The story of the year 1927 — of the courts, laws, police, schools, public opinion — with prospects ahead

"Those who won our independence by revolution were not cowards. They did not fear political change. They did not exalt order at the cost of liberty”.

JUSTICES BRANDEIS and HOLMES, in the Whitney case, May, 1927.

American Civil Liberties Union
100 Fifth Avenue
New York City.
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**The Union's Work and Machinery**

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REPRESSION AND INTOLERANCE—MORE OR LESS?

While active repression throughout the country has continued to decrease, intolerance is firmly entrenched. The machinery of repression is intact. Wherever a conflict arises it is used.

The reason for the decrease in repression is that there is little to repress. Militancy in the labor movement has declined; the radical political movements do not arouse fear. Insurgency of any sort is at a minimum.

It is a matter of common observation that the general public attitude is one of indifference and intolerance, more settled and apathetic than at any time since the war. There is little protest, little activity.

Nevertheless, even with this general inactivity there are centers where conflicts are and have been acute,—in the coal fields of Pennsylvania, in the textile industry, and in a number of cities where the police adopt lawless tactics in preventing or breaking up radical meetings.

All the instruments of repression remain not only unchanged, but they have been strengthened the last year by decisions of the U. S. Supreme Court, notably in the cases sustaining the state criminal syndicalism laws.

We remind our friends that the espionage act sections authorizing Post Office censorship are still in
force; that 34 states have criminal syndicalism or sedition laws—actively used now only in Pennsylvania; that sweeping injunctions against workers' rights in time of strikes are the ordinary rule, that censorship of movies (in advance of showing), of plays, books and periodicals takes place in many sections of the country; that anti-evolution laws are on the books of two states and that evolution is outlawed by regulation in many others; that our colonies are still ruled by the Navy or War departments; that aliens no longer enjoy the right of political asylum in the United States; that deportation for radical political views is easy and naturalization for radicals and pacifists difficult; that the professional patriots and the militarists are active in suppressing pacifist and even mildly progressive activities; that the Klan, though less active, still mobilizes racial and religious prejudices; and that the Fundamentalists continue their drive on the teaching of science.

Wherever labor is militant or radicals active the forces of repression are aroused. The record for the year 1927,—a condition that continues into 1928,—clearly shows it. The Workers Party as the most active radical political organization gets the brunt of the attack. So do strikers anywhere,—in the Colorado coal fields, under the I. W. W. leadership; in Pennsylvania and Ohio, under the United Mine Workers leadership; in the textile towns under the United Textile Workers.
The total number of cases reported in just four groups during the year 1927 was a third less than the year before, 99 as against 135, covering prosecutions, mob violence, lynching, and interference with meetings.

The figures show a decrease in every item. Prosecutions dropped from 52 to 46, exclusive of police court cases in strikes. Police interference with meetings dropped from 28 to 14; mob violence from 21 to 18; lynchings (all of Negroes) from 34 to 21. All the figures—with the exception of fewer lynchings in 1924 and 1925—are lower than any year since the war. The same is true of the many other cases reported in other than these groups.

Our correspondents throughout the country who responded to an inquiry in December, 1927, as to whether conditions of intolerance and repression were better or worse or the same, reported from 15 states that they were better; 31 said they were the same. Two said they were worse, Colorado and Illinois,—Colorado on account of the attacks on the striking coal miners, Illinois on account of the activities of the military patriotic organizations. The states where conditions were reported to be better were with one exception all in the west. Those reported as the same were with few exceptions east and south. Sometimes correspondents in the same state differed, but on the whole the testimony was remarkably unanimous.

In response to our question as to the most active agent of intolerance, local posts of the American
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Legion were named by 19, the Klan by 16 of our correspondents, the Fundamentalists got 10 votes on that score, the D.A.R. 9. Trailing along in the rear came the Sons of the Revolution with 2, the Knights of Columbus with 3, and the Manufacturers Association with 2. The Fascists in Delaware, the Reserve Officers Training Corps in Illinois and the Massachusetts Public Interests League each got a vote. Four of our correspondents alleged that public officials were the most active agents of intolerance,—as they certainly are of repression.

The evidence on the whole shows that the forces of repression have diminished because radical and insurgent activity has diminished. All correspondents agreed that the Klan has markedly weakened everywhere.

The U. S. Supreme Court has passed upon most of the issues affecting civil liberty,—and passed adversely upon them except in two cases, the Oregon law compelling all children to attend public schools and the Nebraska law requiring all instruction in public and private schools to be in English. But the Supreme Court has not yet passed upon two civil liberty issues,—the laws against teaching evolution and the laws compelling the reading of the Bible (meaning Protestant) in the public schools. The Union is planning to get another evolution case into the courts. The compulsory Bible reading issue is before the Supreme Court
of South Dakota, in shape for appeal in the U. S. Supreme Court.

Most of the issues left over from the war and the war on radicals which followed it have been cleaned up. Notable exceptions are the imprisonment of Tom Mooney and Warren K. Billings in California and the continued imprisonment of the I. W. W. men who defended their hall against the American Legion in Centralia in 1919. All the persons convicted under the espionage act are still without the rights of citizenship. Efforts to restore these rights through presidential proclamation have been unsuccessful but the Union will continue to agitate that issue.

No new repressive laws have been passed, probably for the simple reason that it would be difficult to suggest any. The code is complete, except for a federal sedition law.

None of the repressive laws put on the books since 1917 have been repealed and it is not likely that any will be. Only in California was an attempt made to repeal the criminal syndicalism law and it failed even to get a vote in committee.

Among the notable events of the year 1927 first and foremost was the execution of Sacco and Vanzetti in Massachusetts. The excitement caused by their approaching executions resulted in police suppression of
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protest meetings from the Pacific coast to the Atlantic. Hundreds of people were arrested, many beaten up, one killed.

Next in importance was the Colorado coal strike which began in October under the leadership of the I. W. W. The strike was marked by an amazing array of repressive tactics at the hands of the militia and an improvised state police. Dozens of prosecutions were brought but the defense was successful in securing acquittals or short sentences.

The continuing strike in the coal fields of Pennsylvania and Ohio, begun early in 1927, brought with it thousands of evictions of families, and brutalities against picket lines by both the state police and the coal and iron police. Conditions became so bad in western Pennsylvania that a U. S. Senate Committee was appointed to investigate, its report condemning the unique police practices which mark industrial conflict in Pennsylvania. Pennsylvania is today the worst state in the Union for wholesale violations of civil rights.

Only a few new prosecutions outside these strike areas were started during the year and chiefly in labor cases. Sedition or criminal syndicalism laws were invoked only in Pennsylvania where nine prosecutions took place. No prosecutions for violations of any state laws were brought elsewhere except one rather trivial blasphemy case in Massachusetts. All other prosecutions were for petty offences under city ordi-
nances for disorderly conduct, disturbing the peace, blocking traffic and the like during strikes or demonstrations. In addition scores of workers were cited under injunctions in strike areas. One case arose in New York City in the struggle between Fascisti and Anti-Fascisti which doubtless involved the political views of the defendants, two Anti-Fascists, Greco and Carrillo, charged with the murder of a Fascist in a parade. They were acquitted.

