Peace and Democracy. The issue is pending.

Injunctions

LABOR injunctions were comparatively few, showing the salutary effects of the Norris-LaGuardia Act in the federal jurisdiction and the state labor injunction laws now in force in sixteen states. Despite the numerous strikes in the summer and fall of 1937, injunctions were rarely resorted to by the employers, apparently because of a feeling that the courts would be disinclined to grant them.

One injunction in Wisconsin against picketing in the absence of a strike was carried to the Supreme Court of the United States where it was set aside, and the principle established that picketing may lawfully take place whether employees of an establishment are on strike or not. In New Jersey a vice-chancellor held that a strike which has for its object the closed shop is unlawful and a contract providing for the closed shop is illegal and unenforceable. An appeal was taken by A. F. of L. unions to the state’s highest court, which upheld the injunction on other grounds, failing to pass on the closed shop.

In New York a Supreme Court justice in Brooklyn enjoined picketing and strike activities of a CIO maritime union on the ground that the state labor injunction law did not apply. The order was promptly set aside by another justice of the same court.

On the ground that strikes in hospitals are not protected under the New York State Labor Relations Act, an injunction was granted by a Supreme Court justice in Brooklyn to the Jewish Hospital against the
union of their employees prohibiting picketing or other strike activities. The Civil Liberties Union and the International Juridical Association filed briefs amicus curiae when appeal was taken. The higher courts sustained the injunction.

Two injunctions to restrain illegal police interference with civil rights were secured by counsel for the Civil Liberties Union, one at Houston, Texas and the other in New Jersey. The injunction restraining police interference with the strike of seamen in Houston was upheld by the State Court which declined to hear the city's appeal.

In New Jersey, Federal District Judge William Clark enjoined the officials of Jersey City from interfering with meeting, picketing and other activities of A. F. of L. unions. His temporary order was promptly stayed by a judge of the Circuit Court of Appeals, where the case was argued during the winter and where it is still pending. A new injunction proceeding against the Jersey City officials has been brought in the same court by the CIO and the American Civil Liberties Union.

In Polk County, Ark. where an extraordinary injunction was issued during the political campaign of 1936 prohibiting two Communists from making speeches or engaging in political activities, the Union's attorneys secured an order vacating it. The injunction had been so improperly issued that the court was obligated to void it.

**Mob Violence**

All of the instances of mob violence during the year took place in industrial strife and all involved labor organizations or strikers. No case of mob violence by
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strikers against non-union members came to the Union's attention, although some attacks by pickets on non-union workers in the steel strike were publicly characterized as mob violence in the press.

In Michigan, Henry Paull, attorney for the Timber Workers Union, was seized on the public streets of Ironwood on a summer evening in 1937, taken over the state line and left in Minnesota after being beaten. Investigations were undertaken by the Governor of Michigan and by the Federal Department of Justice. The Department of Justice maintained that there was no violation of the kidnapping statute. The investigation by the Governor of Michigan has yielded no evidence as to the assailants, but it is expected that a pending National Labor Relations Board hearing will indicate them. The Union posted a public offer of reward of $1,000 for information leading to the arrest and conviction of Paull's assailants.

In Dallas, Texas, in the summer of 1937, Herbert Harris and George Lambert, Socialist Party organizers, who were showing a film "Millions of Us," to an audience in a public park, were seized by a band of men at the conclusion of the showing, thrown into automobiles and taken out into the country where Lambert was beaten and Harris smeared with oil and feathered. Nine persons connected with unions were seized on the public streets at one time or another during the summer and beaten, among them George Baer, vice-president of the United Hat, Cap and Millinery Workers Union, C.I.O. affiliate. The Civil Liberties Union offered a reward of $1,000 for information leading to the arrest and final conviction of the assailants. Governor Allred offered a reward of $500 on behalf of the state. The Governor later sent in twenty-five Texas rangers after three California men visiting the Pan-American exhibition were beaten because they had C.I.O. stickers on their cars.

In Laurel, Mississippi, in the summer of 1937, two
C.I.O. leaders, Yelverton Cowherd and B. T. Garner, were forced out of town by local vigilantes. At Forrest City, Arkansas, J. R. Butler, president of the Southern Tenant Farmers Union, was attacked by a mob in September at the St. Francis County Courthouse where he attended the trial of a union organizer. The assailants, among whom was said to be a deputy sheriff, were not interfered with by the sheriff and a state ranger who looked on. Governor Bailey promised immediate investigation and threatened to invoke martial law. The Civil Liberties Union posted a reward of $1,000 for information leading to the arrest and conviction of the assailants, and supported civil suits in behalf of Butler for $10,000 damages, now pending in the courts.

At Elberton, Georgia, in August, two members of the Quarry Workers Union were kidnapped from their hotel rooms by masked men and taken across the state line to South Carolina. Agents of the Department of Justice investigated, as they did in the Michigan case, but apparently found no violation of the kidnapping law. At Crisfield, Maryland, on the Eastern Shore, in a strike of crab-pickers, Michael Howard, C.I.O. organizer, and Lief Dahl, organizer of the United Cannery, Agricultural and Packers Union, were forced to leave town under threat of death by a lynch mob of vigilantes who overturned and burned their car. Upon protest by the Civil Liberties Union Governor Nice declared that he would request the State's Attorney "to see that law and order was preserved." The violence ceased when the strikers won.

In Warren County, Georgia, in September 1937, a mob organized by local planters forced Negro workers at the point of guns to go into the cotton fields for wages far below what they were offered in neighboring counties. For a day the town of Warrenton was terrorized, the Negroes were taken to the fields and forced to work, al-
legedly under armed men. The Union and other organizations promptly sent in an investigator whose dramatic report was printed and widely distributed.

Jersey City

JERSEY CITY, open-shop town dominated by its Chamber of Commerce and Frank Hague, Mayor for twenty-five years, leader of the Democratic Party of the State and Vice-Chairman of the Democratic National Committee, took the center of the national stage in the fight for civil liberty. Long notorious for high-handed methods in dealing with union organizers and political opponents, the city authorities put up an uncompromising resistance to all public meetings which threatened to be critical of the Hague regime. Inspired by the organizing drive of the C.I.O., which began in the fall of 1937, the issues extending to meetings sponsored by the Civil Liberties Union, by the Hudson County Committee for Labor and Civil Rights, the Socialist Party and the Catholic Worker. Suppression took the varied forms of deporting "undesirable" persons, stopping and searching automobiles with "foreign" licenses, prohibiting the distribution of leaflets on the streets, intimidating hall owners, restricting the right of picketing to strikes approved by the police and denying pickets the right to carry placards or banners.

Although the C.I.O. maintains an office in Jersey City and has conducted limited picketing, its rights have been so curtailed as to prevent it from making headway. One small hall, whose owner is evidently not intimidated, has been available for public meetings which have been held without interference. Following one such meeting Arthur Garfield Hays, the Union's general counsel, spoke to an overflow crowd on the street without interference.

Following the U. S. Supreme Court decision voiding city ordinances requiring permits for literature dis-
tribution, the Jersey City authorities bowed to the court, and a field day of distribution followed, participated in by numerous organizations. But the city has not yet dismissed previous convictions for leaflet distribution pending on appeal in the courts.

One Hague opponent, James F. Burkitt, who attempted to hold a meeting in Journal Square without a permit, was arrested and convicted for using "obscene language" to the police, with a savage sentence of six months which he is now serving. Efforts to free him on bail while his appeal is pending have been unavailing. Another opponent of the Mayor, John R. Longo, a young official of a Catholic organization, who circulated a recall petition, was arrested for getting names fraudulently, tried, convicted and sentenced to nine months in jail. He has appealed.

The most promising single proceeding to restore civil rights in Jersey City is the action taken jointly by the Civil Liberties Union and the C.I.O. to secure a permanent injunction from the Federal District Court preventing interference with civil rights. The Union sought one such injunction from Federal Judge William Clark last year in cooperation with A. F. of L. unions denied the right to picket. Judge Clark issued a temporary order which was at once stayed by a judge of the Circuit Court which has the case on appeal. The new injunction suit, in which Morris L. Ernst represents the Union, is based on an application for a permanent injunction which is unlikely to be stayed pending appeal.

Efforts have also been made by the Union to get the federal Department of Justice to act under the civil rights statute, to induce the Senate Committee on Civil Liberties to undertake a thorough investigation, and to urge the Democratic National Committee to dislodge from his post as vice-chairman a man so obviously out
of harmony with the New Deal which the Committee supports.

When Mayor Hague published in the press a photostatic copy of a letter sent by the Civil Liberties Union to those engaged in the Jersey City campaign, the Union charged that the letter had been unlawfully taken from the mails, and appealed at once for a Post Office investigation. The matter was presented by the postal inspectors to the Federal Grand Jury at Newark, which after hearing Mayor Hague for an hour refused to indict. Mayor Hague maintained that he did not know where he got the letter.

**Prosecutions**

Prosecutions involving political or economic views have practically ceased in the past two years. No case was brought to trial and only two were threatened. In Danville, Ill. three men were held for the grand jury on charges of sedition as a result of alleged radical activity among the miners. An indictment is unlikely. The other case in New York involved an anti-Semitic pamphleteer, Robert Edward Edmondson, charged under the libel laws with defaming the Jewish race and religion and several persons individually. Before the case was brought to trial in the spring of 1938 the Civil Liberties Union and several Jewish organizations filed petitions with the court urging dismissal of the case on the ground that a prosecution for expression of opinions, however obnoxious, was unwise. The charges were dismissed.

**Political Prisoners**

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 nor was
there any such prisoner convicted last year. A consider-
able number were sentenced for short terms but almost all of them were released during the year. Among those not released are two prisoners sentenced in Jersey City, John R. Longo, a young Catholic opponent of Mayor Hague, convicted and sentenced to nine months for an allegedly fraudulent election petition, and James F. (Jeff) Burkitt, who attempted to hold a meeting without a permit in Journal Square and was sentenced to six months for using obscene language to the police. Two young men, members of the Young Communist League, convicted at McKeesport, Pa., in 1934 for "inciting to riot" were freed in 1937 from short prison sentences, one on completion of his term and the other upon intercession of the Pardon Board.

