What a professional patriot thinks of us and the United States Senate:

"You talk about what the Government knows, but the Government did not know the things you thought it did, and it knows still less now—all of which I hope will be cleaned up by legislation secured by the Fish Committee. It will not have much chance in this short session, because the Civil Liberties Union has already started its fight and can probably rally enough Red Senators to block it, although the Fish Committee may sweep it through."

RALPH M. EASLEY, Chairman
Executive Council, National Civic Federation.

The Fight for Civil Liberty 1930-1931

The American Civil Liberties Union—

100 Fifth Ave.
New York City —

June, 1931
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THE YEAR

This story of the fight for civil liberty covers 1930 and 1931 up to June. It therefore includes most of the results in the legislatures of 1931 and the decisions of the Supreme Court before the summer recess.

Since our last year's report covered 1930 up to May, we have omitted duplicating any detailed accounts of events in those early months.

The record shows an extraordinary diversity of issues and an increased number of cases. 1930 was the worst year since the war for free speech prosecutions and for meetings broken up or prohibited. Lynchings, too, showed a sharp rise over the previous two years. The table on page 5 tells the story.

This great increase in repression was due to the fear of unrest and disorder during the economic depression. Most marked in the early months of 1930, it diminished its force when it became clear to the authorities that there was not much to repress. Communist demonstrations, savagely attacked in the early months of 1930, were tolerated with few exceptions in the latter part of the year.

During the political campaign in the fall of 1930 Socialist meetings were broken up in a number of cities for the first time in some years.

On the whole, the Communist movement has borne the brunt of attack, either for its direct party activities or for its efforts through left-wing organizations in unionizing workers and leading demonstrations and hunger marches. In many localities, unfamiliar with Communist agitation, they aroused hysterical attack. In others they were sensibly handled, even to the extent in three states of permitting hunger marchers to address the legislators in session and practically to "occupy" the capitol.

Coupled with the fear arising from the economic depression, and the provocation of Communist tactics, was the focusing of all the fearful and reactionary forces in the hearings of the Congressional committee investigating Communism, headed by Hamilton Fish, Jr. These hearings, held from coast to coast and backed by professional patriots and Russian Czarists, got newspaper space out of all proportion to what they disclosed. However ridiculous the Committee's work seemed to intelligent people, it was taken seriously by police and prosecutors all over the country. Behind the barrage of anti-radical publicity, the professional patriots and militarists egged police and prosecutors on to action. While the Committee's recommendations for dealing with Communists have no chance of adoption, still its effect in stirring
up prejudice, breaking up meetings, and causing arrests, was tremendous. Those effects wore off in the latter part of 1930.

The situation has markedly changed since. The first five months of 1931 showed a record of cases approximating the quieter days of “prosperity.” But this outwardly less tense situation has in it explosive possibilities, with the depression continuing and relief wholly inadequate. Next winter may well see resort to disorderly, even violent outbursts of men and women driven to desperation.

However, every strike, under whatever auspices, as always provokes repressive measures,—injunctions, state police, troops, prosecutions. The Negro continues to suffer,—particularly in the small towns and the rural South,—wholesale denial of civil liberties to which he is presumably entitled in law.

These three groups—Negroes, strikers, and Communists, bear the largest burden of repression. Aliens, too, are conspicuous victims, particularly since the deportation drive put on early in 1931 by the Department of Labor to rid the country of aliens illegally here.

The gains and setbacks for the year are set forth on pages 6 to 9. The items vary in significance, but it can be said in general that more encouraging items of real import are shown than in any recent year. Convictions under sedition and criminal syndicalism laws were with few exceptions reversed when they came into appellate courts. The U. S. Supreme Court exhibited a new and liberal outlook on three issues of a type which only Justices Brandeis and Holmes had previously so regarded. In the state legislatures, while certain reactionary measures got through, on the whole progress was made with the defeat of sedition and criminal syndicalism bills in the South and in the advance toward laws limiting injunctions and yellow-dog contracts.

Our annual inquiry of our correspondents all over the country as to whether conditions are better or worse, made early in 1931, showed little change from a year ago. Among replies from 35 states and the Philippines, 24 reported no change; six said they were better; six worse. But from 14 of the 35 states came reports that intolerance appears to be diminishing. Places in which correspondents reported conditions worse were California, Illinois, New York, Oregon, North Dakota, and the Philippines,—and the records bear them out.

The correspondents credited the American Legion with being the most
active agent of repression,—twenty giving the Legion that distinction. The D.A.R. ran a poor second with only five correspondents attaching to it that importance. Public officials and the police, acting on their own responsibility, were cited by 13 correspondents as the most active agents of repression. The Ku Klux Klan and its off-shoot, "The American Order of Fascisti and Black-Shirts," almost disappeared from the scene with only one case charged against them from Georgia. Fundamentalists were credited by five correspondents with interference with civil liberties.

The parts of the country which continue still to have the most numerous cases of repression are:—the South, particularly aroused since the textile strikes of 1929 and the invasion of Communists with their doctrine of social equality; the Los Angeles district, where the Better America Federation does its patriotic duty; Pennsylvania, where the entrenched coal and steel interests rule with the weapons of police, sheriffs, gunmen, injunctions, and sedition prosecutions; New England textile towns; and industrial towns in New Jersey and Connecticut.

Against all this repression the Civil Liberties Union, aided by a score of agencies, puts up a fight on a wider front. The National Committee on Labor Injunctions has focused interested forces for the first time on legislative relief. The work of a National Council for Freedom from Censorship, just formed by the Union, promises to focus similar forces to abolish the many forms of legal control over stage, movies, books and radio. The increase in local work at points where conflict is most acute also strengthens the attack. Expansion of the Union's membership is being undertaken, despite the depression, in the belief that the variety of issues we now handle will obtain a response sufficient to build a more powerful fighting movement against the violence of repression and for orderly progress.

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* not including strike cases. 

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Gains
(1930 to June, 1931)

In the Courts

U. S. Supreme Court decision voiding Minnesota press gag law.

U. S. Supreme Court decision reversing a conviction under the California anti-red flag law.

Decision of the U. S. Supreme Court requiring recognition of a bona fide trade union and dissolution of a company union.

Reversal by the Court of Appeals in New York of the Post Office Department ban on Mooney-Billings envelopes.

Reversal by the same court of the conviction of Mrs. Mary Ware Dennett for sending through the mails her pamphlet, "The Sex Side of Life."

Reversal by Ohio Court of Appeals of five convictions under the criminal syndicalism law.

Decision of an Ohio judge holding the criminal syndicalism law unconstitutional.

The admission to citizenship of several religious objectors to taking part in war, despite the U. S. Supreme Court decision in the Schwimmer case.

Reinstatement of Elmer Smith, disbarred in Washington for his defense of the Centralia I.W.W. victims.

Release of Loren Roberts, Centralia prisoner, as sane, by a new jury.

The release from an insane asylum in New Jersey of an anti-Fascist railroaded for his views.

Reversal by a California appeals Court of the conviction of one Communist sentenced under the criminal syndicalism law and reduction of charges against four others.

Acquittal of two Communists brought to trial under the criminal syndicalism law in Portland, Oregon.

Opinion of the Alabama Court of Appeals that atheists have the right to testify as witnesses.
THE FIGHT FOR CIVIL LIBERTY

Laws

Collapse of the recommendations of the Fish Committee investigating Communism in the face of almost unanimous opposition of the press and leaders of public opinion.

Requirement by Congress of jury trials for all imported books held up by the Customs Bureau as obscene or seditious.

Repeal by the Senate of the Post Office censorship section of the wartime espionage act (failed in the House).

Defeat in Congress of the proposal to register all aliens.

Report to Congress of an anti-injunction bill; introduction of similar bills in 14 legislatures; passage in Pennsylvania of an anti-injunction bill and bill providing jury trials for contempt; and in four states bills outlawing "yellow-dog" contracts.

Administrative

The report of the President's commission on withdrawal from Haiti.

Successful campaign to set aside the deportation order against Marcus Graham, rebel poet.

Improved treatment of Communist demonstrations by mayors and police, notably in Detroit and Cincinnati.

Resignation of Grover Whalen, anti-red crusader, as Police Commissioner of New York.
Set-backs

In the Courts

U. S. Supreme Court decision barring alien pacifists from citizenship.

Bail-jumping of the Gastonia, N. C., strike-leaders convicted of conspiracy to commit murder, and the consequent loss of almost $40,000 in bail money, with disastrous effect on raising bail in Communist cases.

The failure of every action brought in North Carolina against mob leaders and officials charged with murder and assault on strikers.

The conviction of nine workers in the Imperial Valley, California, merely for strike propaganda, some with the longest sentences, 3 to 42 years, ever imposed for such activities.

Suppression of strikers' rights by injunctions and prosecutions in Nazareth, Reading and Philadelphia, Pa., and Danville, Va.

The continued sedition prosecutions in various parts of Pennsylvania.

The conviction of Communist leaders of a demonstration in New York for unlawful assembly.

The conviction of two young women in New York State for "desecrating the American flag" because of their refusal to obey mob orders to fly one over a children's camp.

The prosecution in Atlanta, Ga., of six Communists for "inciting to rebellion" because they held meetings of Negro and white workers.

Decision of the Supreme Court of Washington sustaining the yellow-dog contracts required of Seattle school-teachers.

The outlawing of the Communist Party in the Philippines, with scores of prosecutions for sedition.