Notable among the year's events was the decision of the Supreme Court of New Jersey (not the highest court) sustaining the conviction of Roger N. Baldwin and eight Paterson silk strikers for unlawful assembly. This conviction was later (in 1928) reversed by the highest court in the state in the most notable free speech decision from a state supreme court since the war. The famous evolution case in Tennessee came to an end during the year with the decision of the Tennessee Supreme Court in January, 1927, sustaining the law but reversing the conviction of Scopes. The decision left no grounds for appeal to the U. S. Supreme Court, for which we had hoped.

Negroes continued to suffer denial of their civil rights as they have right along. But the number of lynchings decreased in 1927 to 21 as compared with 34 the year before. All the lynchings took place in the south with the exception of one in Maryland and one in California. Negroes were the objects of mob violence in three of the 18 reported instances.
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The number of political prisoners continued to decline. At the close of 1927 there were only 7 men in prison for their political or industrial views,—not counting Mooney and Billings and the Centralia I. W. W. men. Six of these were California I. W. W. prisoners, one of whom was in a federal prison because he was arrested in Yosemite Park; the other was an I. W. W. imprisoned in Kansas under the criminal syndicalism law. No new political prisoners were added during the year except the federal I. W. W. prisoner from California.

In cases arising in former years and carried up on appeal in the courts, several important decisions were rendered. Chief of these were the U. S. Supreme Court decisions already noted. Indeed no other issues affecting civil liberty are on their way to the U. S. Supreme Court, save the South Dakota law making Bible reading in school compulsory.

The situation keeps the Civil Liberties Union busy, though the pressure of numerous new cases has lifted. The work in hand outlined on page 41 shows the range of our tasks—and the account of these pages the importance of eternal vigilance. With most of the cases mentioned the Union has dealt, even where the fact is not stated. But it should be remembered that we do not take up all cases involving civil rights. We are not a general defense organization. Other organizations do that—the International Labor Defense, the
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General Defense Committee of the I. W. W. and the National Association for the Advancement of Colored People, each in its own field.

The Union tackles test cases involving laws and regulations, demonstrations in places of conflict, proceedings against lawless officials, public protests and propaganda against repression and intolerance in any form. We aid in defense even where no test of a law is possible—with bail, publicity and legal advice. And we will not let any civil liberty case go for lack of backing. If no other agency can take it, we do.
THE COURTS ON CIVIL LIBERTY

The only decisions handed down during the year by courts of last resort affecting civil liberty came from the United States Supreme Court. No state Supreme Court passed upon any issue affecting civil liberty.

The three decisions in the United States Supreme Court covered: first, the interpretation of state criminal syndicalism laws; second, the right of union men to refuse to work on material made by non-union labor; and third, the right of Negroes to vote in Southern primaries.

The decisions on the criminal syndicalism law were all rendered on the same day, May 16, in the cases of Charlotte Anita Whitney and William Burns of California, and of Harold Fiske of Kansas.

All these were old cases. Miss Whitney was convicted of membership in the Communist Labor Party of California in 1920. William Burns, arrested in Yosemite National Park, was convicted of membership in the I. W. W. in 1924 in the Federal court at San Francisco. He was convicted under the California law, which applies to Yosemite Park. Fiske, a member of the I. W. W. arrested in Kansas, was convicted of distributing I. W. W. literature. In the Whitney and Burns cases the only issue was membership in organizations declared criminal by the law. The cases raised
for the first time in the history of the United States the mediæval issue of guilt by association,—the theory of our law being that all guilt is personal.

The Supreme Court upheld the right of the states to pass laws penalizing language, or membership in an organization teaching doctrines declared criminal. Even Justices Brandeis and Holmes were obliged to concur in the decision, through the failure of the defense in the California courts to raise the constitutional issues—and especially the "clear and present danger" test which they still cling to despite the fact that the majority of the court has ignored it. As a test (devised during the war by Justice Holmes) it has been a failure. Judge Brandeis wrote what in effect was a dissenting opinion, wholly disagreeing with the reasoning of the majority. He reaffirmed his position on drawing the free speech line at some "clear and present danger" of a criminal act.

The opinion in these two cases clinches the criminal syndicalism and sedition laws in the 34 states which have them. There is no possibility of a successful appeal from further convictions on the ground of constitutionality.

But the Fiske case, in which the conviction was reversed, offers hope of setting aside judgments based upon insufficient evidence. The court held that the I. W. W. preamble, which was the only document the record showed Fiske had distributed, did not violate
the criminal syndicalism law, and that the state had no power to punish language not clearly within the prohibitions of the statute.

The Civil Liberties Union carried the expenses of the appeal in Miss Whitney's case, and arranged for its argument in the Supreme Court by Walter H. Pollack of New York. The Burns and Fiske cases were carried to the Supreme Court by the General Defense Committee of the I. W. W., the Civil Liberties Union assisting.

The decision affecting union labor arose in the case of the Bedford Stone Company of Indiana against the Journeymen Stone Cutters' Association, whose members had refused to work on material cut by non-union labor. A majority of the court held that their refusal constituted a conspiracy in restraint of interstate commerce. Judge Brandeis, dissenting, said:

"If on the undisputed facts of this case refusal to work can be enjoined, Congress created by the Sherman Law and the Clayton Act an instrument for imposing restraints on labor which reminds us of involuntary servitude."

The case involving Negro rights came up from Texas, where a statute excluded Negroes from voting in the Democratic primaries. The unanimous opinion of the Court in knocking it out held that it was "hard to imagine a more direct and obvious infringement of the Fourteenth Amendment."
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In the lower federal courts the only issues which arose concerned injunctions in industrial conflicts of the type usual in recent years, and a few cases concerning naturalization, covered on page 34. Significant among the decisions on injunctions by a Federal Circuit Court of Appeals was the "Red Jacket case" from West Virginia, holding the activities of the United Mine Workers in that non-union field "unlawful interference with interstate commerce". A sweeping injunction based on the same theory was issued for the Pittsburgh Terminal Coal Company by the Federal District Court at Pittsburgh, sharply restricting picketing and prohibiting disbursement of funds by the United Mine Workers to keep strikers in company houses or to furnish security for appeal bonds in pending litigation over company houses.

In the state courts the only decision affecting civil liberty by an appellate tribunal was that of the Supreme Court of New Jersey (an intermediate court of appeal) in the case of Roger N. Baldwin and the Paterson silk strikers, convicted of unlawful assemblage in 1925. The Supreme Court of three judges unanimously sustained the conviction. Its decision was upset by the unanimous decision of the Court of Errors and Appeals in May 1928, which held that there was no evidence to justify the trial court in a finding of guilt.