One defendant convicted in a case some years ago, and who had jumped bail, was apprehended and sent to prison during the year. He was Fred E. Beal, convicted in the Gastonia N. C. strike cases in 1929.

Those in prison serving terms of a year or over are:


2. Ray Becker, last of the Centralia, Wash., I. W. W. prisoners dating from 1920, who refuses a parole and whom the governor refuses to pardon, serving a 25 to 40 year sentence.

3. Five of the Scottsboro boys imprisoned in Alabama, one sentenced to death, one to 99 years, two to 75 years and one, for assaulting a deputy sheriff, 20 years.

4. Four miners serving life sentences in Kentucky on charges of murder growing out of a clash between strikers and deputy sheriffs in 1931.
5. Two men serving 45 to 60 year sentences for being present at the fatal Gallup, N. M. riot in 1935.

6. Eight members of the Nationalist Party of Puerto Rico serving sentences at Atlanta of 6 to 10 years for seditious conspiracy.

7. Fred E. Beal, serving a 17 to 20 year sentence in the penitentiary at Raleigh, N. C. for conspiracy to murder the Chief of Police of Gastonia, N. C.

Most of these twenty-three prisoners through defense agencies or friends have endeavored during the year to win their freedom. Tom Mooney's case has been before the California Supreme Court on application for a writ of habeas corpus which was denied, appealed to the U. S. Supreme Court. Warren K. Billings is prevented from applying to the courts by a constitutional provision which permits the Governor alone to free a man twice convicted.

Ray Becker is making efforts through counsel to get a court review of his conviction.

The cases of four of the five remaining Scottsboro boys in which the State Supreme Court affirmed the convictions, will go before the governor for executive clemency.

The campaign for pardons for the four Kentucky miners has resulted in a promise of review by the Governor of Kentucky who has during his term of office refused to pardon any prisoner.

Appeals for executive clemency are being prepared for the two Gallup, N. M., miners serving sentences.

The Puerto Rico Nationalist prisoners decline to make applications for pardon, but it is expected that friends will apply on their behalf.
A special committee has been organized to work for the pardon of Fred E. Beal.

This small list of twenty-three prisoners serving a year or more is exclusive of a larger number commonly so classified by other agencies which include all working class prisoners on any charge growing out of labor activities. Several score such prisoners are listed as serving a year or more. Hundreds of convictions with short terms took place during strikes all over the country, but they were fewer than in former years.

The defense work for some of the leading political prisoners continues in the hands of united front committees, notably the Scottsboro Defense Committee representing six organizations; the Kentucky Miners Defense, six; and the Committee for the Defense of Civil Rights in Tampa, Fla., representing sixteen organizations engaged not in defense but in prosecuting the assailants of three organizers of the "Modern Democrats" in 1936. The work in behalf of Tom Mooney and Warren K. Billings is handled exclusively by the Mooney Molders Defense Committee in San Francisco.

Police Lawlessness

The third degree and police brutality to prisoners mark so many police departments in the United States that it can be assumed that scores of cases arise, few of which come to public attention. Conspicuous among the issues during the year were the killing of a young Negro altar boy in Miami, for which the grand jury refused to indict the policemen; the beating up of the secretary of the Cleaners and Dye House Workers Union at St. Louis when in the hands of the police, covered in the report of the St. Louis Committee; the case of a Negro boy in Chicago reported by the Chicago
committee, and the several cases called without success to the attention of the police commissioners in Los Angeles and New York.

Damage suits against the police for the third degree brought in Los Angeles and Chicago failed as usual to produce results because of the tendency of the authorities to sustain the police against charges by prisoners. In New York State the Union attempted to get relief by introducing again in the legislature bills aimed to curb the third degree. They got an even less favorable reception from the legislature than a year ago.

The behavior of the police in strikes has on the whole improved as the federal and state labor relations boards have extended their jurisdiction. But in many cities still the old hostility of police and strikers persists under the pressure of anti-union employers.

In Memphis the chief of police backed by the Mayor issued an edict against the activities of "outside" CIO organizers. Norman Smith, auto workers organizer who defied the lawless edict was twice beaten. The Civil Liberties Union offered $1000 reward for the arrest and conviction of his assailants, and endeavored to get the governor to intervene against the Memphis political machine. This the governor declined to do.

In San Antonio under a corrupt political machine the police lawlessly raided the Workers Alliance headquarters, violently attacked the pickets in a pecan sheller's strike and raided a workers' school among the Mexicans. Suits on behalf of the Workers Alliance have been filed by attorneys for the Civil Liberties Union. The Union's attorneys endeavored to enjoin police lawlessness in the pecan strike as they had effectively done in Houston a year ago. The courts refused relief.

In New Orleans where the city administration, holdover of the Huey Long regime, is responsive to lo-
cal "patriots," the police among other acts of repression raided the People's Bookstore and seized five thousand books and pamphlets, later returned when the prosecutions were dropped.

In Portland, Oregon an exceedingly active red squad of the police department engaged wholesale in lawless activities against radicals and trade unions. Their colorful activities, sources of outside income and secret alliances with employers, were exposed in a printed report by the Portland chapter of the Lawyers Guild. Efforts to get the squad abolished have so far failed, although its activities have been curtailed.

Trials of the Tampa police for the kidnapping and flogging of three members of the Modern Democrats in 1936, which resulted in the death of one of them, were concluded in the courts. Convictions of five policemen on one indictment were set aside on a technicality by the Supreme Court of Florida. On another indictment five policemen were ordered acquitted by the trial judge on the ground that the state had not proved their presence at the crime. Retrial under the order of the Supreme Court of the five policemen originally convicted resulted in acquittal.

The Right of Assembly

Few cases arose involving denial of the right to hold meetings in private halls, public buildings, on the streets or in public parks. Although restrictions on such meetings prevail in one form or another in many parts of the country, cases seldom arose because those organizing meetings, denied the right to meet in one place usually arranged for another. Only a few cities have set aside any recognized areas where public meetings may be held without permit. Only a comparatively few cities permit meetings to be held on the public streets without permit.
Public school buildings, increasingly used for public meetings, are usually carefully regulated by the boards of education and commonly closed to meetings likely to arouse sharp criticism or opposition. The issue of the use of public school buildings by labor and left-wing organizations arose in a number of cities on the Pacific Coast and is covered in the local committee reports. In Austin, Texas, the school board cancelled a permit for a meeting to be addressed by Roger Baldwin. The meeting was held in the University Chapel. In Richmond, Va., public school buildings closed to Communists since the 1936 campaign were reopened by order of the Board of Education after eighteen months.

In only one large community in the United States, as far as we are aware, are practically all meeting places closed to organizations opposed by the authorities. That community is Jersey City. While private hall-owners are theoretically free to rent, only one of them with a small hall dares to do so. Public buildings, parks and street locations for meetings are closed to any organization regarded as radical. A suit in the federal courts, brought by the CIO and the American Civil Liberties Union jointly is in process of trial to determine the right of the city authorities to deny public meeting places. In other parts of Hudson County under the political control of the machine of Mayor Frank Hague, meetings are held only with difficulty. When a public meeting place in Bayonne, N. J. was closed to Roger Baldwin, the rector of Trinity Episcopal Church opened his parish house, the only available meeting place in the city. In Union City and Hoboken in the same county, difficulties in getting private halls for meetings dealing with the Jersey City issues have been constant.

Public parades, always subject to control by permit, have been prohibited, so far as our records show,
only in one city, Tulsa, Okla., where an extraordinary decision of the city authorities denied to the Christian Youth Council the right to parade on Armistice Day on the ground that the day was reserved to war veterans. In New York City a parade by the German-American Bund in brown shirts, carrying swastikas was held just before the election despite heated protest by Jewish and radical organizations. Mayor LaGuardia declined to revoke the permit, assuring the protestants that he would furnish sufficient police protection to insure against disorder. Protection was sufficient; the parade numbered some 800 and the police over 1000.

Aliens

Although anti-alien sentiment is unabated, few cases arose either of refusals of entry to the United States or of deportation for political opinions, or of denial of citizenship on political grounds. Hundreds of aliens ordered deported in non-criminal cases have been permitted to remain in the United States when they have American born wives or children, pending action by Congress on the Department of Labor’s bill to grant discretion not to deport. The bill does not affect aliens holding proscribed political views. But a case no won appeal to the United States Supreme Court raises that issue through a decision by the Circuit Court of Appeals at New Orleans that mere membership in the Communist Party is not a deportable offense. On the outcome of that case depends the deportation proceedings against Harry Bridges, West Coast maritime leader, and a number of other Communists.

In the cases of two alleged anarchists, Domenick Sallitto and Vincent Ferrero arrested in Oakland, California four years ago, the Department of Labor after a rehearsing finally dismissed the warrant against Sallitto
on the ground that there was no proof in the record of anarchist views. A bill introduced in Congress to stay the deportation of Ferrer brought hearings but no recommendation from the committee. Meanwhile the deportation is stayed.

In Los Angeles an anarchist editor, Marcus Graham, was arrested on a deportation warrant dated in 1919. The Southern California branch took his case into the courts at once on the ground that the age of the warrant voided it. While the judge agreed, he sentenced Graham for contempt for refusing to answer questions as to the place and date of entry. Graham, after serving a short term in jail, was freed on bail while his case is on appeal.

The Union aided in getting permission to remain temporarily in the United States for René Belbenoit, author of "Dry Guillotine," a moving account of his experiences as a prisoner in French Guiana. Upon his escape he made his way to the United States where he entered illegally. The Department of Labor has permitted him to remain pending the receipt of an expected pardon from the French government.

Both the State and Labor Departments made difficulties for Harold Pritchett, Canadian-born president of the International Woodworkers of America, a C.I.O. union. Pritchett's application for a permanent visa was denied on the basis of evidence not disclosed. Pritchett is permitted to remain in the United States only on extensions of temporary permit. The Union has intervened with the Labor and State Departments for admission as a permanent resident.

When William Gallacher, Communist member of the British Parliament, applied for admission to the United States as a visitor to the Communist Party Convention in the spring of 1938, the American consul in
London refused him a visa. He had been similarly refused admission last year when in Canada, though he desired only to visit relatives. The Union unsuccessfully urged the State and Labor Departments to admit him. Despite the ban on Gallacher, official delegates from Communist parties in other countries were present at the convention.