Laws

Adoption by the Arkansas voters on a referendum of a bill to compel the reading of the Bible in the public schools.

Passage in Michigan of a law compelling registration of all aliens, and deportation from the state of aliens illegally there.
Passage in four states—Washington, Michigan, Montana and Delaware, of laws requiring special oaths of loyalty from school teachers.

Passage in Delaware of a sedition bill.

Administrative

The creation and work of the Congressional Committee to investigate Communism, headed by Hamilton Fish, Jr., leaving in its trail intolerance and repression all over the country.

Great increase during 1930 in the number of petty cases brought by the police against Communists for holding public demonstrations.

Renewal of the deportation drive against aliens, and refusal of the Department of Labor to permit Communist aliens to seek refuge in Soviet Russia from persecution in their home lands.

The decisions of the California Supreme Court denying a pardon recommendation for Warren K. Billings; Governor Young's refusal to pardon Tom Mooney.

The failure of the Governor of Washington to pardon the Centralia I.W.W. victims.

The unpunished killing in New York by the police of two Communist workers, Steve Katovis, and Gonzalo Gonzales, one, a strike picket, the other, leader of a parade.

The Post Office ban on Revolutionary Age and other radical papers, and the decision of the federal courts sustaining it.

The dismissal of Prof. Herbert A. Miller by the trustees of Ohio State University for his views on public issues.

Attempts to revoke the license of WEVD, Socialist radio station, and attacks upon other radio stations voicing unpopular views.

The biggest lynching record in 1930 for 5 years: 25 Negroes lynched.
State Laws to Curb Radical Activities

States with criminal syndicalism or sedition laws, with date of passage. (34 states)

States with law against red flag. (31 states)

Criminal syndicalism law in Arizona repealed; sedition law in New Mexico declared unconstitutional. Red flag law in Massachusetts repealed.

NOTE: Ten states have no laws whatever. But of these most southern states have old laws of reconstruction days aimed at "incitement to insurrection and rebellion," recently used against strikers and Communists. Prosecutions under the red flag law have been brought only in California. The sedition or criminal syndicalism laws have been invoked in 17 states,—scattering except in Pennsylvania and California.
The U. S. Supreme Court handed down four important decisions affecting civil liberties, three of them favorable—one adverse. In a case involving the Railway Clerks Union in relation to the railroads, the court ordered the railroad to recognize the bona fide union and to dissolve the company union set up as a rival.

In the only conviction under the anti-red flag laws in effect in 28 states, carried up from California, the court freed the defendant, Yetta Stromberg, and knocked out a clause in the law forbidding display of a red flag as a symbol of “opposition to organized government.”

The Minnesota press gag law of 1925, under which a single judge could enjoin publication of a newspaper he regarded as “scandalous or defamatory,” was held void by a five to four decision. The case was carried up by attorneys for the Chicago Tribune and the American Newspaper Publishers Association.

The adverse decision, also five to four, bars from citizenship alien pacifists. The cases taken up involved Prof. Douglas C. Macintosh of Yale, represented by John W. Davis, former Solicitor General, and Miss Marie A. Bland, war nurse, represented by Miss Emily Marx.

In the lower federal courts, the Court of Appeals at New York handed down two favorable decisions—one, reversing the conviction of Mrs. Mary Ware Dennett for sending through the mails her little pamphlet, “The Sex Side of Life;” the other removed the Post Office ban on Mooney Defense Committee envelopes held to defame the State of California. Both cases were carried up by the Civil Liberties Union.

In the state courts, the only decisions of any consequence affecting civil liberties were:

The Washington Supreme Court upheld the Board of Education of Seattle in requiring from teachers contracts agreeing not to join a union.

The Court of Appeals in Ohio reversed the convictions under the criminal syndicalism law of five Communists for distributing anti-war leaflets.

In California a Court of Appeals reversed one conviction of a Communist sentenced to 3 to 42 years under the criminal syndicalism law because he was shown not to have been at the scene of the agitation; charges against five others were reduced. Two others await deportation.

In several states the issue of the right of atheists to testify came up in
court proceedings involving Communists. One case in New Jersey is being appealed by the Civil Liberties Union to test that right in the higher courts.

Laws

In Congress one advance was made in behalf of civil liberty,—an amendment to the tariff act under which all foreign books held by the Customs Bureau to be obscene or seditious must go to trial before a jury. No penalty attaches to the importer. The jury admits or excludes the book. The fight for this amendment was led by Senator Bronson Cutting of New Mexico. It eliminates the customs officials as sole censors of imported literature.

Efforts of friends of civil liberties to pass these other bills failed:
To admit alien pacifists to citizenship;
To restore rights of citizenship to war-time offenders;
To abolish Post Office censorship over birth-control information in the mails; and
To repeal the one remaining section of the war-time espionage act, under which the Post Office censors "seditious matter." It succeeded in the Senate, but failed to get to a vote in the House.

The Senate declined to act on the anti-injunction bill reported out of the Senate Judiciary Committee, backed by organized labor.

Bills to register all aliens in the country, long urged by patriotic societies, were defeated by hard work.

Of the 41 state legislatures meeting in 1931, civil liberties issues arose in some 20, involving notably passage or repeal of sedition and criminal syndicalism laws, anti-injunction bills, teachers' loyalty oaths and creation of state police systems. Vigorous campaigns were waged on a program of bills in Massachusetts and Pennsylvania.

The net results were:

The passage in Pennsylvania of bills limiting the power of courts to issue labor injunctions and requiring jury trials for violations; also a bill to end the evil of strike-breakers as deputy sheriffs by requiring one year's residence and ten years good record for all sheriffs' deputies.

Failure in Massachusetts by a narrow margin of a bill to set aside free speech forums in public parks, particularly directed to removing the restrictions on Boston Common.
Failure of bills to abolish the Boston theatre censorship and to repeal the ancient blasphemy law.

In four states “yellow-dog” contracts were outlawed—Arizona, Colorado, Ohio, and Oregon. A bill passed in Indiana was vetoed by the governor.

Under the influence of the D.A.R. and other patriotic societies, Washington, Michigan, Montana, and Delaware passed bills requiring special oaths of loyalty from teachers.

And in Michigan a unique bill to register all aliens slipped through the legislature unheralded, backed by professional patriots and labor spies.

In North Carolina and Alabama proposed criminal syndicalism laws aimed at Communists failed. A campaign to repeal the Ohio sedition law came to nothing after gaining considerable headway.

Political Prisoners

The number of persons serving prison terms of one year or more for political or industrial propaganda continues low. Aside from the old cases of Mooney and Billings and the Centralia I.W.W. men, only thirteen men have been in prison during the past year serving sentences of a year or over. They are the Imperial Valley defendants under the California syndicalism law whose cases are on appeal, and five Communists in Pennsylvania. In all these new cases every prisoner is a Communist. Even those who served shorter terms during the year were all Communists.

The National Mooney-Billings Committee, organized by the Civil Liberties Union, has continued its efforts to free the two men, cooperating with committees in California. Billings’ case came before the California Supreme Court twice during 1930 to secure assent, as required by law, to his pardon application. The Supreme Court turned him down. The Governor later turned down Mooney’s application, basing his decision on the Supreme Court findings. A vigorous dissent was entered by Justice Langdon.

Despite the persistent campaign for the freeing of the Centralia men, Governor Hartley of Washington has remained unmoved. Of the eight, one died in prison in 1930; another, Loren Roberts, adjudged insane during the trial and committed to the state asylum, was found sane during the year and released; another man was furloughed in 1931 for six months to attend a sick wife. Five men remain in prison, serving twenty-five to forty years.
A notable contribution to the men's case was made by the Federal Council of Churches in 1930, which published the findings of an investigation. The report, favorable to release, was sponsored not only by the Council, but by the National Catholic Welfare Conference and the Central Conference of American Rabbis.

In Pennsylvania three men are serving five year sentences for membership in the Communist Party; two young men were convicted at Media. One is out on parole and the other is serving an indeterminate sentence. A movement to secure pardons from Governor Pinchot's pardon board is being organized.

In California eight strike organizers in the Imperial Valley, most of them Communists, were convicted under the criminal syndicalism law and sentenced to terms of two to forty-two years. Conviction turned on their Communist propaganda. Although appeal was taken, the men were refused bail and went to prison. The Court of Appeals has freed one man and reduced the charges on all others. Further appeal will be taken.

In New York, center of Communist agitation, William Z. Foster, Robert Minor, and three associates, served terms of four to six months for leading an unemployment demonstration held to be an unlawful assembly. Two young women who ran a Communist children's summer camp at Van Etten, N. Y., were convicted of desecrating the flag by refusing to run one up on the order of a mob, and served prison terms of three months after the Court of Appeals affirmed the convictions.

The youngest political prisoner ever held in the United States, Harry Eisman, 15-year-old New York school boy, was sent to the reformatory for attending a Communist demonstration while he was out on parole on an earlier charge of disorderly conduct. He was finally released to permit him to go to Soviet Russia.

Restoration of Citizenship to War-Time Offenders.

Efforts to restore the rights of citizenship to the 1500 men and women who lost them during the war by convictions under the espionage act for anti-war utterances, failed to move President Hoover. He took the same position as President Coolidge, that he would consider only individual applications. All these rights can be restored by one simple proclamation. Attempts to secure Congressional action recommending this step got nowhere.
Criminal Cases

Most of the prosecutions involving freedom of speech and the right of workers to organize strikes and to picket were aimed at Communists and left-wing trade unionists. In coal and textile districts numerous strikers were prosecuted for various offenses on the picket line or for violating injunctions. A complete record of the scores of petty cases would be too lengthy. Chief among them were:

Communist Cases:

The conviction of five young women at a children's summer camp in Southern California for displaying a red flag. The courts finally reversed the convictions.