Only a few scattered cases involving civil liberty were brought to trial. Only in Pennsylvania was the
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seditious law invoked,—in nine new cases. In Massachusetts the ancient blasphemy statute was resorted to for the second time in two years, in the case of Warner G. Williams, sentenced to six months in jail for the phrase "Jesus Christ was immoral" appearing in his book "The Great Secret of Freemasonry." When Williams appealed the state dismissed the prosecution. The Civil Liberties Union assisted in his defense.
THE LAW—OLD AND NEW

No laws further restricting civil liberty were passed either by Congress or any state legislature, though a number were proposed. Bills restricting the rights of aliens, together with a Federal sedition law, were introduced in Congress; anti-evolution bills were introduced in a dozen legislatures; and a criminal syndicalism law was introduced in Massachusetts. All these bills met defeat, most of them never coming out of committee.

Efforts to repeal the criminal syndicalism laws were made only in California, where the repeal bill did not even get a single favorable vote in the committee.

In Congress the Union carried on an active campaign for the passage of several bills, only one of which was passed,—that granting American citizenship to the Virgin Islanders, both in the United States and on the Islands. Previously they had not been citizens of any country. Efforts to secure civil instead of naval government for the Islands failed, as did a similar effort for Samoa.

All the bills affecting aliens died in Congress, both those proposed by the forces hostile to aliens and by the Union. We favored bills to admit to citizenship Hindus whose citizenship had been taken away by a Supreme Court decision, and a bill to admit to this country American citizens' alien wives now denied entry. This affects principally Chinese-Americans.
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Another bill to restore citizenship to American women who married aliens ineligible to citizenship before the Cable Act was passed, was not reported out of committee.

Morris L. Ernst, representing the Union, endeavored to get Congress to adopt in the radio bill clauses protecting freedom of the air. These clauses passed one house, but were eliminated in conference.

POLITICAL PRISONERS—STILL FEWER

The number of political prisoners has been constantly declining since 1924, when the California prosecutions stopped. At the end of 1927 there were only seven men in prison for their political or industrial views, five in California, one in Kansas, and one in the Federal prison at Leavenworth (William Burns, a California case.) This statement does not include Mooney and Billings, and the eight Centralia I. W. W. men—whose views were in fact chiefly responsible for their convictions.

During the year three men were released by expiration of sentences in California. Paul Crouch, a soldier sentenced for Communist activities in the army, was released from Alcatraz Island, San Francisco, after serving a three-year term.

Only one new political or industrial prisoner was added during the year—William Burns, whose convic-
tion in 1924 for criminal syndicalism was sustained by the United States Supreme Court. He was later released by presidential pardon. Charlotte Anita Whitney, who was on the point of being a political prisoner, was pardoned by Governor Young of California before she was due to enter prison. Governor Young’s statement was a liberal declaration against the type of hysteria which marked the period of Miss Whitney’s conviction.

Our efforts to secure restoration of citizenship to the 1,599 persons convicted under the Espionage Act and other war laws for their opinions did not meet favorable response at Washington. Only the President can by proclamation restore citizenship rights, chiefly to vote and serve on juries. Our petition to that end, presented by Bishop Charles H. Brent of Buffalo, was referred to the Attorney General, who replied that he did not see “any occasion for the extraordinary action suggested.” Both he and the President took the position that they would restore citizenship only upon individual applications,—which most ex-political prisoners refuse to make.

In this deadlock we drafted a resolution for passage by Congress, believing that if Congress expressed its desire for a proclamation the President would issue one. The resolution was not introduced in Congress for lack of influential Senators or Congressmen enough interested to back it. Our efforts for public support of a presidential proclamation will be continued.
SACCO-VANZETTI CASES

The outstanding and tragic event of the year in our field was the execution of Sacco and Vanzetti in Massachusetts. The Civil Liberties Union had supported the defense from the beginning, being convinced that the men were prosecuted primarily because of their radical activities. Our friends did what they could in the last days before the execution.

The excitement and indignation caused by the approaching execution aroused meetings of protest all over the country, which were brutally put down by the police. In many cities meetings were forbidden. In others they were broken up. As a result of these disturbances just before or just after execution, one person was killed, scores were beaten up, and many were arrested.

One of the most serious of the cases arising out of these demonstrations was the attack on a meeting of coal miners in a private picnic ground at Cheswick, Pennsylvania, by state troopers, who beat up men, women, and children indiscriminately. Over 200 were injured; 20 were arrested charged with rioting. One trooper was killed by a miner he had beaten.

In Boston meetings on the Common were prohibited. When attempts were made to hold them they were violently broken up and the leaders arrested. Powers Hapgood and Mary Donovan were both convicted. Their cases are still on appeal. The funeral procession
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in Boston was attacked by mounted police and many persons were injured.

In New York the police attacked Sacco-Vanzetti meetings, but no cases went to court. Seventy persons were arrested in Chicago for passing out Sacco-Vanzetti handbills urging a strike. Wholesale arrests took place in Los Angeles, but those arrested were released without being taken to court. Protest meetings were broken up by violence.

The Civil Liberties Union aided in defense of the court cases wherever possible. No one has yet gone to jail as a result of the disturbances except one man in New York, who served a 5-day sentence for distributing Sacco-Vanzetti leaflets—but cases are still in the courts in Boston and Cheswick, Pennsylvania.

THE STRUGGLE IN THE COAL FIELDS

The number of violations of civil rights in the coal fields during 1927 outnumbered those for all the rest of the country put together. In Colorado, Ohio, and Pennsylvania particularly, miners on strike were attacked by the police and beaten up, meetings were interfered with, men, women and children forcibly evicted from their homes, and scores arrested. The defense of the court cases has been handled by the General Defense Committee of the I. W. W., by the International Labor Defense, and by the United Mine Workers. The
Civil Liberties Union has rendered incidental aid wherever issues arose testing out some new repressive law, or where action could be taken against lawless officials.

Pennsylvania is far ahead in the number of violations of civil rights even in the coal fields themselves. Colorado was for a few months almost as bad, but repression in Pennsylvania continues without let-up. In Pennsylvania alone the authorities resort to the sedition law. Nine members of the Workers Party were arrested under the act during the year, of whom 5 were discharged and 4 tried and convicted. No persons are in prison in Pennsylvania under the sedition law, and no case appealed has yet reached the Supreme Court. One man convicted in 1926, George Papcun, was granted stay of judgment. Three convictions from previous years are still pending in the courts while the men are out on bail.

But these prosecutions are only an incident in the struggle in Pennsylvania against the universal brutality and repression of the state police and of the coal and iron police. The breaking up of a Sacco-Vanzetti meeting in Cheswick in August, with the clubbing of men, women and children, a score of arrests and the shooting of a trooper, was only the most flagrant of many instances duplicated a hundred times over against small groups or on picket lines in the western counties.

The story of the police brutality in the coal fields is told in two pamphlets published by the Civil Liberties Union, "The Shame of Pennsylvania" and the
"War on the Colorado Miners". It is also covered in more detail in the report on Pennsylvania of the United States Senate Investigating Committee.

The Civil Liberties Union was active in the defense of the Colorado miners, winning a significant victory when the Federal Court at Denver set aside the power of the state to declare a region in a "state of insurrection" without declaring martial law and yet behaving as if martial law were in force. The Union has actively participated in the defense of those Pennsylvania cases which raised critical issues and in bringing suits against the lawless police.
Restrictions on freedom of speech in schools and colleges cover chiefly the teaching of evolution, "radicalism" and discussion of compulsory military training. The cases reported involving dismissal of teachers for their views were fewer than in recent years—three only, all in public schools—probably because the colleges have learned how to handle such issues without arousing controversy. Teachers' appointments are just not renewed.