Following the President's appeal for a generous international policy toward political refugees, the Union urged upon the Secretary of State the easing of the present restrictions, through instructions to consuls abroad permitting the lowering of the requirements of cash, acceptance at the point of application of bonds to insure against aliens becoming public charges, and waiving of the requirements for police certificates. The State Department responded sympathetically, but no action has as yet been taken.

Difficulties with naturalization on grounds of opinion concerned chiefly aliens who decline to bear arms in the event of war. In Florida, a 72 year old woman, American-born but married to a German, was refused repatriation because of her pacifist attitude. She declined to appeal. In Michigan a similar case has been in the courts for several years involving Rebecca Shelley, who has taken an appeal to the Circuit Court. The Supreme Court of the United States declined in April, 1938, to review denial of naturalization to another alien pacifist Rev. A. Warkentin, a Mennonite. The Civil Liberties Union published a pamphlet recounting the facts of these recent cases under the title "Citizenship for Alien Pacifists."

The only case involving political views raised the issue for the first time of the political orientation of the International Workers Order, a fraternal organization composed largely of the foreign-born. A court in Cleve-
land denied citizenship to two members on the ground that the Order was Communist-controlled. Steve Hanus, one of the men, appealed to the Circuit Court, which dismissed the case on technical grounds. The other man, Dominik Stevko, prepared a new petition for citizenship in the federal court at Cleveland where it is pending. The Solicitor of the Department of Labor has held that membership in the I.W.O. is not a barrier to naturalization.

The Rights of Communists

In sharp contrast to preceding years, no proceedings against Communists for political activities took place in 1937-1938, continuing the tendency reported the year previous.

The only cases in the courts involving Communists covered cases held over from previous years. Three of them involved aliens ordered deported. One decision freed eight defendants in a criminal syndicalisms case in California. An injunction issued during the election campaign in 1936 prohibiting Communist speeches in Polk County, Ark. was vacated during the year by efforts of the Union. A ban on Communist meetings in the Richmond, Va. public schools, also imposed during the election campaign, was lifted by action of the Board of Education.

Most significant of the decisions affecting the rights of Communists was that of Judge Hutcheson speaking for the Fifth Circuit Court of Appeals at New Orleans, setting aside a deportation order against Joseph Strecker, former Communist Party member who had resided in the United States 25 years. The court held that mere membership in the Communist Party does not justify deportation under the law. Since the decis-
ions of other courts have been to the contrary, the Department of Labor at once appealed the case to the U. S. Supreme Court where it will be presented in the fall. Few Communists are held for deportation, and in those cases deportation is suspended until the decision in the Strecker case.

Not a single Communist is in jail for political activity anywhere in the United States, and only the Strecker case involving a Communist is in the courts. The cessation of prosecution of Communists is due in part to favorable decisions of the U. S. Supreme Court, and in greater part doubtless, to a shift in attack by repressive forces to the militant unions of the C.I.O. The changed tactics and program of the Communists is doubtless also a contributing factor.

The propaganda against Communists and Communism is of course incessant, but it is directed primarily not against the Communist Party but against progressive and labor movements characterized as Communist in order to discredit them. In New York City a furore was raised by the appointment of a Communist to a minor public office by the Borough President of Manhattan. Efforts were made by veteran, Catholic and other organizations to compel his dismissal, but without success. The opposition went to the length of court proceedings, charges against the Borough President lodged with the Governor, and a bill, passed by the legislature, denying public office to any person advocating the overthrow of government by violence. The Governor vetoed the bill. The Union supported the right of Communists as members of a legal political party to hold public office. Fifteen distinguished liberals at the Union’s instance expressed to the Borough President their support of his refusal to dismiss a man because of political beliefs.
The Rights of Nazis and Klansmen

The activities of the German-American Bund, pro-Nazi organization of American citizens of German descent, brought it into conflict with the officers of the law, responding to pressure by anti-Nazis. The activities of the Bund are largely confined to a few cities with large German populations and to rural recreation camps in their vicinity. Charges that the Nazis were engaging in military drill with arms were frequently made and were finally investigated by the Department of Justice. The Department's report has not yet been made public but a preliminary statement indicates that the Department found no violations of federal law and no drilling with arms.

Hostility to Nazis has resulted in preventing assemblages in several cities through pressure on hall-owners. In a few cities public parades were prohibited. When the Kenosha, Wisconsin City Council revoked a permit to parade, granted to the Volksbund, the Union protested, though without avail. The demonstration was held indoors. In New York pressure on the Mayor to revoke a similar parade permit was unavailing. The Union supported the Mayor's stand. In St. Louis opposition to a Volksbund convention in city buildings and to a street parade brought a cancellation of plans. The St. Louis committee supported the Volksbund's right to peaceful assemblage.

Acts of violence by uniformed storm troopers of the German-American Bund were confined to two incidents in New York—one an attack on Veteran hecklers at a Bund meeting; the other the beating up by storm troopers of an anti-Nazi editor. Both are under investigation by the prosecuting officers.

An investigation to determine the extent of Nazi and fascist propaganda in the rural press was undertaken
by the Union early in 1938. Nearly five hundred newspapers published in every part of the country were examined. In addition, a questionnaire was addressed to members of the Union both in rural and urban areas in close touch with local developments. Correspondents in thirty-nine states answered the questionnaire.

The survey of the press revealed a decided anti-Nazi and anti-fascist slant on the part of the editorial writers. A similar attitude in the news columns was evident. While pictures and stories having news value in connection with the fascist and Nazi countries find their way into the American press, the Union can say, as a result of the survey, that the number of articles identifiable as Nazi and fascist propaganda is negligible.

The questionnaires yielded reports of bunds in widely separated parts of the country, some professors and radio stations dedicated to either the fascist or Nazi cause and a slight indication of a rise of anti-Semitism as a result of these activities.

The only incident involving the rights of the Ku Klux Klan arose in Toledo, Ohio where an application for a public parade was denied. The Union protested the denial but withdrew it when it was discovered that the parade was to be masked. The Union does not support the right to parade with masks.

**Negroes**

While the defense of Negro civil rights is handled by the National Association for the Advancement of Colored People, the Union occasionally aids that Association or becomes locally involved in some case. The Association and the Union are jointly attacking the denial of the right to vote to the large Negro population in Wagoner County, Oklahoma. One test case in the federal courts is pending.
The defense of the Scottsboro boys is handled by a joint committee representing seven organizations. The committee was confronted with a new trial of seven of the nine boys in the summer of 1937. They were again convicted and sentenced, one to death, one to 99 years, one to 75 years, and one, charged with assaulting a deputy sheriff, to 20 years. Four of the boys were dramatically freed by the State at the conclusion of the trials on the ground that the prosecuting witness was wrong in identifying them. Since the only evidence against the other five was her word, the State's case obviously collapsed. Appeals were taken for the other boys, argued in the Supreme Court of Alabama, and adversely decided in May, 1938. Pardon applications are being filed with the governor. The decision of the United States Supreme Court in denying a review of the previous conviction of Haywood Patterson closed the doors to further appeals to the federal courts.

In Miami, Florida, when a Negro boy of fifteen, Stafford Dames, Jr., was shot and killed by policemen who assumed he had robbed a church, the Union at once investigated through a Florida representative, Frank McCallister. The investigation showed that the boy was accused of robbing the church at which he served as altar boy. Both the coroner's jury and the grand jury exonerated the police. Recommendations for civil suits against the three policemen, their discharge and the replacement of the chief of police by one better fitted to handle race issues, all came to nothing.

In Covington, Kentucky, a Negro, John Montjoy, for whom the Cincinnati branch had made valiant efforts to get a retrial or pardon was hanged.

Lynchings have dropped to the lowest record in years, doubtless due to the fear of passage of the federal anti-lynching bill. Eight Negroes were lynched in the
year 1937—four of them after June 1st. No lynchings have taken place in 1938, making the total for the year June 1, 1937 to 1938, four. A score of threatened lynchings were prevented by increased vigor on the part of law enforcement officers, doubtless an effect of the campaign for a federal law.

Censorship

Chief among the incidents involving censorship of motion pictures, the theatre, radio books and periodicals were the bans on the motion picture "The Birth of a Baby" and the photographs from it in a number of LIFE; interference by state boards and the police with the showing of pro-Loyalist Spanish films; and the Federal Communications Commission's first open assumption of censorship in condemning a National Broadcasting Company's sketch featuring Mae West and Charlie McCarthy.

None of the anti-censorship bills promoted by the Union in Congress moved at all. Opposition by the Post Office Department prevented action on the bill to substitute jury trials for the present one man censor. Opposition both by the radio companies and the Administration prevented action on the bills for freedom of the air and for a congressional investigation of radio.

In Boston, home of the purest censorship in the country, the Police Department instituted a new form of control by reviewing in advance of sale all magazines offered on newsstands, removing those objectionable to police morality.

Films

Of the seven official State Boards only three — New York, Pennsylvania and Ohio — raised issues which were contested in the courts.
In New York, the Board banned the film "The Birth of a Baby", shown in most states without interference, and an imported French film "Remous" handled for the importer by Arthur Garfield Hays. Both cases are in the courts.

Pennsylvania took the lead with orders against "Spain in Flames", "Spanish Earth", "Baltic Deputy", a Soviet film, and a pro-labor film "Millions of Us". Brought into court in Philadelphia on "Spain in Flames" the judge held the film a newsreel and therefore outside the Board's power. Governor Earle with a committee of fifty had viewed the newsreel and upheld the Board of Censors on the ground that the picture was propaganda to encourage enlistments in the Spanish Loyalist army contrary to American law. After the judge's decision the picture was released.

The ban on "Spanish Earth" was based on "scenes of horror", it was reversed through pressure by the Governor before the case could be taken to court. When the labor film "Millions of Us" was banned, an appeal for rehearing enlisted the Governor's interest, and he ordered the picture released. "Baltic Deputy", Soviet film barred by the Board on the ground of admitted prejudice against Communism, was taken into court in Philadelphia by the distributors where Justice Curtis Bok ordered the film released. The Board of Censors got out an injunction, and the film has not yet been released for public showing.