The conviction of five Communists in Ohio for distributing anti-war leaflets; reversed on appeal.

Conviction of William Z. Foster, Robert Minor, Israel Amter, and two others at New York for leading an unemployment demonstration; sentences of four to six months served.

The indictment at Atlanta of six Communists under an ancient law for "inciting Negroes to rebellion" by holding meetings at which Negroes and whites mingled on terms of social equality; not yet brought to trial.

Conviction of three Communists, in Newark for sedition. The defendants were put on probation. One case has been appealed to test the right of atheists to testify.

The prosecution of five Communists at Scranton, Pa., under the sedition act; not yet tried.

Prosecution of two Communists at Birmingham, Ala., for attempting to hold meetings.

Conviction of two young women at Van Etten, N. Y., for desecrating the American flag; sentences of three months served.

Prosecution of 13 Communists at Portland, Ore. under the criminal syndicalism law for membership in the Party; one sentenced to two to ten years, appealed; two acquitted; others not yet tried.

The conviction of eleven agricultural workers in the Imperial Valley, Cal., for organizing an abortive strike; two of these were admitted to probation under suspended sentences; a third was convicted and sentenced to

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prison but was allowed to depart to Mexico after serving part of his sentence. Of the remaining eight, three are serving sentences of from two to 28 years and five of them 3 to 42 years. Further appeal to be taken.

I. W. W. Cases:

The usual summer prosecutions of a number of I.W.W. harvest hands in the Nebraska and Kansas fields, with short sentences for vagrancy.

Prosecution of two members of the I.W.W. in New York for a street fight with Communists; acquitted.

The conviction of an I.W.W. worker in Philadelphia for distributing circulars; thirty-day sentence.

Official Lawlessness

One of the toughest jobs confronting the representatives of civil liberties is to get any redress whatever for victims of official lawlessness. It is almost impossible to get warrants for criminal assaults by police and sheriffs. Civil actions do not usually result in damages, although they have a restraining effect. But the Union tries to secure both criminal and civil actions in flagrant cases, or proceedings for the removal of guilty officials.

Among the numerous actions brought in 1930 and 1931 unhappily no success can be reported. But the intangible effect of these actions in restraining officials may have been considerable.

Conspicuous among these actions was a demand on the Secretary of Labor for the discipline and removal of Charles G. Wood, red-baiting agent of the Bureau of Conciliation, who used his position to break left-wing strikes and to void contracts with left-wing unions, identifying his activities with professional patriotic societies. He also sought to secure revocation of the citizenship of Ellen Dawson, left-wing strike leader. For this he was scored by Federal Judge Clark in Newark. The Department of Labor disavowed certain of his activities, but he continued them “personally.”

Complaint was filed in New York in the Supreme Court against the refusal of Chief Justice McAdoo of the Magistrate’s Court to fix bail in the case of William Z. Foster and others held for unlawful assembly. The complaint was dismissed, one justice, however, rendering a critical opinion.

Prosecutions were brought through the Union in North Carolina against
a number of men identified as the slayers of Ella May Wiggins, Gastonia
strike-leader shot down in broad day-light on the main highway. They were
acquitted. Civil actions were filed for heavy damages by the Union, acting
for her "estate." When brought to trial, certain witnesses could not be
found. The suit has been continued.

The attempt to bring to justice the deputy sheriffs who killed six strikers
and wounded twenty more at Marion, N. C., in the 1929 cotton mill strike,
resulted in a complete white-wash. The Civil Liberties Union financed the
prosecution, which cost over three thousand dollars, in an effort to restrain
by the example of conviction the easy resort to violence against strikers in
the South. Tried in a remote mountain town, they were acquitted by a jury
of small business men on their plea of self-defense, although none had been
injured. Civil actions for heavy damages against the sheriffs and mill offi-
cials were then filed through the Civil Liberties Union and are still pending.

In Michigan our Detroit group filed suits for damages against Judge
Black of Flint for refusing to hear applications for writs of habeas corpus.
The suits, thrown out of court because the judge was served in Detroit
outside his jurisdiction, have been refiled.

In New York efforts were made to file complaint in the Supreme Court
against Magistrate Sabbatino, who from the bench threatened to whip a
Communist boy brought before him. On account of the unwillingness of
witnesses to testify and in the absence of a stenographic record, nothing
came of it.

In Nazareth, Pa., where the Rev. Charles Webber was unlawfully arrested
while endeavoring to secure strikers' rights, a suit was filed for damages
against the county detective responsible for his arrest and incarceration. It
is still pending.

Following the violent police attack on the unemployment demonstration
in New York City on March 6, 1930, the Union demanded of the Mayor
and then of the Governor the removal of Police Commissioner Whalen, re-
ponsible for a long series of lawless raids, searches, and police attacks on
Communist demonstrations. Neither the Mayor nor Governor took action,
but Mr. Whalen shortly thereafter resigned.

Frequent complaint was made to Mr. Whalen concerning the conduct
of his men toward Communist meetings, all without result. His successor,
Police Commissioner Mulrooney, listened more sympathetically, and ordered
one investigation for police excesses. The officers charged were white-washed.

In Colorado an old suit for damages on behalf of the families of six
Legal Restrictions of Negroes’ Rights

Denial of right to vote; to marry with whites; segregation in schools and public conveyances.

All above restrictions except right to vote.

Interrmarriage Ban; School Segregation. (17 states)

Interrmarriage Ban. (27 states)

NOTE: In addition, segregation of Negroes in schools is provided in a number of cities outside the states marked. School boards are given discretionary power to segregate in Arizona, Indiana, Kansas, New Jersey and Wyoming. Segregation in public conveyances in Maryland is limited to steam trains. Segregation in places of public entertainment and assembly is required by law in most states with segregation in public conveyances.

Other laws in southern states make enticement of Negroes from their employment a crime. Mississippi penalizes advocacy of social equality between blacks and whites.
miners killed by state officials at the Columbine mine in the 1928 strike dragged on in the courts without as yet final result.

In a number of flagrant cases of lawlessness by officials we have been unable to bring any action because of the refusal of the aggrieved parties or of witnesses to testify. The Communist Party, whose members are the most frequent victims of these attacks, refuses to encourage such actions on the very practical ground that nothing is gained from them, and that they encourage the notion among workers that justice may be secured for them in capitalist courts. The Party, however, permits local or affiliated organizations to make exceptions to this general rule when some specific object may be obtained by putting officials on the defensive.

Strikes

Although the year 1930 saw more street demonstrations broken up than in years, strike troubles were far less, because strikes were few. The total number reported by the Department of Labor (653) is less than half that of 1929.

The Union assisted strikers in fights for their rights to picket at Danville, Va., Nazareth and Reading, Pa. These strikes took place in hosiery and textile industries. Troops were called out in Danville; state police were sent into the outskirts of Reading. Injunctions were issued in two of the three strikes. In Nazareth, where the Fellowship of Reconciliation tried to bring about a settlement and the right of strikers to picket, the Union had to defend the Fellowship’s agent, Rev. Charles C. Webber, arrested for picketing.

A spectacular fight against an injunction in New York City protecting the Zelgreen Cafeteria from picketing was made by the Trade Union Unity League. Mass demonstrations resulted in mass arrests.

All the strikes were lost, largely through the repressive measures of courts and police.

The Police

The chief interferences by city police with civil rights affect radical meetings and strikers' picket lines. Local law makes little difference; police act under general ordinances against disturbing the peace, disorderly conduct and regulating traffic to break up whatever meetings they oppose.

The most conspicuous offender among police departments is New York City, with the longest record of meetings and picket-lines broken up, despite the
fact that permits for street meetings are not required in New York. The principal victims were Communists. Communist May Day demonstrations, both in 1930 and 1931, prepared for in advance and attended by huge crowds, were not molested. But smaller Communist demonstrations, particularly at the City Hall, before foreign consulates, and at other unfamiliar spots, were violently broken up. Police brutality decreased sharply after Commissioner Mulrooney replaced Grover Whalen, but enough remains to make Communist demonstrations risky business. Formal complaints to the Commissioner against assaults have resulted only in whitewashing the officers charged. The Civil Liberties Union has forced several investigations and intends to keep on protesting every case for the sake of the record and exposure, whatever the result.

Next worst is Los Angeles, where the police, backed by the Better America Federation, have continually prohibited or broken up not only Communist, but Socialist meetings. No amount of exposure and protest changes the tactics. No favorable opportunity for suits in the courts to restrain the police has arisen.

Newark, N. J., during 1930 put on a campaign of police persecution of Communist meetings, followed by prosecutions for sedition. The Civil Liberties Union, which staged a test meeting, resulting in the arrest and fine of our own representative, managed to secure an agreement with the police under which meetings were finally permitted without permit at designated points. Other New Jersey cities now and then have adopted similar tactics.

Sacco and Vanzetti demonstrations on the anniversary of their execution took place in August with less interference than previously. In Boston the police broke up a Communist-led demonstration on the Common, for which the mayor had refused a permit on the ground that it was "a closed issue." But the Old South Meeting House, semi-public forum, permitted a large evening mass meeting on the same day. Four of the Communists who attempted to speak on the Common were arrested and fined $20 apiece. The fines were paid by the Civil Liberties Union.