By far the largest number of issues arose in the public schools as against colleges,—so far as reported in the press and by correspondents. More arose on the teaching of evolution than on any other. Although anti-evolution bills were defeated in every one of the half dozen legislatures north and south in which they were introduced, the educational authorities, responding to Fundamentalist pressure, adopted regulations in many places prohibiting its teaching. The state superintendent of schools of Louisiana for instance, issued an order prohibiting the teaching of evolution in any public school in the state, although the legislature had just killed an anti-evolution bill.

In Tennessee a high school principal was forced to resign because he gave a definition of the word evolution to one of his pupils, and this in spite of the fact that he was a Fundamentalist. In Arkansas a large number of students in the State University petitioned
the legislature in opposition to the anti-evolution bill saying that they did not want “to be laughed at as are the graduates of the University of Tennessee,” and “boycotted by the large universities and medical schools.” The legislature killed the bill. In Oklahoma at the Baptist University a student publication was suppressed for demanding the reinstatement of three professors dismissed for teaching evolution. The president of the Board of Regents said “the great Baptist hosts of Oklahoma are Fundamentalists to the core and desire Oklahoma Baptist University to be maintained on this principle.”

The issue of religious instruction in connection with the public schools continues to bob up here and there. In New York State the highest court upheld the state law permitting the school authorities to let children out of school during school hours to receive religious instruction. In Illinois the Attorney General held that all forms of religious instruction in the schools are unconstitutional. Even in Chattanooga, Tennessee, the Board of Education voted to discontinue Bible instruction in the schools and the giving of credit for religious studies.

Our friends will remember the case of the little boy in the state of Washington, Russell Tremain, who was taken from his parents by the Juvenile Court because he refused to salute the flag in school. The family were members of a religious sect which refused to recognize all earthly symbols. For over a year and a half he was
kept in the State Children's Home Society to be placed out for adoption and his parents were not allowed to see him. The parents steadfastly refused to compromise their religious beliefs, though the court indicated that the boy would be allowed to go home if they did so. Our friend Dr. Sydney Strong of Seattle got the case before another judge who returned the boy to his parents on the single condition that the family would see that he was properly educated. The flag-saluting issue was dropped. This was the only case which ever arose in the United States where a child was taken from his parents for such a cause.

Here are some of the significant cases arising in the public schools during the year. The Milwaukee Board of Education issued an order that teachers who oppose its legislative programs are liable to dismissal. A high school teacher in Washington, D. C. was threatened with expulsion because he won a prize for a definition of Socialism published in the *Forum* magazine. The patriotic societies who raised the issue got no results. Mrs. Della Clifford, a teacher of many years' standing in Lynn, Massachusetts, was dismissed because of her liberal views, although the formal charge was "incompetency". Mrs. Clifford proceeded at once to get elected to the very School Board which had dismissed her, and also brought suit for her reinstatement. The
case, taken up by the Union, is still before the Massachusetts courts after one court refused to intervene.

In New Jersey the Board of Education in Woodbury threatened to try a teacher of civics because she was an active pacifist and liberal. Public disapproval prevented the Board from taking action.

In Pennsylvania two teachers at the State Normal School in West Chester, Robert T. Kerlin and John H. Kinneman, were dismissed for their sponsorship of a liberal club in the Normal School opposed by the local chapter of the American Legion. The Legion got excited over a discussion of United States policy in Nicaragua. The Civil Liberties Union held a public protest meeting in Philadelphia at which Professor John Dewey was the principal speaker, together with a representative of the Willard Straight Post of the Legion who attacked the intolerance of his West Chester fellow-legionnaires.

In the colleges fewer issues arose than in recent years. Most of them concerned either military training or speakers before student liberal clubs. At the University of Minnesota thirty-six students were expelled for opposing compulsory military drill. At the University of Georgia the secretary of the Y. M. C. A. was threatened with expulsion solely because of his opposition to compulsory military training. The students stood by him and he held his post. At the College of the City of New York two students were suspended
for the views they expressed on compulsory military training. They were charged with “disrespect to the authorities”. A teacher at the Colorado School of Mines, charged by the American Legion with “talking and conducting himself inimical to good government”, because he opposed compulsory training, was vindicated by a committee of prominent citizens which sifted the charges.

Among other reported cases were the dismissals of several editors of student publications for articles which the authorities regarded as improper. Editors of a student publication of the University of Washington were barred from the campus for a year for publishing an article reflecting on Lincoln, entitled “Lincoln Applesauce”. President Trotter of the University of West Virginia announced that no speakers who were not approved by the American Legion or the D.A.R. would be permitted to address students. This edict followed his ban on a meeting which was to be addressed by Kirby Page. President Trotter later resigned and we suppose his ban went with him.

In New York City the Civil Liberties Union continued its controversy with the Board of Education, which had not only prohibited the Union from holding meetings in public school buildings, but also prohibited speakers connected with the Union from talking in school buildings under any auspices. At the end of the year the matter still dragged on, though during the
year we got so far as to get a decision from a Supreme Court justice requiring the Board to give our applications a full hearing. The Board did so, granting our application for a meeting at the Stuyvesant High School in June to discuss the innocuous topic of the "Growth of New York since 1900". That did not raise the issue of our conception of free speech which the Board of Education objects to. The meeting was held, the principal speakers being Dean Charles L. Lathrop, Congressman LaGuardia and Nelson S. Spencer.

This meeting was followed by a new application to hold another meeting at the same place on "Old Fashioned Free Speech". The Board declined to act on it, appointing instead a special committee to go into the whole matter. A number of hearings have been held with Louis Marshall as our counsel, Mr. Marshall having volunteered his services because of his interest in the issue. No decision has been reached after months of consideration, and it is likely that it will go ultimately to the courts for determination. The Board is buttressed in its position by the support of all the patriotic societies.
CITY POLICE ON CIVIL LIBERTY

Arbitrary police interference with radical meetings continues in a number of cities. Issues arose most conspicuously during 1927 in Newark, Philadelphia, Los Angeles and Boston. Pennsylvania cities in the coal districts head the list for high-handed authority. The Workers Party is the chief object of continuous discrimination by the police and mayors, though Sacco and Vanzetti sympathizers were generally interfered with at the time of the excitement over the executions.

In general, police activity against radical meetings depends on pressure from business or "patriotic" interests. The number of cases of actual breaking up of meetings—fourteen during 1927—is the lowest reported in any year since 1921. The average has been about twice that.

Among the noteworthy cases of police interference in which the Civil Liberties Union was active during the year, Newark, N. J. had the most.

After our free speech victory there in 1924 when a test meeting freed private halls of police censorship, the lid was again put on in 1927. The police adopted a policy of advance censorship of meetings by requiring hall-owners to submit the names of speakers and programs. It is the same policy as that followed in Philadelphia. Under it several meetings were banned; one was broken up. The Union has served notice on
the police department that it will take the issue into court at the first practicable opportunity.