In Ohio, where "Spain in Flames" was also banned, the Union went into the courts for a mandamus order, which was denied. Appeal was taken to the Supreme Court which held on technical grounds that it could not review. The Union also sued for a writ of mandamus when the film "Millions of Us" was barred. The proceeding is still pending.
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It is to the credit of the Pennsylvania and Ohio boards that they did not bar the showing of the film "Birth of a Baby".

Police censors of films in states without censorship boards barred "Spain in Flames" in Hartford and Waterbury, Conn., where appeals to the courts were unavailing. "Heart of Spain" was barred in Fall River, where a suit for damages is pending against the authorities. It was barred also in Brockton and Worcester, but protests overcame the ban. In Detroit, the film was shown only after the courts enjoined interference. "Spanish Earth" was banned in Providence, Rhode Island, on the ground that remarks by the commentator, Ernest Hemingway, criticized "friendly powers" (Germany and Italy). Efforts to get into court were fruitless.

Protests by representatives of the German government against the March of Time film "Inside Nazi Germany" resulted in abortive police action in several cities. In Chicago, the film was released only after widespread pressure organized by the Chicago Civil Liberties Committee. The Paramount film on the so-called riot at the Republic Steel Company plant on Memorial Day, at first suppressed and then released generally, has never yet been shown publicly in Chicago.

Radio

While censorship by station managers continues as a part of the accepted set-up, The Federal Communications Commission which disavows censorship — and from which, in fact, it is prohibited by law—for the first time assumed such powers in criticizing a National Broadcasting Company sketch featuring Mae West and Charlie McCarthy. The Commission announced that it would take into consideration in considering of renewal of licenses the character of programs. The Civil
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Liberties Union protested this announced assumption of power by the Commission, and as far as we know, it has not been exercised.

While no cases of censorship by station managers came to public notice it is a matter of common knowledge that the networks do not sell time to labor unions in order to avoid being drawn into industrial strife; nor do they, it is true, sell time to employers' associations. But the inequity of the situation is plain, for employers are able to get across their propaganda on commercial programs.

The Union endeavored to push in Congress bills which would correct this inequality of opportunity to reach the public. No hearings, however, were held in the face of opposition by the companies and politicians desirous of retaining the good will of the radio industry. Senate and House resolutions for sweeping investigations of the radio set-up and of freedom of the air died in Congress though reported favorably. The Civil Liberties Union worked actively for their passage. The Federal Communications Commission has announced its own investigation covering some of the issues on which the Union has been long campaigning.

Post Office Censorship

Despite the Post Office Department's wide powers of control over the mails only a few trivial actions were taken excluding matter from the mails on the ground of their character. Postcards sent by a strike committee in the Little Falls, N. J., laundry strike were banned as defamatory. One issue of the magazine Ken was declared non-mailable on grounds of "obscenity." A proceeding against the Post Office Department is still pending in the courts of the District of Columbia involving a book "Nudism in Modern Life," held unmailable in 1934.

The bill to transfer the power of censorship from a single solicitor to juries in the courts, a system success-
ful in dealing with matter imported from abroad, remained in Committee in Congress. So, too, did the Post Office Department bills to increase the powers of censorship by prosecuting recipients as well as senders of "obscene or seditious matter."

**Theatre**

New York as the greatest theatre town of the country enjoys comparative freedom of the stage although the system of granting and renewing theatre licenses remains as a constant threat of censorship. Burlesque houses have been outlawed by the device of refusing to renew their annual theatre license. Though the law provides that a license may not be revoked because of the character of the performance save after a conviction in the courts, no such restriction applies to renewals. Efforts to get the courts to so apply it have been fruitless. In New Orleans "Tobacco Road" was banned by the police before its run began. Proceedings were at once instituted in court where an order was issued enjoining interference with the opening performance, but conceding that after that the police might act. The show opened and ran for three weeks without interference. No case of stage censorship arose in Boston where regulation of the theatre was liberalized by law two years ago following the controversy over "The Children's Hour."

**Books and Periodicals**

Interference with the distribution of only one book was reported during the year, Ernest Hemingway's new novel "To Have and To Have Not." Barred from general distribution in the libraries of Queens, New York City and Detroit, it was also banned from Detroit bookstores by order of the prosecutor. Two booksellers have defied the order by seeking injunctions in the courts. A nation-wide furore was created by publication
by *Life* magazine of still pictures from the film "Birth of a Baby" in the spring of 1938. At once the police in scores of cities barred its sale. Taking the issue into the courts, a distributor won a court order against the police in New Haven. The publishers won a test case in the Bronx. A distributor in Boston was convicted. In most of the cities where the ban was imposed action could not be organized quickly enough to overcome the police, and the magazine was sold out so quickly that it became academic.

In Boston complaints as to the indecency of a few magazines led to a general police censorship of all magazines sold on newsstands. Under the arrangement three police censors pass on all periodicals in advance of sale. Efforts to find a distributor willing to test the unlawful police censorship in the courts have been unsuccessful.

**Freedom of the Press**

Although the cry of freedom of the press was continuously raised by the anti-Administration newspapers during the year to give point to one claim or another of governmental pressure or inference, no bona fide issue arose except in the distribution of leaflets on public questions.

The decision of the U.S. Supreme Court in the spring of 1938 voiding a Griffin, Georgia ordinance prohibiting distribution of literature without a permit was a long step ahead toward freedom of the press at its greatest point of restriction. For years the Civil Liberties Union has endeavored to upset the numerous restrictive ordinances, which commonly make no distinction between commercial handbills and leaflets on public issues. The Union filed a brief in the Supreme Court in the Griffin case in support of its contentions.

The decision had at once a salutary effect all over the country, though in many jurisdictions the local courts have not yet caught up with it.
Before the Supreme Court decision in New Jersey the Supreme Court set aside a conviction in Edgewater under a handbill distribution ordinance. In Ashland, Ohio, also before the Supreme Court decision, the mere exhibition of an opinion by the Union's counsel against the legality of a handbill ordinance persuaded the city officials to retreat. In New Orleans two Socialists arrested for distributing leaflets charged "with attempting to incite a riot" were later freed of charges. In Texas a local political paper "Pensions and Politics" critical of the governor ran foul of the loyalties of state rangers who confiscated three thousand copies. When the Union appealed to the governor he ordered the papers returned and interference stopped.

In Congress Senator Sherman Minton, chairman of the Senate Committee Investigating Lobbying, obviously stirred by newspaper criticism, introduced a bill to revoke the mailing privileges of any newspaper knowingly printing falsities, The Union joined publishers and others in scoring the bill as too grotesque an attack on freedom of the press to be seriously considered. Senator Minton announced that he would not push the bill.

**Freedom in the Schools and Colleges**

So fearful are the educational authorities of raising issues of academic freedom which always result in unfavorable publicity, that few cases have arisen. But the pressure on teachers to conform to standards of patriotic loyalty is incessant. Few teachers by their activities outside the class room or by their teaching in it lay themselves open to attack either by educational authorities sensitive to outside pressures or by the professional patriots who so jealously guard education from "radical" infection.

Only two cases which arose in the public schools
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came to the Union's attention, one the dismissal of three teachers from the Flint, Mich., public schools, allegedly for promoting the Teachers Union and displaying pro-labor sympathies during the General Motors strike. The Board of Education called them "inefficient, disloyal, non-cooperative". One of the teachers had taught for sixteen years and one for ten. Investigations were undertaken by committees of the National Education Association, the Progressive Education Association and the American Federation of Teachers. Appeal to the Michigan State Department of Education was made, backed by the Academic Freedom Committee of the Union.

The other public school case was a holdover in California, the dismissal of Victor E. Jewett from the Eureka public schools for alleged advocacy of radical views. His attempt in the courts at reinstatement was carried to the Supreme Court of the state which sustained the lower courts and the school board. He retained however his teaching license.

An effort to test in the Connecticut courts an apparent violation of the tenure law by the New Haven Board of Education failed when the teachers declined to make a court fight. Thirteen teachers had been refused reinstatement after taking required two-year maternity leaves.

In the colleges only one new case arose, that of the dismissal of Prof. John C. Granbery from Southwestern University at Georgetown, Texas. No reason was given by the college administration, but it was long understood that his liberal activities had marked him for trouble. The American Association of University Professors is investigating his case.

Prof. Philip O. Keeney, dismissed by the University of Montana from his post as librarian for "unsatisfactory services" sued in the courts for reinstatement under
the tenure law. He charged that he was dismissed because he organized a local of the American Federation of Teachers. The court ordered the university to reinstate him, and the university has appealed. The Civil Liberties Union filed a brief as amicus curiae in the district court.

At Harvard University a committee of nine professors appointed by President Conant to review his action in giving two-year concluding appointments to two instructors in the economics department, Alan R. Sweezy and Raymond Walsh, reported that their pro-labor views and activities played no part in the action. They recommended reinstatement to regular three-year terms for the two men because of a misunderstanding between the economics department and the administrative officers of the University as to the men's status. President Conant declined to reinstate them.

When a storm arose in the press over the appointment of Dr. Granville Hicks as a tutor at Harvard because of Mr. Hicks' membership in the Communist Party, the Committee on Academic Freedom expressed to President Conant its warm approval of an appointment made regardless of political belief.

In Kansas an attempt was made in the legislature to investigate alleged radical activities at the University of Kansas. It was defeated by the united opposition of the students, the press and strong elements in political life.

At Columbia University President Nicholas Murray Butler sprang a new censorship rule in prohibiting a student meeting to be addressed by Robert Burke, expelled Columbia student scheduled to make a speech on "Communism in the CIO". President Butler laid down the rule that no outside speakers would be toler-
ated who were regarded by the university authorities as "undesirables". Student and other protests against the ruling were unavailing. Burke, who had pending in the courts a suit for reinstatement brought through Arthur Garfield Hays, finally dropped the suit as hopeless.

No further legislation restricting freedom of teachers was passed nor was any repealed. Efforts were made to repeal the teachers' loyalty oath laws in Massachusetts and New Jersey without success. A loyalty oath bill applying to teachers and other public servants in Louisiana was defeated.