In Memphis, Tenn., a case attracting nation-wide attention arose when the police arrested and held for forty-eight hours a young book-salesman for Houghton-Mifflin Company, Henry R. Fuller, just because he indiscreetly enquired at police headquarters for the location of the Communist Party office! Suspected of being a Communist, he was clapped into a cell and held
incommunicado until a newspaper notice brought help from friends and a lawyer. Mr. Fuller is bringing a damage suit through the Civil Liberties Union against the Memphis police.

In two cities conditions improved greatly—Detroit and Cincinnati. In Detroit, the election of liberal-minded Frank Murphy as mayor reversed completely the policy of police repression. Meetings of all sorts have been held since without interference and without disorder. Indeed, the mayor, backed by our Detroit Civil Liberties Committee, has secured the establishment of a free speech forum in a downtown park, open to all-comers without permit, to be graced by a rostrum dedicated to free speech.

In Cincinnati, City Manager C. A. Dykstra has adopted a similar common-sense attitude. A policeman who attacked and broke up a Communist meeting was dismissed, and a meeting-place owned by the city was set aside for gatherings under any auspices.

Following the strike in Gastonia in 1929 and the refusal of authorities to allow any meetings of workers to discuss trade unionism, we endeavored to arrange a free speech test meeting. Our representative who went into Gastonia was forcibly run out of town. Lack of backing in North Carolina and the weakness of the union movement both made impossible carrying out our purpose.

**Injunctions**

The first organized national campaign for legislative relief from the abuses of injunctions was undertaken during 1930 by the Civil Liberties Union in forming the National Committee on Labor Injunctions, headed by former federal judge Charles F. Amidon. An appropriation was secured from the Garland Fund; a young lawyer was engaged as secretary; a committee of lawyers in New York directed the work.

The campaign supported the federal bill reported to the Senate, which did not come to vote, and the introduction of bills in 14 legislatures. A model bill prepared for the committee was the basis of all these bills. Net results to June:

Pennsylvania passed bills restricting issuance of injunctions and requiring jury trials for contempt, both backed by Gov. Pinchot. The Wisconsin Senate adopted a thorough-going measure advocated by Gov. LaFollette, with assurances that the House would pass it. In Massachusetts the Supreme Court held the bill unconstitutional.
The bill either came to vote and was defeated, or did not get out of committee. But a real start toward ultimate relief was made in them for the first time. Several states, inspired by the Senate fight on the nomination of Judge Parker, outlawed “yellow-dog” contracts.

Wherever serious strikes took place, the injunction continued to be used as the principal weapon of the employers. Sweeping injunctions were issued in hosiery and textile strikes in Philadelphia and in Danville, Va., in clothing and food-workers strikes in New York City, and in Illinois among the coal miners.

**Aliens**

The civil liberties issues affecting aliens cover refusal or revocation of citizenship, registration, deportation and exclusion of immigrants for their views.

The Department of Labor under the Hoover administration has drawn the lines tighter at all points. The department’s scheme to register all aliens failed again in Congress. But efforts to round up aliens thought to be illegally in the country and to deport them were resumed in the early months of 1931. Such wholesale raids had been abandoned for ten years. Even so, comparatively few aliens have been deported for their opinions.

Several Communist cases have been taken into court where they are pending, not to contest deportation, but to determine the right of the Department of Labor to send them back to countries where death or prosecution faces them. Two cases are pending in the federal courts at New York,—Guido Serio, Italian anti-Fascist, and T. H. Li, Chinese student of engineering. The case of a Japanese worker, S. Kenmotsu, is in the federal courts at San Francisco.

A deportation order against Marcus Graham, author of an “Anthology of Revolutionary Poetry,” resident in the United States for twenty-five years, was withdrawn when the Labor Department was flooded with protests.

Only one case of threatened exclusion for opinions attracted public notice, that of Miss Elsa Hewitt, daughter of a former member of the British Parliament, arriving to teach in a labor school. Immigration officials, thinking that she might be a Communist, held her, later releasing her.

Count Michael Karolyi, long excluded by the State Department for reasons never revealed, was finally admitted without restrictions.

Citizenship for alien pacifists continues to be an acute issue, with cases pending in the courts involving Professor Douglas C. Macintosh of Yale and Miss Marie A. Bland, New York nurse. Denied citizenship by the
lower court they were both admitted by the Court of Appeals in New York. On appeal by the government to the Supreme Court, citizenship was denied by a 5 to 4 decision. The court sustained its general position in denying citizenship to Mme. Rosika Schwimmer in 1929.

Despite the decision in that case, state courts in various parts of the country have admitted to citizenship conscientious objectors to taking part in war. Notable among those admitted were a Canadian Mennonite nurse and a Canadian Quaker.

Censorship

The increasing tendency to legal control of movies, the stage, books, and the radio has prompted the Union to organize a special committee to campaign against these restraints. A National Council on Freedom from Censorship, independent of the Union, but using its facilities, has been formed, with Prof. Hatcher Hughes of Columbia as chairman, Fannie Hurst, Elmer Rice, and Barrett Clark as vice-chairmen.

Recent cases handled by the Union involving legal censorship are these:

1. The Post Office ban on the envelopes of the Mooney Molders Defense Committee, held to defame the state of California by phrases demanding justice and scoring the officials. The federal Court of Appeals in New York, to which the Civil Liberties Union took the issue, reversed the Post Office ruling, and admitted the envelopes to the mails.

2. The barring of certain issues of the Revolutionary Age, organ of a Communist faction, on the ground that they advocated revolutionary doctrines prohibited by the war time espionage act, still in force. The federal courts in New York in which the Union sought to reverse the order, sustained it. Appeal will be taken to the Supreme Court. Six more radical papers have since had second-class mailing privileges either denied or revoked.

3. Under the recent provision adopted by Congress requiring jury trials in federal courts for foreign books seized by customs officials as obscene or seditious, three significant cases have arisen, one in Seattle and two in New York. In Seattle, a jury cleared "The Sexual Life in Its Biological Significance" by Dr. Johannes Rutgers of Holland. A judge in New York admitted a volume long popular in England but barred from the United States, "Married Love" by Dr. Marie Stopes. A third case, against an
anarchist publication, "Anarchy" by Enrico Malatesta, long admitted freely but recently banned, was dropped by the government when the Union contested it. The Customs Bureau has admitted a number of books previously on its index. The tendency of the amendment has been to liberalize the entry of foreign books.

Prosecutions against books, notably in New York, resulted in acquittals in court. But in Boston, today's hub of censorship, the Supreme Court sustained the conviction against Theodore Dreiser's "An American Tragedy."

In New York a campaign developed for state censorship of the theatre. It was fought by dramatists, actors, and the Union. The theatrical profession succeeded in beating the proposal and in getting the legislature to free actors and stage-hands from prosecutions for obscene plays. Producers alone will be responsible.

Attempts to revoke the licenses of certain small radio stations engaged in propagandizing for reform came before the Federal Radio Commission from Los Angeles, Detroit, and New York. All have so far been unsuccessful.

**Academic Freedom**

With few exceptions, all the issues which arose in 1930 and early 1931 involved the public schools, not the colleges. Most conspicuous of the issues was the requirement of the Seattle school board that all teachers sign contracts not to join a union. Taken to the Washington Supreme Court, the right of the Board to hire and fire teachers for any or no reason was sustained. But in face of public protest the Board eliminated its requirement from the contract after that legal victory.

New York State, and particularly New York City, was the center of most of the controversy which arose. A Catholic teacher in Monroe, N. Y. was refused appointment because of her religious connections. The Union took the case to the State Commissioner of Education who, after an investigation, suspended the principal who had discriminated against her. She got her appointment.

In New York City a flurry was caused by the action of the school board in barring a modern history text-book objected to by a single clergyman, who campaigned against it as too liberal. Despite the agitation the board maintained its ban.
Compulsory Patriotism

NOTE: Since this map was made (April, 1931) legislatures in Delaware, Michigan and Montana passed laws requiring special oaths of loyalty from teachers.
Laws Establishing Religion in Public Schools

Laws compelling or permitting reading of the Bible - 18 states.

States with compulsory laws marked c - with date.

Prohibiting the teaching of evolution as contrary to the Bible - 3 states.

NOTE: Bible-reading in schools is not forbidden in 18 more states. Practices vary in such states. In 12, Bible-reading is prohibited. Bible-reading is compulsory by rule of the District of Columbia Board of Education adopted in 1866. In one state, North Dakota, a law of 1925 requires the posting of the Ten Commandments in all school-rooms.
We kept up our search for a teacher, willing to make a test of the anti-evolution law in any one of the three states with that legislation—Tennessee, Mississippi and Arkansas. Circular letters and public offers of legal service brought interested inquiries, but nobody willing to make the sacrifice. The Fundamentalist drive on the teaching of evolution has somewhat let up; the laws are not effective in the state universities; and our counsels are divided as to the wisdom of taking the issue to the Supreme Court of the United States. But we intend to do so if a teacher for a test case is found.

Bible-reading in the New York public schools under authority of a charter provision was brought before the courts in a suit started by the Free Thinkers Society, with Arthur Garfield Hays as attorney. An attorney for Jewish organizations, as well as the Union, supported the suit on the ground that Bible-reading constitutes sectarian instruction in violation of the Constitution. The Appellate Division, without opinion, unanimously sustained the decision of Supreme Court Justice Ford refusing the injunction. Appeal will be taken.