Among the conspicuous instances in Newark was the breaking up of a Sacco-Vanzetti meeting in a public park in which Louis F. Budenz, representing the Civil Liberties Union, and Irving Freeman, correspondent of the Federated Press, were arrested, though a permit for the meeting had been granted. It was revoked just before the meeting. Both men were released.

To add to the police repression, the district attorney banned the sale of the *New Masses*, but as a test of his ruling it was openly sold at a meeting addressed by Scott Nearing. The attorney for the Civil Liberties Union was present, but no arrests were made. Since then the chief of police has ordered that all literature distributed at meetings shall be submitted to him for approval in advance. The order has been ignored.

Among other meetings forbidden was one of Lithuanians where it was proposed to discuss "Important World Events", and another of the Workers’ Party to celebrate the tenth anniversary of the Russian revolution. Six speakers were arrested for trying to hold this latter meeting on the street outside the hall. The cases were later dismissed.

Newark thus led the list of cities in the number of interferences with public meetings. Philadelphia and Boston, which have led the field in the past, showed up with only a few issues—Boston with the police attacks
on meetings at the time of the execution of Sacco and Vanzetti, and Philadelphia with a test meeting following the refusal of the police to grant a permit for an International Workers' Relief meeting. This meeting was carried off without police interference, as is the usual custom of the Philadelphia police when challenged. But it is rare to find a hall-owner willing to challenge them.

In other parts of the country interference with meetings was only occasional and due to local causes. In New York two members of the I. W. W. were the only persons arrested for holding street meetings. The Union's protest resulted in a police order that peaceful street meetings are to be permitted, as has been customary in New York City. The New York police arrested one man for failing to remove his hat when the Star Spangled Banner was played at the Lindbergh ceremonies. He spent two days in jail because he did not have the $5 for his fine, although he had explained to the court that he kept his hat on only because he was sensitive about his baldness! Four Workers' Party members were arrested in Brooklyn for distributing handbills protesting against "Government by Injunction". Each served 20 days for "conspiracy to undermine respect for the courts of law!" In Los Angeles Carl S. Robinson was arrested for selling copies of The Nation near a U. S. Army recruiting station. Robinson was sentenced to 30 days in jail, went on a hunger strike and was released, but his protest resulted
THE FIGHT FOR CIVIL LIBERTY

in the withdrawal of the permit for the recruiting station in the public square.

In Baltimore two young women were arrested for carrying signs "Hands Off China" in front of the British Consulate. They were dismissed in court with a warning that such conduct was against police rules.

In Lynn, Massachusetts, the mayor issued an order prohibiting street speaking after the City Council had passed an ordinance allowing it. The mayor caused the arrest of a socialist, one Stephen J. Surrage, for addressing an outdoor meeting in an effort to test the mayor's authority as against the Council. In court he was fined $50 for "obstructing a public highway." The case has been appealed to the Superior Court.

In Cleveland the police interfered with two meetings of unemployed in the public square dedicated to the memory of Tom Johnson and free speech. The police prevented one meeting and arrested a speaker at another.
Two types of issues affecting aliens' civil rights arose during the year,—one through deportation, the other through naturalization proceedings in the courts.

Two court cases involving naturalization were handled by the Union. One was a proceeding to cancel the citizenship of an alien on the ground that years before he had obtained his citizenship by fraud because he later became a member of the I. W. W. and was convicted under the war laws. The proceeding was begun in the Federal Court at Spokane in 1926 against James Rowan, the Federal judge canceling his naturalization. He appealed with our aid to the Circuit Court at San Francisco, which reversed the lower court.

The other case involved the denial of citizenship to Mme. Rosika Schwimmer, Hungarian pacifist, who had applied to the Federal District Court at Chicago. The denial was based upon Mme. Schwimmer's refusal to use arms under any circumstances. The case was appealed to the Circuit Court.

The cases of deportation against radicals have been comparatively few and have not raised any new issues. The Union has assisted in contesting a number of the orders, with the result that in some cases deportation was stayed by the courts. In others the Department of Labor itself either revoked or modified its orders.
Among them, these cases are noteworthy:

Enea Sormenti, Italian anti-Fascist editor, refugee in the United States, whom the Department of Labor allowed to arrange for his departure to any country he chose, in order to avoid the consequences of his return to Italy. He went to Russia.

Armando Borghi, Italian anarchist and anti-Fascist, whose passport had been confiscated by the Italian consul in Boston when Borghi tried to get an extension. He was released on bond, and efforts have been made to secure for him the same privilege as for Sormenti.

Bishop Reginald G. Barrow of Long Island City, a British Negro once ordered out of the Virgin Islands because of his activities on behalf of civil government, and his statements on the labor problem, was ordered deported from the United States on the charge originally and later pressed by Virgin Islands Navy officials. The Federal District Court at New York set aside the deportation order.

One step ahead was made in dealing with aliens held for deportation when the United States District Court at New York ordered the cancellation of a bail bond in the case of an alien ordered deported to Russia in 1923. The bonds in many such cases have been outstanding for years in the absence of diplomatic relation which would enable the Department of Labor actually to deport to Russia. Since the decision of the Federal court other bonds have been released. This
THE FIGHT FOR CIVIL LIBERTY

has been particularly helpful to the National Bail Fund organized by the Civil Liberties Union, since a large part of its funds were tied up in Russian deportation cases.

OUR NAVY-RULED COLONIES

No change occurred in the rule of our colonies by the Navy Department, except for the granting of citizenship to Virgin Islanders. Rothschild Francis, one of the leaders of the movement for civil government in the Islands, has been in almost continuous difficulties, suffering a criminal prosecution which doubtless was inspired by his political activities. He has been in jail most of the year.

The suit brought against the naval governor of Samoa by S. S. Ripley of California, a native Samoan whom the governor refused to allow to land, was dropped in the courts at Chicago after an adverse decision, because of the expense of the appeal. The Union had contributed from the Emergency Case Fund, $1,000 to the case.
IN SUNNY CALIFORNIA

The work of the Southern Branch 1927,—

by Clinton J. Taft, Director.

An attempt was made early in the year to get the legislature to amend the criminal syndicalism law so as to remove its most objectionable feature—the construing of mere words as acts of sabotage. Senator Fellom introduced a bill of this kind at the instance of our northern and southern branches, and together with other progressive organizations in the state we did our utmost to get it passed, but it failed. The committee would not even report it to the senate. As our legislature meets only biennially, there will be no further opportunity until 1929 to amend or repeal this mischievous law.

However, no prosecutions under it have occurred during the past year—indeed not since 1924. And of the hundred or more men sent to prison for alleged violations of it only one still remains, to be released in September 1928.

Charlotte Anita Whitney’s case, which attracted the attention of the whole world because of her prominence as a social worker, was decided adversely by the United States Supreme Court in May. It looked for a while as though she would be sent to San Quentin; in fact
she made ready to go. But we began circulating peti-
tions asking the governor to pardon her, and finally he
was prevailed upon to do so. The petitions in her
behalf also contained the names of the other victims
of the same law already in prison. But Governor
Young did not extend clemency to these I. W. W. boys.