Affecting both freedom in the schools and freedom of conscience is the issue of the refusal to salute the flag on religious grounds, confined so far to the members of the sect of Jehovah's Witnesses. Scores of children of members of this sect have been expelled from public schools all over the United States, and obliged to find means of private instruction. The Civil Liberties Union has aided in taking cases into the courts in half a dozen states. Two of them finally got to the Supreme Court of the United States during the year. The court refused to review either case on the ground that no substantial federal question was involved. The decisions in effect mean that legislatures by law and school boards by rule may require children to salute the flag on penalty of expulsion. The only relief is either to induce legislatures or school boards to reverse their positions or to get favorable decisions from the state courts. Many school boards excuse the children of this sect from the exercises.

In Massachusetts an unsuccessful attempt was made to get the legislature to pass a bill specifically recognizing the right of such children to be excused. In New Jersey a bill was introduced and defeated which would make criminal any attempt to influence children
not to salute the flag. No state supreme court has upheld the right of children to be excused from flag saluting. The Court of Appeals at Sacramento, Cal., and a federal judge in Philadelphia have done so but the school authorities have appealed. A case is pending on appeal in New York where parents were convicted at Lake Ronkonkomo, L. I., for not sending their children to school, although they had been expelled.

Efforts are being continued by attorneys for the Civil Liberties Union in cooperation with counsel for Jeheova Witnesses to push in the state courts every case which arises.

Colonies

Although civil rights of the natives are an issue in Guam and Samoa, both under naval rule, Puerto Rico has dramatized during the year the acute conflicts inherent in colonial administration. Following the report of the commission of distinguished Puerto Ricans, who with Arthur Garfield Hays as chairman, investigated the so-called riot at Ponce on Palm Sunday in 1937, a virtual fury of opposition broke out in the islands against the Nationalists, the independence advocates, and those like the Civil Liberties Union who supported their rights. The emotion of the movement was due to the determination of the officials to protect the insular police against charges that they had massacred Nationalists without provocation. Voluminous reports were made to Congress and to the administration by the Governor, whose military record and position make him unsympathetic with civil rights for opponents of American rule. Due to the pressure on supporters of civil rights, the Puerto Rican Association for civil liberties, found after the Commission’s inquiry, has been ineffective against the overwhelming opposition. Penalties upon witnesses who testified before the Commission
were immediate and vigorous. University professors who testified were denied summer appointments, and one was dismissed from the University. On teacher in a high school who had testified was relieved of her job. Others were intimidated into silence.

When the cases were tried against ten Nationalists charged with killing two policemen, who were shot together with twenty demonstrators, they were acquitted by the jury. Two policemen indicted were similarly acquitted, leaving the inference that nobody was responsible for the killings.

Efforts to get the administration at Washington to set up an impartial inquiry committee to go into the whole status of Puerto Rico in relation to the United States proved wholly unavailing against the opposition of the Governor and officials of the Bureau of Insular Affairs. Similar efforts to get a congressional inquiry proved fruitless.

In the light of the need for pressing upon American public opinion a definite settlement of the relation of Puerto Rico to the United States and to help civil liberties, a "Committee for Fair Play to Puerto Rico" was formed by the Union with Oswald Garrison Villard as chairman and Earl P. Hanson as secretary.

The Union assisted counsel for the Puerto Rican Nationalists, convicted two years ago of sedition, in their unsuccessful effort to get the United States Supreme Court to review. A brief amicius curiae was filed by the Union. The eight prisoners serving six year terms at Atlanta decline to apply for pardons, but it is expected that friends will apply on their behalf.

Efforts in Congress were unavailing to get any attention for bills providing for a civil form of government for Samoa and for citizenship for the inhabitants of Guam.
Fingerprinting

SO EXTENSIVE has become the drive for fingerprinting that to help counteract it the Union printed and distributed widely a pamphlet entitled "Thumbs Down:— the Fingerprint Menace to Civil Liberties" describing in detail the campaign and the forces behind it. The Union opposes all compulsory fingerprinting except in cases of persons convicted in the courts or in occupations requiring licenses. It opposes so-called voluntary fingerprinting where coercion is clear, or where it plainly paves the way for compulsion. The Union advocates extension of the New York law forbidding employers from requiring fingerprinting as a condition of employment.

When the Civilian Conservation Corps required the fingerprinting of all registrants the Union protested on the ground that it was wholly unnecessary and that the fingerprints are taken as part of the scheme for general fingerprinting by the authorities in charge of criminal identification. The authorities upheld it. Similarly the Union opposed moves by school boards to fingerprint all school children, as has already been done in numerous towns and cities. In New Jersey where the fingerprinting movement is strong, a unique bill in the legislature required the fingerprinting of all public school children. It passed the Senate but was defeated in the House. In Massachusetts, where the Boston police require the fingerprints of all "Communists" arrested, as well as retaining the fingerprints of acquitted persons, the legislature declined to act on a bill for the return of fingerprints to all those acquitted.

Professional Patriots

THE activities of the professional patriotic societies, much in evidence in the field of propaganda, showed little effect in actual interference with civil rights or in the passage of legislation. The propaganda takes the in-
variable form of opposing as Communist the militant sections of the labor movement and the defenders of civil rights. In the minds of many of these self-appointed patriots the fight for democracy has become almost synonymous with Communism.

A red-baiting legislative inquiry in Massachusetts brought forth a report picturing the C.I.O. as a Communist conspiracy, including the non-partisan defenders of rights for Communists and labor. Under pressure of professional patriots and Jewish anti-Nazi forces, the House of Representatives authorized an investigation into un-American activities which promises to repeat the same pattern of red-baiting which characterized a previous similar Congressional inquiry.

In New York City the professional patriotic bodies with the addition of Catholic agencies, the American Legion and the Veterans of the World War joined in a great hue and cry against the appointment to a minor public office of a member of the Communist Party. Despite their propaganda and court actions, they did not succeed in removing him.

The suit for libel brought by the Union against the American Mercury for an article in the December 1936 issue by Harold Lord Varney did not come to trial, but a preliminary motion to dismiss was denied by the court on the grounds that the damage to the Union is substantial if the allegations are true.

The Society of Mayflower Descendants for the first time crossed the Union's path when it offered to Bishop Benjamin Brewster of Maine the choice of resigning from the Society or from the Union, holding that membership in the Union is incompatible with loyalty to his Mayflower ancestors. Bishop Brewster chose the Union.
The Program Ahead

Outside of particular cases pending in the courts and local ordinances or state legislation involving civil liberties, the main activities of the Union are set forth each year in a list of campaigns approved by the Board of Directors and the National Committee.

The campaigns for 1938, which represent the continuing efforts of the Union regarded as basic, are set forth below. The accomplishments and set-backs under each head are indicated in the body of the year's report.

Freedom of Opinion

1. Opposition to all forms of gag legislation curtailing freedom of speech, press or assemblage; and particularly bills making criminal mere language, or restricting the right of minority parties to the ballot.

2. Campaign against the array of laws and regulations restricting freedom in education, both in schools and colleges; and particularly against compulsory oaths of loyalty for teachers, compulsory flag saluting by children and compulsory military training.

3. Changes in the immigration and deportation laws to end all restrictions merely because of political opinions; to admit and protect genuine political refugees; and in citizenship proceedings to remove tests of aliens' views not imposed on citizens.

4. Aid in campaigns for the release of political prisoners, and against all prosecutions under sedition and criminal syndicalism laws.

5. Campaigns to open up all areas or cities where the rights to meet and organize are denied, and particularly to gain recognition for free speech by setting aside recognized public places for meetings.

Rights of Labor

6. Continuous defense of labor's rights to or-
ganize, strike and picket and to bargain collectively without interference; opposition to martial law, suspending civil law, in strikes. Prosecution of vigilantes or other lawless elements attacking strikers' or non-strikers' rights.

7. Defense of the right of the unemployed to organize, demonstrate and petition without interference or penalties; maintaining the right of relief workers to organize and protest without penalty.

8. Campaign for state labor injunction laws modeled on the federal law and those adopted by sixteen states.

Censorship

9. Greater freedom of the air by radio by setting aside time for public discussion free of station managers' control; by requiring equal facilities for all sides of controversial topics; and by opposing governmental censorship in any form.

10. Change in the bureaucratic Post Office censorship by requiring trial by jury for excluded matter, as now in effect in the Customs service concerning matter imported from abroad.

11. Abolition of the motion picture censorship boards in six states, leaving sole control of movies to public opinion and, in extreme cases, criminal prosecution; opposition on the same basis to censorship of books and plays.

Racial Minorities

12. Aid in the campaign against lynching; and in the struggle for Negroes' civil rights.

13. Extension of civil rights in colonies under American control, with autonomy or ultimate independence, if so desired.
Organization

National Committee and Board of Directors

The National Committee in control of the Union's policies totals sixty-four. Two new members were added during the year—Professor William E. Dodd of Chicago, former Ambassador to Germany, and Alexander F. Whitney of Cleveland, President of the Brotherhood of Railway Trainmen.

The committee lost by death four members—Judge Charles F. Amidon, former United States District Judge of North Dakota; Judge George W. Anderson, former United States District Judge in Boston; Clarence Darrow of Chicago, and Mrs. Elizabeth Glendower Evans of Boston. The committee lost by resignation Edward D. Tittmann of New Mexico who differed with certain policies, and by expiration of term, Frederick C. Howe and Anne Martin of Colorado.

The Board of Directors meeting weekly in New York to carry on the Union's work added to its number seven new members—Mrs. Dorothy Dunbar Bromley, journalist; Carl Carmer, author; Richard S. Childs, business man; Mrs. Margaret DeSilver; John F. Finerty, lawyer, a member of the National Committee now residing in New York; Nathan Greene, lawyer; and Charles H. Houston, attorney for the National Association for the Advancement of Colored People.

The Board lost by resignation Sidney Howard because of continued absence from the city, and W. Charles Poletti because of his appointment as Supreme Court Justice. Paul M. Herzog, who had represented Mr. Hays when unable to attend, dropped out of service on the Board when he was appointed a member of the New York State Labor Relations Board. Miss
Mary Van Kleeck was granted a year's leave of absence because of the press of other duties.

**Officers and Staff**

No change was made in the officers of the Union at the annual election. The only change in the staff was in the post of office counsel through the resignation of A. L. Wirin in September 1937. He was succeeded by Jerome M. Britchey.