**Getting Out of Haiti**

The appointment by President Hoover of a commission to investigate conditions in Haiti with a view to withdrawal of the American Occupation brought from the Union a public appeal for unrestricted freedom of expression by Haitians. Members of the Commission were approached; the facts of censorship in Haiti were presented. The censorship was lifted.

Although the Commission's report pointed the way to withdrawing the Occupation, little was done by the Administration to replace American officials by Haitians. The Union then in an open letter urged the government to carry out its announced plan. The Union's appeal, widely reported in the press and backed editorially, may have had some influence on Secretary Stimson's recent announcement, speeding up withdrawal.

**Trouble in the Philippines**

No territory under the jurisdiction of the United States is alien to our work. From far-away Philippines came during the early months of 1931 a series of dispatches indicating growing suppression of the Communist
movement among the peasants and workers. This suppression culminated in late May with the arrest of over 300 natives for sedition under a drastic act passed in 1907. The Philippine Communist Party was declared illegal, its meetings broken up and places on the ballot denied to its candidates. It is the only area under the jurisdiction of the United States where the Party is treated as an illegal conspiracy.

The Union has offered its services in the United States to help the defense by raising funds, an offer accepted by the leaders of the Philippine Party. Arrangements for aid are in the hands of a member of the Union at the Philippine Academy of Social Sciences.

Civil Rights for American Indians

On appeal from many friends of the Indians, the Union formed a Committee on Indian Civil Rights, headed by Nathan Margold, New York lawyer, who had volunteered his services in carrying through the courts important litigation affecting Indians. The committee’s work is confined to those civil liberties of Indians which should follow the grant of citizenship to them a few years ago, but which they are denied by law and regulation. The Union's committee will not duplicate any of the existing agencies aiding the Indian. It will confine itself exclusively to freeing Indians to conduct whatever propaganda they like for their own betterment and for the protection of their culture and property.

Inquiry into Fascist Activity

All attempts to get the facts about interference by Fascist agents with Italian-American citizens yieded little result—so little indeed that we were obliged to return the unexpended portion of the fund put into our hands by Prof. Gaetano Salvemini. Italian-Americans feared to give evidence; cases of interference dropped off. Growing anti-Fascist sentiment all over the country made the original purpose of the inquiry untimely.

In Newark, N. J. an Italian anti-Fascist and anarchist, Benedetto Bruno, was sent to the insane asylum, friends charging that he was railroaded because of his radical views. The Union employed an alienist to examine him.
and upon certificates that he appeared to be sane, proceedings were brought in the Chancery Court of New Jersey to free him. When the case came up for hearing, the state did not contest it and Bruno was freed.

**Professional Patriots' Serious Nonsense**

We would like to dismiss the whole crew of professional patriots with a mere reference to their absurd propaganda. But unhappily effects are too serious to permit our doing so.

The organized effort to entrench their intolerance of all progressive movements was greatly stimulated during the last year by the activities of the Fish Committee, backed as they were throughout the country by the professional patriots,—notably the National Civic Federation, the American Legion, the Daughters of the American Revolution, the Better America Federation in Los Angeles and the American Vigilant Intelligence Federation in Chicago.

In five cities these professional patriotic organizations are most active locally, inspiring sedition prosecutions, bans on radical or pacifist meetings, police raids, and propaganda against middle-class liberals pictured as aiding the forces of revolution by defending radicals' right to free speech. These five cities are Boston, Philadelphia, New York, Chicago and Los Angeles. Elsewhere they are only sporadically active. Of course, the national organizations' headquarters in Washington and New York send out their propaganda material which has some effect in other cities in stopping meetings and inspiring prosecutions.

The Union is constantly attacked in both printed matter and so-called confidential bulletins as the leader of "subversive forces" in the United States because we defend the right of all groups to agitate freely. The Fish Committee so characterized the Union in its report to Congress. It is inconceivable to these patriots that we could defend the right to express a view which we do not share.

In Chicago where the attacks on officers of the Union became personal and libelous, we moved to sue Harry A. Jung, former private detective, head of the American Vigilant Intelligence Federation, our chief defamer in that district. A suit brought by Dr. Harry F. Ward against him was dismissed in court, but suits immediately thereafter were filed in behalf of John Haynes Holmes and Karl Borders. They are still pending.
Among all these professional patriots, the American Legion, as the replies from our correspondents show, was the most active agent of suppression. That does not mean the national office of the Legion, but posts in localities where they are controlled by strong business elements. In Ohio they succeeded in defeating the repeal of the criminal syndicalism law which had been favorably presented to the legislature; in other states they either put through or defeated legislation affecting civil liberty, or induced the police to break up meetings.

The Daughters of the American Revolution, next most obstreperous group of patriots, succeeded in getting through four state legislatures bills requiring special oaths of loyalty from school teachers. The National Civic Federation, always able to command national publicity if nothing more, distinguished itself by backing up the Fish Committee, whose creation it virtually sponsored. The fake anti-Soviet documents, given to the world by Police Commissioner Grover Whalen of New York, and which were directly responsible for the appointment of the committee, were, according to credible evidence, presented to the Commissioner by Ralph M. Easley, secretary of the National Civic Federation. Mr. Easley's long and close connection with Russian Czarists operating in the United States and his violent opposition to Soviet Russia and Communism are well known.

Among other of the professional patriots who constitute themselves suppressors of "radicalism," we may note the Industrial Defense Association in Boston, Francis Ralston Welsh, Philadelphia broker who conducts a propaganda service of his own, and the National Republic, a private enterprise, sent widely throughout the country and bristling with false attacks on liberals, pacifists and radicals under the head "The Enemy Within Our Gates."
The Issues Pending

(June, 1931)

I. In the courts on appeal:

1. Test of the Post Office ban on *Revolutionary Age* and other radical papers.
2. Test in the federal courts in Michigan of the alien registration law.
3. Test case in Newark, N. J. of the right of atheists to testify.
4. Appeal in the federal courts at New York of the Department of Labor's refusal to permit deported Communists to go to Soviet Russia.
5. Further appeal of the conviction of the Imperial Valley strikers in California.
6. Further appeal of the New York City test case on Bible-reading in public schools.

II. Awaiting trial in the courts:

A. Defense cases:

1. Indictment of three National Textile Union organizers in Lawrence, Mass. "for conspiracy to destroy the business of the American Woolen Company."
2. Indictment of coal miners in Pennsylvania, Ohio and Kentucky under sedition and criminal syndicalism laws.
3. Indictment of six Communist organizers in Atlanta, Ga., charged with inciting insurrection.

B. Damage suits:

1. Damage suits on behalf of the families of men killed at the Columbine mine, Colorado, in the coal strike of 1928.
2. Libel suits against Hary A. Jung, professional patriot, Chicago, on behalf of John Haynes Holmes and Karl Borders.

III. In Congress:

1. Bill to restrict powers of federal courts to issue labor injunctions.
2. Repeal of the Post Office censorship section of the war-time espionage act; and repeal of other Post Office censorship powers over "obscenity" and birth control information.
3. Amendment to immigration law to admit alien political refugees.
4. Efforts to defeat the registration of aliens.
5. Efforts to defeat the bill preparing for a universal draft in time of war.
6. Efforts to amend the naturalization law to permit admission of alien war objectors who refuse to promise to bear arms.
7. Resolution calling on the President to restore rights of citizenship to those convicted under the Espionage Act.

IV. Political prisoners:
1. Campaign for the release of Mooney and Billings.
2. Efforts for the release of the Centralia I.W.W. prisoners.
3. Restoration of the rights of citizenship by Presidential proclamation to 1500 persons convicted under the Espionage Act.
4. Pardon of the four men serving sentences under the Pennsylvania sedition act.

V. State legislation:
1. A general campaign in Pennsylvania under the auspices of a state committee to repeal the sedition act, take the state police out of strikes, abolish the coal and iron police, and to force the incorporation of closed company towns.
2. Campaign in Massachusetts to abolish the censorship, especially in Boston, over meetings in licensed halls and parks and over theatres,—under auspices of the Massachusetts Civil Liberties Committee.
3. Continuation of the campaign in legislatures to restrict labor injunctions.
4. Campaigns in the state legislatures against censorship of movies, the stage, and books.
The Union's Organization, Publications, Finances

Board of Directors and National Committee

Eleven new members were elected to the National Committee, making a total of seventy-nine. They are:

Sherwood Eddy, former Y.M.C.A. international secretary, New York City; John Finerty, attorney, Washington, D. C.; Powers Hapgood, former miners' organizer, Indianapolis; Thomas Hardwick, former U. S. senator, Albany, Georgia; John A. Lapp, professor, Racine, Wis.; William L. Nunn, of the faculty of New York University; Amos Pinchot, lawyer, New York City; Anna Rochester, New York City; Elbert Russell, Dean Duke University, N. C.; William Scarlett, Episcopal Bishop, St. Louis, Missouri; Millie R. Trumbull, member Oregon Industrial Welfare Commission, Portland, Ore.

The terms of two members of the National Committee have expired,—Dr. John Lovejoy Elliott and Miss Helen Keller, both of New York. William Z. Foster, member of the Committee since the Union's establishment in 1920, when he headed the steel workers, resigned in 1930 in protest against the Union's condemnation of the Gastonia defendants who jumped their bail.