The decision of the U. S. Supreme Court in her case
established the syndicalism law even more firmly, as did
also the decision in the case of William Burns, an
I. W. W. arrested in Yosemite Park—later pardoned
after serving part of his sentence.

During the summer as the threatened execution of
Sacco and Vanzetti drew near meetings of protest held
in Los Angeles were interfered with by the police. Just
before the fatal day (August 22) all meetings in the
open air at the Plaza, where freedom of speech is guar-
anteed by the city ordinances, were forbidden. More-
over, “radicals” were grabbed right and left at that
time and thrown into jail, in some instances being taken
from their homes late at night and without the slightest
reason. It was evidently a campaign of intimidation
to prevent any demonstrations against the execution
of the two Massachusetts radicals.

In numerous instances the police have arrested peo-
ple “on suspicion of criminal syndicalism,” held them
for hours incommunicado and quizzed them, then let
them go without placing a formal charge against them.
Every time any labor conflict arises the police use such
tactics.
Our Sunday night meetings—the Los Angeles Open Forum—continue to thrive. It will reach its fifth birthday next September.

The weekly paper which we publish, “The Open Forum”, now goes into 35 states and 7 foreign countries, broadcasting news chiefly concerning conditions affecting civil liberty in California. One section of it is devoted to “varied viewpoints,” allowing expression of all sorts of clashing opinions, thus demonstrating the value of getting peoples’ ideas out into the open.

It is more and more apparent that our work here must continue for a long time before sanity will prevail; we labor on, however, in the consciousness that “eternal vigilance” is well worth while.

Northern Committee

The Northern California Committee formed in 1926 continued its active work in their office headquarters until early in the fall of 1927, when decline of the work occasioned its transfer to the office of Austin Lewis, attorney. Unlike the Southern Committee, which maintains forum meetings and a weekly paper, the Northern Committee has worked chiefly on cases which arise in that part of the state. Two important cases were handled during the year—one a prosecution against one Karl Rave for distributing birth control literature, the other a Chinese deportation case. The birth con-
trol case was fought out in Sonoma County and San Francisco with success, Rave being acquitted.

The case of a Chinese, Tsiang, threatened with deportation to China, where he would doubtless have been executed as a revolutionist, was fought with the result that his deportation has been stayed by habeas corpus. The government appealed, but allowed him out on bail. He is now a student at Columbia. The defense of Tsiang was handled by the International Labor Defense, the Civil Liberties Committee assisting by publicity and legal aid. The Committee reports that there was not much response to the appeal for this Chinese and that the Chinese themselves were either "timid or indifferent."
THE WORK AHEAD AND IN HAND

Strike Cases

In the section around Pittsburgh, where coal miners have been on strike for months, we are defending John Brophy and Pat Toohey charged with “inciting to riot” for a speech made at Renton, Pennsylvania, early in 1928. We are aiding suits by victims of the lawless state police and coal and iron police.

We are aiding the International Labor Defense in taking to the Supreme Court of Pennsylvania cases under the sedition law, which has not yet been passed upon. (While these do not directly involve strike activities, they involve the activities of Pennsylvania miners.)

We are organizing a movement throughout the state of Pennsylvania to combat the lawlessness of the state police and the coal and iron police, leading to an official investigation to reduce their numbers and clean them up.

In Colorado, we are defending in the Federal court the case brought to test the “insurrection law”, which the Federal Judge at Denver upset. The state appealed.

We are also backing damage suits by the families of victims of the Columbine Mine massacre by the state militia in November, 1927.
The Fight for Civil Liberty

Political and Industrial Prisoners

We are aiding in a campaign to free the victims of the I. W. W.-American Legion riot at Centralia in 1919. Eight I. W. W.'s are now serving prison sentences of twenty-five to forty years for murder in defending their hall.

We are aiding in the campaign to free Thomas Mooney and Warren K. Billings convicted in a "frame-up" in California in 1916 for the Preparedness Day bomb outrage—their radical activities in fact being the cause of their conviction.

At Washington we are endeavoring to secure action by the President for the restoration of the rights of citizenship to the 1,500 persons convicted under the Espionage Act during the war. Alone of all countries in the world engaged in the war the United States still denies to such persons the rights of citizenship.

Lawless Mayors and Police

We are taking up on appeal in Philadelphia the case growing out of a police break-up of a meeting, which promises to settle the Philadelphia practice of censoring all meetings in advance.

In Boston a local committee with which we cooperate proposes to test the authority assumed by the
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mayor to forbid meetings which he opposes and to discriminate between organizations and speakers who apply for use of the Boston Common.

In Newark, N. J. efforts are being made to test the police order for advance censorship of meetings.

Freedom in Schools and Colleges

The issue of compulsory Bible-reading in the public schools, now before the South Dakota Supreme Court will, if the decision is adverse, be taken to the U. S. Supreme Court for the first time.

Efforts are in hand to bring in the courts of Tennessee a new case under the evolution law for the purpose of getting to the U. S. Supreme Court for a final ruling on an issue still pushed by the Fundamentalists.

In New York City the Union will continue to push the case against the Board of Education's refusal to permit the Union's use of the public schools for meetings on the same terms as other organizations.

In all colleges where the discussion of military training or student liberal activities are interfered with by the authorities, the Union stands ready to act through publicity and protest. A survey of the situation is under way.

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Aliens

The refusal of the federal courts at Chicago to grant citizenship to Madame Rosika Schwimmer on account of her pacifist views, now on appeal, will be fought through. Two similar cases on the Pacific coast will also again be taken into the courts if practicable.

In Congress the Union will continue its campaign against any extension of the provisions for deportation or making naturalization more difficult, and will endeavor to get relief for the Chinese-Americans whose Chinese wives are now forbidden entry, and for the Hindus deprived of citizenship by a decision of the Supreme Court.

Censorship

The action of the Post Office Department in forbidding circulation in the mails of stickers on envelopes carrying a protest against marine rule in Nicaragua will be tested by a case in the courts.

In Boston the issue of censorship of books, periodicals and plays will be taken up by the local committee with which we cooperate.
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Our Colonies

In Congress the Union will push the bills for civil government for the Virgin Islands and for Samoa. Meanwhile a pamphlet is in preparation concerning the civil rights of natives in our colonial possessions.

Educational Campaign

With the settled intolerance and the fixed habits of repression wherever conflict arises, the Union has turned its attention to a widespread educational campaign throughout the country against repressive practices. Local committees are being formed, individuals are being enlisted for active local work, all organizations likely to be interested are being appealed to for activity and public statements of their position; leaders in public life are being urged to speak out. It is hoped by such a campaign to help diminish intolerance and to make more unpopular the resort to the machinery of repression.
EIGHT new members were added during the year to our National Committee, making the total 71. They were: Prof. Harry Elmer Barnes of Smith College; Dr. Richard C. Cabot of Boston; Dr. George W. Kirchwey of New York; Miss Julia C. Lathrop of Illinois; Prof. Alexander Meiklejohn of Wisconsin; Rabbi Abba Hillel Silver of Cleveland; Rev. Clarence R. Skinner of Tufts College, Mass.; and Albert M. Todd of Michigan.