**Cooperation**

The Union continued its cooperation with other defense agencies operating through delegates from interested organizations—the Scottsboro Defense Committee, the Committee for the Defense of Civil Rights in Tampa 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.

**Policy**

The Union's policy in regard to issues arising chiefly out of industrial conflict was clarified by the adoption during the year of a number of general resolutions to be used as a guide to the office and local committees. The substance of the resolutions follows:

1. In accordance with the principle that Fascist activities like others should be restrained only when they partake of the nature of violence or the preparation for it, the Civil Liberties Union will seek federal legislation prohibiting the formation of private military forces and the prohibition of private military training.

None of the other proposals for restraining Fascist activities justifies our support; indeed most of them would merit opposition.
2. The American Civil Liberties Union supports the right to picket in any circumstances, by any method, in any numbers, with the limitations only that such picketing shall not be accompanied by fraud, violence or actual obstruction of streets or highways.

3. The sit-down strike itself presents no issue of civil liberties. The only civil liberties problems involved arise in the ousting of the strikers.

While numerous remedies for a trespass are available to an employer, the A. C. L. U. is of the opinion that the extraordinary remedy of injunction should not be granted to an employer who comes into court with unclean hands by reason of unfair labor practices.

The Civil Liberties Union always has opposed both the use of force or violence in industrial conflict either by employers or strikers and the use of unnecessary force by public authorities in making arrests. It is not always easy to draw the line between reasonable and unreasonable use of the power of the police, and each set of circumstances must therefore be judged separately. Ways should be found to enforce the law without the shedding of blood.

4. The Civil Liberties Union defends the right of groups of the unemployed to petition at relief offices and before legislatures. It does not defend disorderly conduct nor the unreasonable occupation of public offices. What constitutes unreasonable occupation must obviously be determined by the circumstances in each case.
Local Committees

IN ADDITION to the state and city representatives of the Union, local committees are organized in thirty-one areas, of which five are staffed by full-time secretaries—the Southern and Northern California branches, the New Jersey Civil Liberties Union, the Chicago Civil Liberties Committee and the Massachusetts Civil Liberties Committee. The Washington, D.C. Civil Liberties Committee has a secretary serving part time. In addition the Union employs an attorney on part time for legislative and departmental work. The New York City Civil Liberties Committee employs a legislative agent at Albany during the session. All the other committees are staffed by volunteers.

Four new committees were formed during the year—in Kansas City, Kansas, in Kern County, California, in Milwaukee, Wisconsin, and in Texas a statewide Civil Liberties Union.

Some of the committees were inactive during the year due to the lack of local issues, but are prepared to act whenever occasion arises. Those committees are: Ann Arbor (Michigan) Civil Liberties Committee, Cleveland (Ohio) Civil Liberties Committee, Erie County Committee (Buffalo, New York) Kansas City (Kansas) Committee, the Kansas City (Missouri) Civil Liberties Committee, Rhode Island Committee, Southern Committee for People’s Rights and The Tacoma (Washington) Civil Liberties Committee. The degree of activity of all committees varies according to the issues to be met and the energy of volunteer secretaries and attorneys.

Some local committees, unable to finance activities which the national office regards as important are assisted from special funds. The heaviest contributions
during the year were made to the New York Civil Liberties Committee ($907) which is financed entirely from national funds because of the difficulty of making local appeals in the city housing national headquarters; the Washington, D.C. Civil Liberties Committee ($985) which until January 1938 served the interests of the national office under a joint financial agreement; and the New Jersey Civil Liberties Union ($391).

The reports of the local committees, too voluminous to include in this pamphlet, are published in a supplement sent free on request to any member of the Union.

Finances

(to the close of the fiscal year, Jan. 31, 1938)

The year showed a larger income than in any recent year, both in operating and special funds. Members and friends contributed to the operating fund $26,005 and to special funds $9,104 — a total of $35,109. Income from the McMurtrie bequest, including interest and profit on sale of securities, totaled $1,332. making a total income for the year of $36,441. The total was an increase of $4,076 over the income of $32,365 in the preceding year. Larger receipts in special funds made unnecessary any draft on the capital of the McMurtrie Fund.

Expenses in the operating fund for the Union's ordinary overhead considerably increased, due to two additional employees and to more numerous publications. Total expenditures were $25,186, an increase
of $4,000 over the previous year. Receipts in the operating fund enabled us to charge to that fund the expenses of the work of the Union's committees on Labor Injunctions, Censorship and Academic Freedom, totaling $563.

The receipts from members and friends toward the special funds for court cases, campaigns and aid to local committees came within $1,000 of the total expenditures. Special fund expenditures of $10,098 brought the Union's total expenditures for all purposes to $35,847. These expenditures were $2,131 in excess of the previous year's total expenditures of $33,716.

Funds handled by local affiliated committees are covered in their own financial reports and are not here included. The total amount they raised and spent locally was approximately $18,000. The Union is indebted not only in the national office but all over the country to voluntary legal and other services without which so extensive a work could not be conducted on so small a budget.

The membership of the Union steadily increased during the year from January 31, 1937 to February 1, 1938—from 4338 to 4990, a gain of 652. New members were secured chiefly through circular letter invitations and in response to letters from old members. In addition to this total, 300 who have not paid dues since 1936 are carried on the rolls in the belief that they will renew; and 586 contributors to special funds who are not members of the Union.

The total number of contributors on January 31, 1938 was, therefore, 5876 against a total of 5,174 the year previous.
The Operating Fund is made up of contributions and dues from members as follows:

1 contributor at $1,200; 4 at $1,000; 5 between $500 and $1,000; 4 between $200 and $500; 17 between $100 and $200; 29 between $50 and $100; 89 between $25 and $50; 542 between $10 and $25 ($25 being the upper limit of fixed dues) and 4,298 paying dues of $1 to $10.

Mrs. Margaret DeSilver of New York continues her contribution of $1200 annually which had long been given by her late husband, Albert DeSilver, former Director of the Union. Two anonymous donors contributed heavily to special funds—one $2,000 and one $1,500. Miss Florina Lasker renewed her contribution of $1,000 of which $250 went to the New York City Committee of which she is chairman. Eliot D. Pratt renewed his contribution of $1,000, divided equally between the operating and special funds. $1,000 was contributed by the Christian Social Justice Fund.

Contributors in amounts of $500 and over were Miss Gladys Deutsch, Miss Helen Phelps Stokes, Mrs. Thomas W. Lamont, Bishop Robert L. Paddock and three others anonymous. A special contribution of $500 for the Jersey City campaign was received from Mrs. Geraldine Thompson Van Gerbig.
Treasurer’s Report
for the fiscal year ending January 31, 1938

OPERATING FUND

Balance from 1936 .................................. $2,665.17

RECEIPTS:

Contributions ........................................ $26,005.56
Literature sales ...................................... 214.95
Interest on investments ............................ 183.76

$26,404.27

EXPENDITURES:

Office salaries ..................................... 7,535.65
Executive salaries .................................. 5,602.90
Literature and pamphlets .......................... 3,279.00
Postage ............................................... 2,728.89
Rent and electricity ................................ 1,690.65
Stationery and printing ............................ 1,387.36
Multigraphing and mailing ......................... 310.80
Office supplies and expenses ....................... 865.58
Telephone ........................................... 502.11
Telegrams ........................................... 316.20
Auditing ............................................. 410.00
Newspapers and clippings .......................... 205.79
Travel ............................................... 137.25
Bindings ............................................. 132.07
Meetings and luncheons ............................ 76.90
Miscellaneous ....................................... 5.19

$25,186.34

Payments towards deficits of special funds:

Injunctions ........................................... $172.87
Censorship ........................................... 246.69
Academic Freedom ................................... 143.91 563.47

Total expenditures .................................. $25,749.81

Surplus for the year ................................ $ 654.46

Balance at close of year ........................... $3,319.63

[ 75 ]
SPECIAL FUNDS

1. Summary

| Special funds for defense in court and campaigns | Income $8,277.33 | Expenditures $5,341.03 |
| Legislative campaigns | 266.15 | 934.91 |
| Local and affiliated committees | 415.00 | 3,116.76 |
| Injunction fund | 15.27 | 188.14 |
| Censorship fund | 35.00 | 281.69 |
| Academic freedom fund | 1.00 | 144.91 |
| Book fund | 94.25 | 91.07 |
| **Total** | **$9,104.00** | **$10,098.51** |

The deficits in the funds listed above were met from the Operating and McMurryte Funds.

2. Detailed Accounts

These are treated in two groups; first, special fund accounts, and second, trust funds. All cover the year to Jan. 31, 1938.

1. SPECIAL FUND ACCOUNTS

Defense in Court and Campaigns

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 McMurryte Fund.