The officers of the Union remain unchanged with the exception of our Washington representative, C. S. Spear, resigned because of removal from Washington. His place has been taken by Edmund D. Campbell, attorney.

The board of directors, meeting weekly, in active charge of the Union's affairs, is composed of:


Local Committees

Thanks to an appropriation from the Garland Fund for special work in areas throughout the country where civil liberties' issues are most acute, the Union was able to put secretaries on the job in New England, the Chicago district, and in the South.

In New England the work centered around a legislative campaign to remove the censorship of theatres and public meetings, and aid to secure strikers' rights in Lawrence and Fall River. Robert Bakeman, former mayor of Peabody, Mass., was employed to handle the work, assisted during the
legislative session by Miss Mildred Gutterson, employed by the Massachusetts Civil Liberties Committee. Mr. Bakeman represented both that Committee and the national office. The arrangement was terminated in May, 1931, to be resumed for the campaign in the next legislature, and meanwhile as emergencies require.

In the Chicago district, the Chicago Civil Liberties Committee, headed by Arthur Fisher, engaged Frank L. Palmer as secretary. The work centered on combating the police persecution of Communists, revived in Chicago for the first time in some years, beginning with raids preceding an unemployment demonstration in March, 1930. Police repression in Kenosha, Wis., the Illinois mining districts, and Chicago suburban towns, was also fought. Mr. Palmer was succeeded by Lloyd Lehman, Chicago attorney. As in New England, the arrangement was terminated in May, to be resumed as emergencies require.

In the South, where strikes and Communist agitation have aroused violent repression, Walter Wilson represented the Union in organizing committees to oppose prosecutions in Atlanta and Birmingham, and aided in the prosecution of lawless officials in North Carolina. Mr. Wilson ended his work toward the close of 1930. Since then the Union has sent Miss Hollace Ransdell into the South for special work in connection with prosecutions in Tennessee and Alabama.

In the Newark district, where some sixty prosecutions were brought against Communists for street meetings and distributing circulars in the summer of 1930, an attempt to organize a local committee brought little response, but the representative of the Union organized protest meetings and aided in the defense.

Three other centers in the country conduct strong local work for civil liberties—Detroit, Pennsylvania, and Southern California.

In Detroit services are entirely voluntary. The committee, under the leadership of Miss Caroline Parker, chairman, with the encouragement of liberal-minded Mayor Murphy, has succeeded in completely eliminating the police repression for which Detroit was notorious. Among the committee's achievements have been the establishment of a municipal forum in a downtown park, sponsored by the mayor, and approved by the city council; and the filing of suits against a circuit judge in Flint who, during a strike of automobile workers in the summer of 1930, refused to hear applications for a writ of habeas corpus.

In Pennsylvania the state-wide committee employed a secretary, financing
the job by local contributions with some help from the Garland Fund and the national office. The work has covered a wide range in a state burdened by more police forces devoted to repressing working class movements than any state in the Union, and by sedition prosecutions more constant and widespread than elsewhere in the country. A legislative program was adopted, bills framed, and introduced. Governor Pinchot supported several of the Committee's proposals, although he compromised on the total abolition of the coal and iron police, privately-paid agents of the companies. The Committee succeeded in getting through the legislature bills limiting injunctions, requiring jury trials for contempt, and abolishing the importation of thugs as deputy sheriffs in strikes. First aid was rendered to strikers' rights where curtailed in half a dozen industrial towns; and to the defense in sedition cases.

The state committee is headed by Rabbi Philip D. Bookstaber of Harrisburg, backed by an active group in Philadelphia employing a local secretary, and by a committee in Pittsburgh. William Gilbert Nowell was employed as state secretary during the early part of 1930; he was succeeded in the fall by Allan G. Harper, with headquarters at Harrisburg.

In Southern California the branch of the Union has continued its work organized in 1922, publishing a weekly paper, "The Open Forum," and conducting a large Sunday night weekly forum. Clinton J. Taft continues as director. Energies have been chiefly directed, outside the regular features, to combating police interference with Communist meetings, (and even with a few Socialist meetings) the defense of cases in the courts; and to opposing the Board of Education's ban on Communist children.

A local committee in Cincinnati, with Mrs. Mary D. Brite as secretary, acts whenever emergencies arise. So, too, does a local committee in Baltimore, with Miss Elisabeth Gilman as secretary.

During the year an active committee was formed in St. Louis, inspired by police collisions with Communist demonstrators. The committee, with a strong list of officers, is headed by Rev. George Gibson, with attorney Louis Wolfe as secretary.

In Wisconsin the arrests growing out of efforts to secure strikers' rights to hold public meetings in Kenosha resulted in the formation of a state-wide Civil Liberties Committee under the leadership of Prof. Wm. G. Rice of the University of Wisconsin, with Wm. L. Chalmers, instructor, as secretary.

This is only a brief sketch of local work dealing with scores of prose-
cutions, meetings broken up, censorship, and discrimination. Local work for civil liberties has been more widespread and intensive than at any time before. The total amount spent from the Garland Fund appropriation has been about $5,000. The amount raised locally in all these centers totals $20,000.

**Publications**

The following pamphlets and leaflets were published in 1930 and up to June, 1931:

**JUSTICE-NORTH CAROLINA STYLE.** The record of the year's struggle in Gastonia and Marion, April 1929 to April 1930.

**LEGAL TACTICS FOR LABOR'S RIGHTS.** A summary of the aggressive action set forth in the book "Don't Tread on Me," by Arthur Garfield Hays and others.

**THE SCANDAL OF MOONEY AND BILLINGS.** Decisions of the California Supreme Court and Gov. Young. All the facts up to date. National Mooney-Billings Committee.

**THE RIGHT TO ADVOCATE VIOLENCE.** A six-page leaflet explaining the law, the facts, and the position of the American Civil Liberties Union.

**STATE LAWS RESTRICTING CIVIL LIBERTIES.** 3 maps showing laws aimed at radicals, Negroes, freedom in education.

**EVEN ADAM HAD A HEARING.** An eight-page primer on labor injunctions. National Committee on Labor Injunctions.


**A STRIKE IS CRIMINAL SYNDICALISM—IN CALIFORNIA.** The story of the imprisonment of eight Imperial Valley strike leaders.

**CALIFORNIA RED FLAG CASE.** The facts of the conviction of five women for displaying a red flag at a children's summer camp.

**FREE PENNSYLVANIA'S POLITICAL PRISONERS!** The story of the prosecution under the sedition law of five Communists, in which the Pennsylvania Supreme Court upheld the act.

**POLICE LAWLESSNESS AGAINST COMMUNISTS IN NEW YORK.** The
facts of the unemployed demonstration of March 6, 1930, and remedies to check future police violence.

The Post Office Ban on Revolutionary Age. Case pending in U. S. courts in New York City.

Should Alien Communists be Deported for Their Opinions? By Roger N. Baldwin in debate with Hamilton Fish, Jr.

Citizenship for War Objectors. The facts of pending court cases raising the issue of citizenship for alien religious objectors to war; with proposal in Congress to admit such objectors to citizenship.

The Pacifist Bogey, by Dorothy Dunbar Bromley. Reprint of an article in Harper's, covering the Schwimmer, Macintosh and Bland cases.

Scandal and Defamation! Case under the Minnesota press gag law denying right of newspapers to defame.

This is the largest pamphlet output of the Union in any similar period, necessitated by the number and diversity of the issues. Several of them were not published directly under the Union's name, but by agencies created by the Union—the National Mooney-Billings Committee and the National Committee on Labor Injunctions.

In addition we promoted the sales of the following new books and pamphlets:

Dynamite, by Louis Adamic.
Liberty, by Everett Dean Martin.
This Land of Liberty, by Prof. Ernest Sutherland Bates.
The Frame-Up System, by Vern Smith.
Labor Leaders Betray Tom Mooney, Tom Mooney Molders Defense Committee.
The Labor Injunction, by Prof. Felix Frankfurter and Nathan Greene.
Who's Obscene? by Mary Ware Dennett.
Massacre, by Robert Gessner. A survey of the American Indian today, with chapters on his civil rights.
William Floyd, publisher of the “Arbitrator,” pacifist and progressive monthly, generously offered us the back page free of charge for a review of civil liberties issues each month. This goes not only to “Arbitrator” subscribers but to others whom the Union wishes to interest.

The Union also decided to issue a quarterly news bulletin, beginning in June 1931, to acquaint our members more intimately with our activities and the pending issues. It is a service which pamphlets cannot render, since each is devoted to a single topic.

**Law Bulletins**

Six law bulletins were issued during the year, prepared by Carol Weiss King, attorney, on the following subjects:

- Recent court victories by aliens.
- Federal court decisions involving labor injunctions.
- The Communists and labor injunctions in New York City (The Brooklyn shoe industry and Commissioner of Conciliation).
- The right of employers to interfere with the union affiliations of their employees.
- Labor injunctions in state courts.
- Freedom of expression (Post Office censorship, “Revolutionary Age” and two “obscenity” cases).

**Bulletins for Action**

The monthly Bulletins for Action, telling our friends all over the country on what issues to act and how, were continued with considerable response. The bulletins go free to a mailing list of about 350 persons and organizations.

**Bail Fund**

The Bail Fund established by the American Fund for Public Service, and administered by the Union, wrote 108 bonds totaling $142,300 from August, 1929 to May, 1931. At the close of May, 1931 bail bonds totaling $50,200 were outstanding.