By expiration of their terms, the National Committee lost Parley P. Christensen, J. A. H. Hopkins and Paul J. Furnas.

The committee lost by death William M. Fincke of New York who had long rendered valuable service to the cause of civil liberty—once by submitting to arrest and confinement in jail to test the steel strikers' right to meet.

The Executive Committee, meeting weekly, in active charge of the work of the Union was composed of Harry F. Ward, chairman; Robert W. Dunn, Morris L. Ernst, Elizabeth Gurley Flynn, Walter Frank, Arthur Garfield Hays, John Haynes Holmes, Ben W. Huebsch, Henry R. Linville, John Nevin Sayre, Joseph Schlossberg, Helen Phelps Stokes, Rex T. Stout, Norman Thomas and B. Charney Vladeck, together with the staff, Roger N. Baldwin, Forrest Bailey and Lucille B. Milner.
Mr. Baldwin was absent in Europe during the entire year 1927, Mr. Bailey directing the work alone. On his return at the end of the year he resumed active connection with the work in charge of publicity, critical situations in the field, publications and the work in Congress. The general administrative work is in Mr. Bailey's hands. It is not possible to carry two executives on the regular budget. To make Mr. Baldwin's services possible, a fund was raised from our friends for a two-year period.

At Washington the work was handled in the early part of the year during the session of Congress by Miss Isabelle Kendig who had been our representative for several years. Upon her removal from Washington the Union secured the services of Clayton S. Spear, a young attorney familiar with work in Congress and the departments.

Meetings

Several meetings of our friends were held during the year in New York, Boston, Philadelphia and Pittsburgh. One dinner held in New York discussed the free-speech provisions of the Radio Control bill then pending in Congress. The meeting in Philadelphia was to protest the dismissal of Professors Kerlin and Kinneman from the West Chester State Normal School. The Pittsburgh meeting was for the purpose of organizing aid for the civil rights of western Pennsylvania coal miners. Another New York dinner held
early in January celebrated Mr. Baldwin's return from Europe, affording 500 of our friends a chance to hear his account of his observations abroad.

Local Committees

Our local committees are active only when some issue arises in their vicinity. None of them have undertaken any significant work during the last year. The Philadelphia and Boston committees both enlarged as independent committees in order to reach a wider local public. They work in close cooperation with the Union. In Pittsburgh a new Committee on Constitutional Rights was formed by an independent group to help in the situation in the coal fields. The report of our branch in Southern California and also of the Northern California Committee will be found on pages 37 and 39.

Bail Fund

The National Bail Fund which the Civil Liberties Union organized, but which is under the direction of an independent group of trustees, was inactive during the year, as it is endeavoring to liquidate. Its chief effort was to recover outstanding bail. No new bail was written. The amount of bail outstanding was reduced from about $75,000 at the Fund's maximum to $46,000.

Attacks on the Union

The Union is continuously the object of attention by the professional patriots, but the response to their cries
THE FIGHT FOR CIVIL LIBERTY

of distress was markedly less. In Congress an attack on the Union was made by Congressman Sosnowski of Michigan. His and Blanton's speeches were franked out in considerable quantities. The Union made a formal protest to Congress on the use of the congressional frank for defamatory purposes.

Outside the organizations of professional patriots with their propaganda in their own publications, local posts of the American Legion were the only organizations which attacked us,—once in connection with a pacifist meeting in Michigan and the other in the case of the dismissal of two liberal teachers from the West Chester, Pa. Normal School.

Publicity

We continue to get extensive publicity in the press and magazines. Weekly releases are sent to the labor and liberal press throughout the country. Over four hundred papers and individuals get the service. The monthly case reports covering all items reported to us by correspondents or in the press go to about two hundred subscribers and a number of interested papers. Some of our materials on American issues of international interest go also to the foreign press.

The attitude of the newspapers to our activities, judging by editorials, grows more favorable. The Scripps-Howard papers particularly are staunch supporters of our position and frequently give approving editorial mention to some case or activity.
Publications

The following pamphlets and leaflets were published during the year:

"The American Civil Liberties Union". A pamphlet setting forth its principles, with list of the National Committee and their connections. August, 1927. (12 pages).


"Free Speech 1926", the record of the work of the American Civil Liberties Union for 1926. (44 pages).


"So This is America!" Reprint of an article by Don Brown in the "New Republic", October, 1927, giving first-hand accounts of the attack by state police on a miners' Sacco-Vanzetti meeting at Cheswick, Pa. (4 pages).
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We helped promote the sales of:

“CIVIL LIBERTY”. A handbook on civil liberty for debaters, with brief reprints of selected articles and bibliography. H. W. Wilson Co. 1927. (200 pages). The Union staff prepared a large part of the material.


Law Bulletins and Legal Studies

Eleven law bulletins were issued during the year, sent to our list of about 800 lawyers. They interpret current decisions of the highest courts on civil liberty issues. The subjects covered were:

The Supreme Court as arbiter in labor disputes.
Privilege of aliens against self-incrimination in immigration proceedings.
The right of the Negro to vote at a primary election.
The right of search and seizure continues to be defined.

Constitutional limitations to state’s control over private schools.

The Supreme Court holds the concerted refusal of members of a national union to work on material made under non-union conditions to be a conspiracy in restraint of interstate commerce.

The Supreme Court passes on the constitutionality of state criminal syndicalism acts.

The right to picket in the absence of a strike is re-established in New York.

Various aspects of the law of contempt of court.

The rights of aliens.

Peaceful protest meeting in New Jersey held to be an unlawful assembly.

Walter Nelles and Carol Weiss King continued their study of contempt of court in relation to free speech for pamphlet publication. The essential parts of it are to appear in the Columbia Law Review, to be reprinted for the Civil Liberties Union.

The study of aggressive legal action to maintain labor’s civil rights, begun by Arthur Garfield Hays, has been completed with the aid of Clement Wood and McAlister Coleman and published as one of the Vanguard Press series under the title “Don’t Tread On Me”.

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FINANCES

Our financial condition is good and remains almost unchanged. Our budget does not increase. The only changes from year to year are in the special funds raised to meet particular cases or activities outside the budget. The budget stays fixed at about $19,000.

Thanks to the continued loyal support of our friends, receipts are sufficient to meet our expenses. During 1927 we received two exceptional gifts, one of $5,000 from the estate of Miss Alice House of Cincinnati, the other a gift of $2,500 from Crane Gartz of California. The bequest from Miss House was invested in bonds to be held for future emergencies. Mr. Gartz' timely contribution was applied to wipe out the 1926 deficits in the case of Miss Charlotte Anita Whitney of California, and the Congressional work at Washington, and part of the deficit in the Printing Fund.

The total financial transactions of the Union during the year showed a $44,000 income and a $33,000 expenditure. $5,000 of the $11,000 balance on January 31, 1928 was held in an investment, $2,100 in the Operating Fund, $2,300 in the Baldwin Fund and $1,300 in the Special Funds.