Balance from 1936 $131.53

RECEIPTS:

Contributions from friends $8,277.33

$8,408.86
EXPENDITURES:

1. For expenses of the investigation into the Palm Sunday killings at Ponce, Puerto Rico by a commission headed by Arthur Garfield Hays $998.93

2. Expenses of proceedings in the Maine courts for release of prisoners held under an injunction in the Auburn-Lewiston shoe strike 482.55

3. Expenses of the campaign against the denial of civil rights in Jersey City 469.96

4. Investigation of the killing of a Negro boy, Stafford Dames, Jr. at Miami, Florida 309.37

5. Toward legal fees and expenses for prosecuting the murder of Joseph Shoemaker by Tampa police 278.02

6. Court expenses of taking test of the Georgia poll tax law to the U. S. Supreme Court 211.00

7. For brief in case of Lauf. v. Shinner in U. S. Supreme Court on right to picket in absence of a strike 169.88

8. Investigation of denial of civil rights to steel strikers at Youngstown, Ohio 138.18

9. Investigation of denial of civil rights to workers at Gadsden, Alabama 130.00

10. For contesting injunction arising out of Flint automobile strike 100.15

11. Contesting validity of convictions without counsel in the Bridewell-Johnson case, Georgia 100.00

12. Toward expenses of appealing conviction of Emerson Jennings, Wilkes-Barre, Pa. 89.25
13. Cost of brief amicus curiae in the U. S. Supreme Court in the case of Senn v. Tile testing validity of the Wisconsin statute barring injunctions against peaceful labor activities

14. For appealing convictions under a Berkeley, California ordinance prohibiting picketing

15. Contribution toward contesting the deportation of Fred Werrman to Germany

16. For appealing Jersey City injunction against picketing arising out of the Perfect Laundry case

17. Toward legal expenses of the Southern Tenants Farmer Union, testing denial of civil rights in Arkansas

18. Court expenses in contesting injunction against pecan-sheller strikers, San Antonio, Texas

19. For payment toward investigation of kidnapping in Birmingham, Alabama of Joseph Gelders

20. For investigation of riot in Sun Ship building strike, Chester, Pa.

21. For defense of WPA employees arrested during strike in Burlington, New Jersey

22. Expenses of conducting contest among artists for posters on civil liberties and printing of winning poster

23. Cost of appeals to membership and friends for special funds to handle court cases and campaigns

24. Contributions of less than $50 (39 cases)

Total:

$5,341.03
Toward deficit of local committees (see below) ........................................ 2,451.76

Total expenditures .......................................................... $7,792.79
Balance at close of year .................................................. 616.07

Legislative Campaigns

RECEIPTS:
Contributions from friends ...................... $ 266.15
Paid from McMurtrie Fund ...................... 668.76

Total .............................................................. $ 934.91

EXPENDITURES:
Legislation in Congress
Telegrams, telephone and postage ............ $408.94
Traveling, office and clerical expense ....... 135.67

Total .............................................................. $544.61

State Legislation
Contribution to the Pennsylvania Security League for campaign in the 1937 legislature .... 336.20

Contribution to Chicago Civil Liberties Committee for publicity on repeal of serition act 54.10

Total .............................................................. 390.30

Total .............................................................. 934.91

Aid to Local and Affiliated Committees and Cooperating Organizations

RECEIPTS:
Contributions from friends ...................... $ 415.00
Paid from McMurtrie Fund ...................... 250.00
Paid from special undesignated funds ....... 2,451.76

Total .............................................................. $3,116.76
EXPENDITURES:

**New York City Civil Liberties Committee**
- For legislative work at Albany: $564.63
- Court cases and briefs: $64.06
- Office expenses: $278.51  
  Total: $907.20

**Washington, D.C. Civil Liberties Committee**
- Contribution to salary of Washington secretary: $762.50
- Rent of local office: $200.00
- Incidental expense: $22.70  
  Total: $985.20

**New Jersey Civil Liberties Union**
- Toward salary of local secretary: $329.36
- Office rent and expenses: $62.00  
  Total: $391.36

**New York City Civil Liberties Committee**
- Contribution to American Committee for Protection of Foreign Born: $325.00
- For organization of Civil Liberties Committee in Maine: $100.00
- Contribution to International Juridical Association Bulletin: $100.00
- Contribution to the Committee for Defense of Civil Rights in Tampa: $100.00
- Contribution to the Conference for Protection of Civil Rights in Michigan: $100.00
- Chicago Civil Liberties Committee for printing of pamphlet on sedition law: $53.25
- Other aid to local committees in sums less than $25.00: $54.75  
  Total: $3,116.76

**Injunction Fund**

**RECEIPTS:**
- Contributions from friends: $15.27

**EXPENDITURES:**
- Attorney fees and expenses: $86.28
- Telephone: $57.00  
  Total: $143.28
Postage .................................. 19.50
Stationery ................................ 15.26
Clerical help ............................. 10.10

Total expenditures ...................... $ 188.14

Deficit, paid from operating fund ........ $ 172.87

Censorship Fund

RECEIPTS:
Contributions from friends .............. $ 35.00

EXPENDITURES:
Attorney fees and expenses .......... $ 98.52
Telephone ............................. 73.91
Stationery ............................. 49.32
Postage ................................ 38.00
Clerical hep ........................... 21.94

Total expenditures ...................... $ 281.69

Deficit, paid from operating fund ........ $ 246.69

Academic Freedom

RECEIPTS:
Contributions from friends .............. $ 1.00

EXPENDITURES:
Flag salute and other cases .......... $ 82.41
Telephone ............................. 43.00
Postage ................................ 15.00
Clerical help ........................... 4.50

Total expenditures ...................... $ 144.91

Deficit, paid from operating fund ........ $ 143.91
### Book Fund

Balance from 1936 .................. $ 124.02

**INCOME:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipts from sales</td>
<td>94.25</td>
</tr>
<tr>
<td>Expenditures for books purchased</td>
<td>91.07</td>
</tr>
</tbody>
</table>

**Balance at close of year** .................. $ 127.20

### 2. TRUST FUNDS

**McMurtrie Fund**

*(A bequest from Miss Mary McMurtrie of Philadelphia)*

Balance from 1936 .................. $28,833.14

**RECEIPTS:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest and dividends</td>
<td>824.53</td>
</tr>
<tr>
<td>Profit on sale of securities</td>
<td>508.15</td>
</tr>
</tbody>
</table>

**Total receipts** .................. $1,332.68

**EXPENDITURES:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estate expenses</td>
<td>32.23</td>
</tr>
</tbody>
</table>
| Contributions:
  - Legislative campaigns                  | 668.76   |
  - Local committees                        | 250.00   |
  - Annual dinner deficit                   | 464.48   |

**Total expenditures** ............... $1,415.47

**Balance at close of year** .......... $28,750.35
Revolving Loan Fund

Principal Feb. 1, 1938 .................. $ 441.07
(Unchanged during year)

Loans made and repaid 1937-38:

- New Jersey Civil Liberties Committee .................. $ 50.00
- Kentucky Miners Defense Committee .................. 600.00
- International Labor Defense for bail premiums in the Atlanta, Georgia cases .................. 260.00
  (Repaid in part)

Loans outstanding, January 31, 1938
International Labor Defense on bail premiums .................. 210.00

---

BALANCE SHEET, JANUARY 31, 1938

**ASSETS**

**CURRENT ASSETS:**
- Cash on hand and in banks .................. $15,567.92
- Loans receivable (from defense organizations) .................. 533.00

**INVESTMENTS AT BOOK VALUE:**
- Stocks, bonds and real estate .................. 25,281.85

**FIXED ASSETS:**
- Furniture and fixtures at depreciated value .................. 692.10

**OTHER ASSETS:**
- Prepaid rent .................. 145.22

**Total assets** .................. $42,220.09
LIABILITIES AND NET WORTH

LIABILITIES:
Funds for transmission $ 68.17
Deferred contributions (paid in advance for 1938) 1,800.00

$ 1,868.17

NET WORTH:
Operating and General Reserves $ 8,464.73
Trust Fund Reserves 31,887.19

Total Net Worth (Subject to adjustment for difference between book value and market value of investments) $40,351.92

Total liabilities and net worth $42,220.09

CERTIFICATE

We have audited the accounts of the American Civil Liberties Union, Inc., for the year ending January 31, 1938. 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, 1938.

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.
Publications

(From June 1937 to June 1938)

Pamphlets

CALL OUT THE MILITIA. by Walter Wilson and Albert Deutsch. A study of the use of the National Guard in strikes. (32 pages.)

CIVIL RIGHTS vs. MAYOR HAGUE. Extracts from hearing before Federal Judge William J. Clark on application for injunction. (32 pages.)

CITIZENSHIP FOR ALIEN PACIFISTS. New cases in the courts. (16 pages.)

CIVIL LIBERTIES BILLS IN CONGRESS. Legislation sponsored and opposed by Civil Liberties Union. (16 pages.)

NATIONS IN NIGHTSHIRTS, by Hon. Harold L. Ickes. Address at 1937 Annual Meeting of the American Civil Liberties Union. (16 pages.)

PEONAGE IN GEORGIA. Report on forced labor in Warren County. (8 pages.)

REPORT OF THE COMMISSION OF INQUIRY ON CIVIL RIGHTS IN PUERTO RICO, conducted under the chairmanship of Arthur Garfield Hays, May 1937. (70 pages.)

SELECTED BIBLIOGRAPHY ON CIVIL LIBERTIES IN THE UNITED STATES. Reprinted from book "You Can't Do That" by George Seldes. 1937 (48 pages.)

THUMBS DOWN! The Fingerprint Menace to Civil Liberties. Facts and arguments. (20 pages.)

Pamphlets Revised

THE AMERICAN CIVIL LIBERTIES UNION, INC. A pamphlet setting forth its principles and work, with list of the National Committee and their connections. (12 pages.)

BLACK JUSTICE. A statement of the denial of civil rights to Negroes in law and in practice, with an introduction by Broadus Mitchell. 1932, with additional notes, 1938. (32 pages.)

FREEDOM OF THE AIR: Bills pending in Congress with arguments. (16 pages.)

NATIONAL COUNCIL ON FREEDOM FROM CENSORSHIP - Motion pictures, periodicals, radio, books, plays. (8 pages.)

OLD-FASHIONED FREE SPEECH. What American statesmen and publicists have said about it. 1938. (16 pages.)

STATE LAWS AFFECTING CIVIL LIBERTIES. Four maps showing laws aimed at radicals, Negroes, freedom in education, and abuses of labor injunctions. 1938.

Mimeographed Material

THE CONSTITUTION AND LIBERTY. Essential parts of an undelivered address by Arthur Garfield Hays at the Constitution Day Celebration. (8 pages.)

DECISION OF THE SUPREME COURT OF GEORGIA, upholding the suspension of a pupil who on religious grounds refused to salute the flag. (10 pages.)

Reprints

LAND OF THE FREE. A pictorial glimpse of some of the most flagrant violations of civil rights in the United States. Reprinted from Look Magazine, October 12th and 26th, 1937, by courtesy of the publishers. (8 pages.)


The Union also advertised and distributed the following publications:

Books

LET FREEDOM RING, by Arthur Garfield Hays. Accounts of the Tennessee evolution case; Pennsylvania and West Virginia miners; Passaic and Paterson, N. J. strikes; Sacco-Vanzetti case; Puerto Rican cases and others participated in by Mr. Hays. Revised, 1937. (475 pages.)

YOU CAN'T DO THAT, by George Seldes. A vivid up-to-date story of restrictions on civil liberties with analysis of forces opposing and defending civil liberties. Modern Age Books, Inc. 1938. (300 pages.)
THE LABOR SPY RACKET, by Leo Huberman. Condensation of the testimony before the Senate Civil Liberties Committee. Modern Age Books. 1937. (216 pages.)