The Bail Fund writes bail in all cases involving freedom of speech, press, assembly, the right to strike, organize, and picket. Bail is written in deportation cases only when satisfactory personal endorsements of two responsible persons are furnished.
Bail-jumping by the five men convicted at Gastonia, N. C., of conspiracy to kill the chief of police, resulted in the loss of $28,500 to the Bail Fund, and incidental losses following it—with court costs—totaling some five thousand dollars more. These losses of course are borne by the American Fund, not the Civil Liberties Union.

As a result the Union recommended to the Fund withdrawal of bail service in Communist cases until satisfactory arrangements for reimbursement in case of loss are made. Although the bail bonds are backed in case of default by the International Labor Defense, the demands on that organization have prevented a campaign to make up the losses; $2000 was repaid on one bond. In the absence of any definite policy concerning bail-jumping on the part of the Communist Party and allied agencies, and in the face of inability to make good the losses, the Bail Fund is for the present closed to Party members.

**Relation to International Labor Defense**

A change in relation to the International Labor Defense was made during the year as a result of experience in handling court cases. Previously we have gone in jointly with the International Labor Defense in conducting cases in courts where civil liberties issues were involved, particularly where a significant test case arose. On account of differences in policy between the International Labor Defense and the Union, we have now agreed to go in only where we can accept full responsibility for our handling of any given case, and thus direct the policy in court.

The International Labor Defense often insists upon stressing in court the class and economic issues involved, because it is primarily a working-class defense organization. The Civil Liberties Union on the other hand has no interest in these issues and often finds their injection into a case detrimental to the civil liberties questions. Lawyers find it confusing under a joint arrangement to take directions from two sources. Hereafter cases will be handled at any one stage either by the International Labor Defense exclusively or by the Civil Liberties Union exclusively. Usually the original trial will be handled by the International Labor Defense, and appeals by the Civil Liberties Union when it is desired to test out issues of law.

**Finances**

The regular income in the Operating Fund of the Union was $1200 less than in the previous year,—a total of $23,100 as against $24,300. It was about the same as in 1929. Our friends continue to support the job, despite unfavorable economic conditions.
Receipts in special funds showed a total of $17,200 from all sources, both from members and the American Fund for Public Service. Of this total amount the American Fund put at the Union's disposal for special work a total of $5000. Of this, $1,270 went into special cases in the courts, $1,200 into the anti-injunction campaign, and $2,500 for field work. The receipts from members in these special funds were about $1000 less than the year before.

The total number of contributors in all funds was approximately 2,750. The regular contributors to the Union numbered about 2,500. Mrs. Margaret De Silver continued to give the largest single amount toward operating expenses, continuing her husband's generous gift of $1200 a year. In special funds one extraordinary gift of $2,902.12, from the settlement of an estate, was received from an anonymous donor. The money was applied to work in Pennsylvania, to defense cases in the courts, and to the anti-injunction campaign. Several other gifts for special funds ranged from $500 to $1,000.

Outside these contributions, the supporters of the Union contributed less than $500, averaging $8.00 each. The total membership slightly increased. The following table shows the distribution of the Union's financial support:

- We have 8 contributors of $500 to $1000 each, 10 between $200 and $500, 30 between $100 and $200, 57 between $50 and $100, 151 between $25 and $50. The other 2300 contributors gave from $1 to $10.

Expenditures for the ordinary operations of the Union increased considerably during 1930, to almost $25,000 from $20,000 the year previous. The increase was due to the addition of $2,400 in executive salaries, since Mr. Baldwin's salary is paid from the regular budget instead of from a special fund; to an increase of $1,000 in pamphlet printing; $600 in ordinary printing, and $600 in office salaries.

The membership dues in the Union, which have never been classified, each person paying what he wished from a dollar up, were changed to definite classifications to help our membership drive, as follows:

- Associate Member, $1
- Annual Member, $2
- Contributing Member, $5
- Supporting Member, $10
- Sustaining Member, $25
- Patron, $100 and over.

Dollar members who previously received all publications will, under the new arrangement, receive only the quarterly bulletin, the annual review and the mimeographed services free to members. Members paying $2.00 or over will receive all publications. This change was made necessary by the increased cost of sending out pamphlets, which have become more numerous.
TREASURER'S REPORT

Operating Fund

RECEIPTS:

Balance on hand, Feb. 1, 1930 $2,112.51
From contributors 22,445.85
From case reports, news service, profit on book sales and interest 640.94

$25,199.30

EXPENDITURES:

Executive salaries $6,200.00
Office salaries 6,811.26
Technical and professional services 1,770.66
Office rent and service 1,644.50
Office supplies, expenses, and repairs 448.50
Depreciation of furniture and equipment 57.09
Printing and stationery 1,579.31
Telephone 562.19
Telegrams, messengers, etc. 456.99
Postage and express 2,011.32
Newspapers, subscriptions and clippings 258.78
Books and pamphlets purchased 34.45
Binding records, clippings 67.75
Advertising and publicity services 26.58
Dinners, lunches and meetings 129.65
Traveling expenses 66.46
Printing of literature 1,949.13
Congressional work 734.22

$24,808.84

Transferred to Book Fund 369.90

$25,178.74

SURPLUS 20.56
Special Funds

These are treated in two groups; first, special fund accounts and second, trust funds. All the accounts show total receipts and expenditures to January 31, 1931.

1. Special Funds

North Carolina Fund

This fund was established when the civil liberty issues in the North Carolina textile strike became acute in April, 1929. Appeals to our members brought most of the receipts. Very little came from outside. The receipts did not meet the emergencies which we felt compelled to handle. We are therefore carrying a heavy deficit.

DEFICIT, 1929 ........................................................................................................... $2,097.48

RECEIPTS:
Contributions ........................................................................................................ $3,049.20

EXPENDITURES:
For defense of cases and suits against lawless officials in both Gastonia and Marion districts as a result of the 1929 strikes .............................................. $625.85
Attorney's fee and expenses for arguing Gastonia cases in North Carolina Supreme Court ........ $2,611.30
For lawyers and investigators' services and witnesses' fees in the prosecutions and damage suits against slayers of Ella May Wiggins .......... $625.00

$3,862.15

DEFICIT FOR YEAR ................................................................................................. $ 812.95
DEFICIT AT CLOSE OF YEAR .............................................................................. $2,910.43
Mooney-Billings Fund

This fund, handled by the Union, is under the control of the National Mooney-Billings Committee. No public appeals for contributions were made, in order not to conflict with the appeals made by Mooney's committee in California. Receipts have come in either practically unsolicited or from the American Fund for Public Service.

**Deficit, 1929**  $307.64

**Receipts:**
- Contributions (with small amount from pamphlet sales) $258.98
- American Fund for Public Service 500.00

**Total Receipts** $758.98

**Expenditures:**
- Clippings $320.48
- Expenses of committee (meetings, etc.) 92.76
- Telephone and telegrams 50.57
- Printing literature 50.40
- Office work 15.08

**Total Expenditures** $529.29

**Balance for Year** $229.69

**Deficit at Close of Year** 77.95

Mary Ware Dennett Defense Committee

The defense fund to carry up on appeal the conviction of Mary Ware Dennett for sending through the mails her pamphlet "The Sex Side of Life" had a surplus carried over from the previous year. The case was finished in the courts and the balance was held, by vote of the special committee which collected the fund, for other similar cases.

**Balance, 1929** $1,402.61

**Receipts:**
- Contributions and book sales $23.60
THE FIGHT FOR CIVIL LIBERTY

EXPENDITURES:
For defense of a book in the federal courts at
Seattle .............................................................................................................. $168.80
Telephone, clippings and office work .................................................. 59.75
Books and pamphlets .................................................................................. 43.80
Postage ........................................................................................................... 11.50

$283.85

DEFICIT FOR YEAR ........................................................................................... $260.25
BALANCE AT CLOSE OF YEAR ..................................................................... $1,142.36

Georgia Insurrection Cases
For the defense of six Communists indicted in Atlanta for "inciting Negroes to revolt." Expenses shared with the International Labor Defense.
RECEIPTS:
Contributions .............................................................................................. $620.00
EXPENDITURES:
Attorney's fee and expenses ........................................................................ $1,232.68

DEFICIT ............................................................................................................... $612.68

California Red Flag Case
Defense fund for carrying up the conviction of Yetta Stromberg and others in the California courts and to the United States Supreme Court; expenses shared with the International Labor Defense.
RECEIPTS:
Contributions .............................................................................................. $563.00
American Fund for Public Service ............................................................. 350.00

$913.00

EXPENDITURES:
Attorney's fee and expenses ........................................................................ $800.00

Balance, applied on attorney's expenses in 1931 ....................................... $113.00

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The Fight for Civil Liberty

Book Fund

This fund represents receipts and sales from books.

Receipts:

Sales .................................................................................................................. $59.30

Expenditures:

For books purchased ......................................................................................... $20.50

Balance at Close of Year .................................................................................. $33.80

A deficit of $369.90 from 1929 was wiped out by a transfer from the Operating Fund.

Undesignated Special Funds

This fund covers the small cases for which no special account is open. The contributions came in response to appeals to our own members, and one unsolicited and anonymous gift of $2902.12 from the settlement of an estate.

Balance, 1929 .......................................................................................................... $341.77

Receipts:

Contributions ....................................................................................................... $2,510.25

Special gift ............................................................................................................. 2,902.12

$5,412.37

Expenditures:

For general work of Pennsylvania Civil Liberties Committee ........................................ $500.00

For defense and suits against lawless officials in Pennsylvania ................................ 201.98

Suit against Judge Black, Flint, Mich. for refusal of writs of habeas corpus ............... 100.00

Toward attorney's fee in case of Harry J. Canter, Boston .................................................. 100.00

Expenses in filing libel suits against Harry A. Jung, Chicago ........................................ 75.55

Contesting exclusion order against Elsa Hewitt, British citizen .................................... 74.34

Court expenses in defending desecration of the flag case, Van Etten, N. Y. ................. 71.35

Payment of fine of William T. Murdoch, strike organizer, at Danville, Va., to secure release from jail ......................................................................................... 62.00

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Court expenses and damage suits on behalf of
Court expenses, Mooney envelope test case .......................... 66.60
Court expenses, Mooney-Billings envelope test case ....................... 61.35
Suit for false arrest on behalf of Charles C. Webber, Nazareth, Pa. ... 40.00
Expenses in contesting deportation order against Marcus Graham ........ 45.00
Court expenses in pacifist citizenship cases ............................ 51.82
Defense of Leon Lewis, arrested at Communist demonstration, New York City .... 35.80
Toward proposed suit for false arrest of Harold Keen, Norfolk, Va. .... 25.00
Free speech test meeting at Kenosha, Wis. ............................... 36.70
To secure release of bail bonds, deportation cases, Philadelphia ........ 20.00
Investigation of police brutality at Stamford, Conn. ................... 17.49
For incidental expenses of defense and bail bonds ..................... 72.72

$1,657.70

BALANCE FOR YEAR ................................................................. $3,754.67
BALANCE AT CLOSE OF YEAR .................................................. $4,096.44

2. Trust Funds

Revolving Loan Fund

This fund was put at the disposal of the Union by the American Fund for Public Service, to be loaned out for defense and other emergencies until funds could be collected from other sources:

PRINCIPAL, Feb. 1, 1930 ..................................................... $4,000.00
Interest on loans and bank deposits .................................. 242.70

$4,242.70

Loans outstanding, Jan. 31, 1931 ........................................... $3,043.30
Bank balance ................................................................. $1,199.40

Repaid in 1930:
General Defense Committee, toward loan for bail bond in Fiske case, Kansas ........................................ $100.00

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New loans made in 1930:

General Defense Committee, for New York free-speech case, $200 minus $100 paid $100.00
International Labor Defense, for Gastonia cases $500 minus $200 repaid $300.00

Loans outstanding, Jan. 31, 1931.

International Labor Defense, national office $1,543.30
International Labor Defense, Philadelphia office 450.00
International Labor Defense, Boston office 50.00
American Civil Liberties Union, Pittsburgh Br. 400.00
Advance to attorney for legal suits, North Carolina 500.00
General Defense Committee 100.00

$3,043.30

Emergency Case Fund

This fund is put at our disposal by the American Fund for Public Service in order to avoid the Fund's having to handle many appeals for small sums in civil liberty cases. The amount appropriated has been gradually reduced as the Fund's resources have decreased. It will be discontinued entirely in another year or two.

Appropriation for 1930. $1,500.00

Receipts:
American Fund for Public Service $1,271.37

Expenditures:
Marion, N. C. civil suits $500.00
California red flag case 350.00
Bland citizenship case, court expense 267.62
Hindu deportation test case, New York 100.00
International Ladies' Garment Workers Union picketing case, New York 53.75

$1,271.37

Balance $228.63

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# AMERICAN CIVIL LIBERTIES UNION, INC.

**BALANCE SHEET**

*As at January 31, 1931*

## ASSETS

### EXPENDABLE FUNDS:
- **Cash in banks:**
  - Operating Fund: $2,918.71
  - Special Funds: 241.25
  - Special Funds— at interest: 92.10
  - Petty cash: 20.00
  - Accounts receivable: 1.20
  - Investments—General Reserve Fund: 5,000.00
  - Investments: 2,947.50
  - Furniture and equipment: 242.83

**Total Expendable Funds:** $11,463.59

### NON-EXPENDABLE FUNDS:
- **Revolving Loan Fund:**
  - Cash in bank: $1,199.40
  - Loans receivable: 3,043.30

**Total Non-Expansible Funds:** $4,242.70

- Securities held in trust under deed of gift: 1,000.00

**Total Assets:** $16,706.29

## LIABILITIES

### EXPENDABLE FUNDS:
- Accounts payable: $1,740.66
- Loans payable: 500.00
- Surplus accounts:
  - Operating fund: $5,020.56
  - Less: Deficit account—special funds: 6,236.07

**Total Liabilities:** $1,215.51
**THE FIGHT FOR CIVIL LIBERTY**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Reserve Fund</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Special Funds</td>
<td>$5,438.44</td>
</tr>
</tbody>
</table>

**NON-EXPENDABLE FUNDS:**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surplus accounts:</td>
<td></td>
</tr>
<tr>
<td>Revolving Loan Fund:</td>
<td></td>
</tr>
<tr>
<td>Principal sum</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Income account</td>
<td>242.70</td>
</tr>
<tr>
<td></td>
<td>$4,242.70</td>
</tr>
<tr>
<td>Trust Fund under deed of gift</td>
<td>1,000.00</td>
</tr>
<tr>
<td></td>
<td>$16,706.29</td>
</tr>
</tbody>
</table>

**AUDITOR'S CERTIFICATE**

We have made a general audit of the accounts of the American Civil Liberties Union, Inc. for the fiscal year ending January 31, 1931. We were afforded access to all necessary documents, vouchers, and records, and we received all information and explanations required by us.

Any contributor not receiving an official receipt for a contribution should communicate with us.

We certify that Exhibit "C"* is drawn up to present a true and correct view of the financial position as at the close of the year.

Fedde & Co.

Accountants and Auditors

Members, American Institute of Accountants

110 William Street,
New York, N. Y.
February 26, 1931.

*NOTE:*—A complete copy of the auditor's report will be sent to any contributor who requests it. It is not printed in full here because it is too technical to be understood without the explanations given in this report. The operating and special fund accounts given here are all taken from the auditor's report.

The Union's financial methods and accounting are endorsed by the National Information Bureau, 215 Fourth Ave., New York City, an agency formed to advise contributors.

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OFFICERS

Chairman
HARRY F. WARD

Vice-Chairmen
HELEN PHELPS STOKES
JAMES H. MAURER
FREMONT OLDER

Treasurer
B. W. HUERSCH

Directors
ROGER N. BALDWIN
FORREST BAILEY

Counsel
ARTHUR GARFIELD HAYS
MORRIS L. ERNST

Research Secretary
LUCILLE B. MILNER

Washington Counsel
EDMUND D. CAMPBELL

NATIONAL COMMITTEE

Charles F. Amidon  John Haynes Holmes  Anna Rochester
Harry Elmer Barnes  Frederick C. Howe  Edward A. Ross
Herbert S. Bigelow  James Weldon Johnson  Elbert Russell
Edwin M. Borcherd  George W. Kirchwey  John A. Ryan
Richard C. Cabot  John A. Lapp  William Scarlett
John S. Codman  Julia C. Lathrop  Joseph Schlossberg
Clarence Darrow  Agnes Brown Leach  Vida D. Scudder
John Dewey  Arthur LeSueur  Abba Hillel Silver
James H. Dillard  Henry R. Linville  John F. Sinclair
Robert W. Dunn  Robert Morss Lovett  Clarence R. Skinner
Sherwood Eddy  Mary E. McDowell  Norman M. Thomas
Elizabeth Glendower Evans  Anne Martin  Edward D. Tittmann
John F. Finerty  Alexander Meiklejohn  Albert M. Todd
Elizabeth Gurley Flynn  Henry R. Mussey  Millie R. Trumbull
Walter Frank  A. J. Muste  William S. U'Ren
Felix Frankfurter  Walter Nelles  Oswald Garrison Villard
Ernst Freund  William L. Nunn  B. Charney Vladeck
Kate Crane Gartz  Julia S. O'Connor Parker  David Wallerstein
Norman Hapgood  William Pickens  George P. West
Powars Hapgood  Amos Pinchot  Peter Wit
Thomas W. Hardwick  Jeannette Rankin  L. Hollingsworth Wood

Associate membership with subscription to Quarterly Bulletin and annual review—one dollar.
All pamphlets in addition—two dollars a year.
Monthly reports on civil liberty cases in the United States—fifty cents a year.
Law Bulletin service—free to cooperating attorneys and to law libraries.
Monthly Bulletins for Action—free of charge to members.
Publicity service—free to interested periodicals and writers. To others—one dollar and fifty cents a year.
The services of lawyers, correspondents, writers, speakers and investigators are invited anywhere in the United States. Contributions in any amount always welcomed and needed.
Treasurer,
American Civil Liberties Union,
100 Fifth Ave.,
New York City

Date ..................................

1. Enclosed find $ ................ for associate membership and contribution to the general work of the Union.

2. I will contribute $ ................ to the special fund for ........................................ payable ..................

4. Send me free further information concerning:


4. Remarks: .................................................................

Signed .................................................................

Address .................................................................

City-State ............................................................

Use the above coupon for membership, special contributions, free literature or comment.

Bequests for the benefit of the work for civil liberty may be made to the American Civil Liberties Union, Inc., a New York corporation with headquarters at 100 Fifth Avenue, New York City.