SPY OVERHEAD. THE STORY OF INDUSTRIAL ESPIONAGE, by Clinch Calkins. A detailed condensation of the testimony before the Senate Civil Liberties Committee. Harcourt, Brace and Co., 1937. (355 pages.)


NOT TO BE BROADCAST: THE TRUTH ABOUT THE RADIO, by Ruth Brindze. The only complete and authoritative work on radio control. Vanguard Press. 1937. (310 pages.)

JUDGE LYNCH-HIS FIRST ONE HUNDRED YEARS, by Frank Shay. A factual account of lynchings and state anti-lynching legislation. Ives Washburn, Inc. 1938. (288 pages.)


Pamphlets

BUILDING THE CONSTITUTION, by Irving Dilliard of the Post-Dispatch Editorial Staff. Reprinted from the St. Louis Post-Dispatch. (31 pages.)

CAN THE STATES STOP LYNCHING? Compiled and published by the National Association for the Advancement of Colored People. February 1937. (20 pages.) Supplement, 8 pages, Nov. 1937.

CITIZENSHIP PROGRAM OF THE IMMIGRATION AND NATURALIZATION SERVICE. Published by the United States Government Printing Office, Washington. (8 pages.)

THE FASCIST SHOE FITS MAINE - Civil Liberties Strangled. Maine “Justice” in the Lewiston-Auburn Shoe Strike exposed. Findings of facts and conclusions by the National Lawyers Guild (Boston Chapter) and the Civil Liberties Union. Published by United Shoe Workers of America of the C.I.O. (16 pages.)

4 FREE, 5 IN PRISON. What the nation’s press says about the Scottsboro case. Published by the Scottsboro Defense Committee. (16 pages.)

MEMORANDUM ON RECOMMENDED BILL ON CIVIL LIBERTIES. Published by Labor's Non-Partisan League, Washington, D. C. (7 pages.)

MILITANT DEMOCRACY AND FUNDAMENTAL RIGHTS, by Prof. Karl Loewenstein. Reprinted from The American Political Science Review. (38 pages.)

THE MILITIA, by Walter Wilson. Published by Tomorrow. (32 pages.)

REPORT OF A CITIZENS' COMMITTEE composed of ministers, educators and writers. assembled July 3rd to 5th, 1937 by invitation of the Gadsden Central Labor Union to investigate the denial of civil rights in the City of Gadsden, Alabama. (34 pages.)

THE STORY OF THE ALGIC CASE. Issued by the Algic Defense Committee, New York. (15 pages.)

TERROR IN TAMPA. Published for the Committee for the Defense of Civil Rights in Tampa by the Workers' Defense League, New York. (16 pages.)


**Periodical Publications**

THE CIVIL LIBERTIES QUARTERLY, with a summary of the chief events has been issued regularly, sent free to all Union members.

THE ARBITRATOR, a monthly published by William Floyd, takes a page of notes on civil liberties issues prepared by the Union's office.

WEEKLY PRESS RELEASES go out to several hundred newspapers and periodicals all over the country and to friends interested to keep up with current happenings. Members of the Union who so desire get these bulletins for $1.50 a year, (or free to members paying dues of $10 and over).

The Union has aided financially in the publication of the bulletins of the International Juridical Association, an organization of lawyers interested in labor and civil liberties cases, ably edited. It is a practical service to lawyers all over the country. Subscription is $1.00 a year.
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Norman M. Thomas
Oswald Garrison Villard
B. Charney Vladeck
George P. West
A. F. Whitney
Peter Witt
LOCAL COMMITTEES
(arranged alphabetically by states)

California

AMERICAN CIVIL LIBERTIES UNION, NORTHERN CALIFORNIA
BRANCH, 216 Pine Street, San Francisco
Dr. Charles A. Hogan, chairman; Ernest Besig, director

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

KERN COUNTY CIVIL LIBERTIES COMMITTEE, 117 Morgan Bldg.,
Bakersfield
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SANTA BARBARA COMMITTEE OF THE A.C.L.U., 340 Channel
Drive
Dr. Oliver Hart Bronson, chairman; Miss Margaret Lam-
son, corresponding secretary

WASHINGTON (D. C.) CIVIL LIBERTIES COMMITTEE, Southern
Building
Gardner Jackson, chairman; Maurice J. Wilsie, secretary

CHICAGO CIVIL LIBERTIES COMMITTEE, 203 N. Wabash Ave.
Jessie F. Binford, chairman; Ira Latimer, secretary

INDIANA CIVIL RIGHTS COMMITTEE, Route 1, Box 219, New
Palestine
Truman L. Hays, chairman; Frances R. Zinkin, secretary

IOWA CIVIL LIBERTIES UNION, 1116 Paramount Building, Des
Moines
Hortense N. Dillon, chairman; Carl Bogenrief, secretary

KANSAS CITY, KANSAS, COMMITTEE, Federal Reserve Bldg.
Rev. Joseph Cleveland, chairman; Ed Powers, secretary

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Baltimore
Mauritz Hallgren, chairman; Elisabeth Gilman, secretary

Massachusetts

CIVIL LIBERTIES COMMITTEE OF MASSACHUSETTS, 73 Trem-
mont Street, (Room 322) Boston
Orville S. Poland, chairman; Joan Hopkinson, secretary

WESTERN MASSACHUSETTS CIVIL LIBERTIES COMMITTEE, Am-
herst; Prof. Colston E. Warne, chairman

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John P. Dawson, chairman; Edith M. Bader, secretary
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Dr. L. M. Birkhead, acting chairman; Mrs. Joseph Meert.

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Dr. Jerome E. Cook, chairman; Mrs. Ralph W. Thayer, acting secretary

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NEW YORK
ERIE COUNTY COMMITTEE OF THE A.C.L.U., 587 Ashland Ave., Buffalo
Dean Julian Park, chairman; Marjorie Emerson, secretary

NEW YORK CITY CIVIL LIBERTIES COMMITTEE, 31 Union Square West; Florina Lasker, chairman

OHIO
CINCINNATI BRANCH OF A.C.L.U., 2365 Auburn Ave.
Dr. George A. Hedger, chairman; Mrs. Mary D. Brite, sec'y

CLEVELAND CIVIL LIBERTIES COMMITTEE, 875 Union Trust Bldg. George Palda, ch'm.; Russell N. Chase, acting sec'y

AMERICAN CIVIL LIBERTIES UNION, OREGON COMMITTEE, 1002 Spalding Bldg.
B. A. Green, chairman; Gus. J. Solomon, secretary

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PENNSYLVANIA STATE CIVIL LIBERTIES COMMITTEE, Box 863, Harrisburg. Dr. Philip D. Bookstaber, chairman

PHILADELPHIA CIVIL LIBERTIES COMMITTEE, 1600 Walnut St. Prof. Alexander Frey, chairman; M. H. Goldstein, secretary

PITTSBURGH CIVIL LIBERTIES UNION, 1201 Law & Finance Bldg. Mrs. George Bray, ch'm.; Benjamin C. Sigal, sec'y

RHODE ISLAND CIVIL LIBERTIES COMMITTEE, 216 Rochambeau Prof. Edwin M. J. Kretzmann, director; Mrs. Emma T. Kenyon, secretary

TEXAS CIVIL LIBERTIES UNION, Box 312, Austin
Rev. S. Marcus Houge, pres., Everett S. Looney, sec'y

WASHINGTON
AMERICAN CIVIL LIBERTIES UNION, SEATTLE COMMITTEE, Hoge Bldg.
Mrs. Hazel Hartzell, chairman; John Caughlan, secretary

TACOMA CIVIL LIBERTIES COMMITTEE, 1010 North M Street
Rev. Edward L. Pettus, chairman; Mary Elizabeth Roberts, secretary
The Union also cooperates with the following organizations not affiliated:

COMMITTEE FOR THE DEFENSE OF CIVIL LIBERTIES IN TAMPA, 2203 Florida Ave.
Dr. Walter Metcalf, chairman; Dr. G. G. Becknell, secretary

LOUISIANA LEAGUE FOR THE PRESERVATION OF CONSTITUTIONAL RIGHTS, INC., 7839 S. Claiborn Ave., New Orleans
Prof. H. C. Nixon, chairman; Mrs. L. S. Davis, secretary

CIVIL RIGHTS COMMITTEE OF THE PORTLAND LEAGUE FOR PEACE AND FREEDOM, 54 Moody Street, Portland, Maine
Rev. Clifford H. Osborne, ch'm.; David Einbinder, sec'y

PROFESSIONAL LEAGUE FOR CIVIL RIGHTS, 910 Majestic Bldg. Detroit. Gjertine Silnes, rec.-sec'y

CIVIL RIGHTS FEDERATION, 310 Hofmann Bldg., Detroit
Rev. J. H. Bollens, chairman

GALLUP CIVIL RIGHTS COMMITTEE, Box 1119, Santa Fe
Paul Garrison, chairman; Vivian Morris, secretary

SOUTHERN COMMITTEE FOR PEOPLE'S RIGHTS, Box 665, Chapel Hill, N. C.; Donald H. Stewart, ch'm.; Mrs. Elizabeth Winston Malcombre, sec'y

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

PUERTO RICO CIVIL LIBERTIES ASSOCIATION, P.O. Box 1180, San Juan
Felipe Colon Diaz, acting president; Vincent Geigel-Polanco, secretary
STATE CHAIRMEN

Arizona: H. S. McCluskey, Ellis Bldg., Phoenix
California: Clinton J. Taft, 624 American Bank Bldg., Los Angeles
Colorado: Rev. Edgar M. Wahlberg, Grace Church and Community Center, 210 West 13th Ave., Denver
Connecticut: A. C. Worley, New Milford
Delaware: Louis L. Redding, 1002 French Street, Wilmington
Florida: Dr. Ludd M. Spivey, Florida Southern College, Lakeland
Georgia: Rev. Dr. P. D. McGeachy, 218 Sycamore St., Decatur
Idaho: Ray McKaig, 1922 N. 21st St., Boise
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Indiana: Prof. Paul J. Fay, 615 Anderson St., Greencastle
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