The total amount raised for special funds was $10,500 as against $11,000 spent for those purposes. The difference was made up from the Operating Fund. This does not, however, include the balance left over
from the Tennessee Evolution Case Fund of $1,868, which is held for future work for freedom of teaching. Some of the surplus was returned to contributors at their request. Nor does it include the special fund raised to keep Roger Baldwin on the staff. $2,629 was paid in for the year 1928, with pledges of renewals for a year of most of the amount by the fifty-four who subscribed.

All of our funds were in healthy condition at the end of the year, with the exception of the Book Fund in which we lost money in getting out "The Story of Civil Liberty in the United States" through the Vanguard Press. Extra costs ran up our guarantee so that the deficit it caused in the Book Fund, together with other small items, was $800.

The funds of the Union all came from individual contributors who number about 2,300. A slight reduction in their number from the year before is offset by higher average contributions. Excluding the House bequest and the special gift of Mr. Gartz, we had two contributors of over $1,000 each, 2 between $500 and $1,000, 9 between $250 and $500, 16 between $100 and $250, 21 between $50 and $100, 46 over $25 and less than $50, and 251 over $10 and less than $25. The other 1,900 contributors were from $1 to $10.
TREASURER’S REPORT

Operating Fund

Receipts:
Balance on hand, Feb. 1, 1927 ........ $76.40
From contributors ..................... 22,986.85
From case report, news service, profit on book sales and bank interest 119.08

----- 23,182.33

Expenditures:
Executive salaries .................. $4,000.00
Office salaries ..................... 6,619.52
Technical and professional services .. 1,705.08
Office rent and care ................ 1,731.49
Office supplies, expenses and repairs . 270.56
Depreciation of furniture and equipment ......................... 36.62
Printing and stationery ............ 1,977.51
Telephone ........................... 392.59
Telegrams, messengers, etc. ....... 431.85
Postage and expressage ............. 1,772.93
Traveling ......................... 208.08
Newspaper subscriptions and clippings 172.15
Books and pamphlets purchased ...... 26.99
Miscellaneous publicity expenses ... 14.00
Dinners, luncheons and meetings (net expense) ......................... 645.63
Interest on loans payable .......... 15.00

$19,120.00

Taken from Operating Fund
for Printing Fund ................... 654.03
for the Virgin Islands case ........ 6.89

----- $19,779.92

Balance ............................ $3,401.41

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Special Funds

The special funds are treated in three groups: first, those which were closed during the year, second, those which are still open, and third, trust funds. All the accounts show total receipts and expenditures from their inception to Jan. 31, 1928. Two of them—the Paterson Fund (page 62) and the Colorado Miners' Fund (page 63) show receipts and expenses to May 31, 1928, in order to cover activities described in the report.

1. Special Funds Closed During the Year

The Tennessee Evolution Case Defense Fund:

The Union assumed the entire cost of the defense of this case, raising the money through a committee of scientists and educators who circularized their fellow-scientists and educators. The case was finished in 1927 and the fund closed. $11,328.63 had been received, and $8,993.01 spent. $1,880.62 was transferred to a Freedom in Education Fund with the consent of the donors, to be used for other cases defending educational freedom. $455 was returned to the contributors at their request.

The following is a summary account of receipts and expenditures:

Receipts from contributors and sales of book:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1925</td>
<td>$3,746.59</td>
</tr>
<tr>
<td>1926</td>
<td>7,560.56</td>
</tr>
<tr>
<td>1927</td>
<td>21.48</td>
</tr>
</tbody>
</table>

$11,328.63
**THE FIGHT FOR CIVIL LIBERTY**

**Expenditures:**

For expenses of witnesses, fees for Tennessee lawyers, court costs, etc. paid through Arthur Garfield Hays ............... $4,810.27

Attorneys' fee for preparation of briefs ................ 645.04

Advertising for defense funds ....................... 590.70

Book on the case (covered by sales) .................... 900.00

Publicity .................................. 122.70

Postage .................................. 365.00

Printing of pamphlets and brief ....................... 517.21

Stenographer in Tennessee .................. 70.00

Telegrams .................................. 70.00

Miscellaneous Expenses—extra help for circularizing, mimeographing and multigraphing .................. 902.09

$8,993.01

**Balance ..................................** 2,429.32

Part of surplus transferred to Freedom in Education Fund .................. $1,868.03

Part returned to donors .................. 561.29

$2,429.32

The attorneys from outside Tennessee volunteered their services,—Messrs. Clarence Darrow, Arthur Garfield Hays and Dudley Field Malone. Mr. Darrow also contributed his expenses. The expenses of the others were paid.
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Passaic, N. J. Strike Cases.

This fund covered the civil liberty cases which arose during the Passaic strike of 1926-27, including our suits against the police and a successful injunction against the sheriff.

Receipts:

From our appeals .................. $2,113.10
From Emergency Case Fund ...... 1,849.39

$3,962.49

Expenditures:

John Larkin Hughes, attorney's fees
and court costs ..................... $3,814.47

Balance ............................ $148.12
which was returned to the Emergency Case Fund.

Affirmative Legal Action

This was a fund of $650 appropriated by the American Fund for Public Service to make a study of legal means to secure labor's civil rights. The material was incorporated in the book "Don't Tread On Me" by Arthur Garfield Hays, McAlister Coleman and Clement Wood. $381.35 was spent for investigation in 1926, and the balance of $268.15 was returned to the American Fund for Public Service.
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Charlotte Anita Whitney Case:

The Union carried the expenses of Miss Whitney's appeal to the U. S. Supreme Court beginning in 1924. The case was decided in 1927.

Receipts:

From individuals in response to appeals $956.50
From John Francis Neylan (attorney) San Francisco 500.00
From Emergency Case Fund 378.50

$1,835.00

Expenditures:

Attorneys' fees, court costs, printing of briefs, etc. $2,778.90
Miscellaneous 200.00

$2,978.90

Deficit $1,143.90

The deficit was met by Mr. Gartz' contribution.
THE FIGHT FOR CIVIL LIBERTY

_Congressional Work:_

**Deficit 1926** .................. $1,092.49

**Receipts** ........................ $ 5.00

**Expenditures** ..................... 157.88

**Deficit, Jan. 31, 1928** .............. 1,245.37

The deficit was met by Mr. Gartz’ contribution.

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**Printing Fund:**

**Receipts** .......................... $117.74

**Expenditure** ........................ $882.50

**Deficit** ............................ 764.76

The deficit was met by a transfer from the Operating Fund of $654.03 and $110.73 from Mr. Gartz’ contribution.

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**Anti-Radical Investigation Fund:**

The American Fund for Public Service set up this fund by an appropriation of $1,972.50 for the purpose of investigating attacks on civil liberties by reactionary organizations. Expenditures of $1,872.47 for research left the fund with a surplus of $100.03, which was returned to the American Fund.
Virgin Islands Self-Government Fund:

Receipts:
From Casper Holstein ............... $150.00

Expenditures:
Briefs in the case of Rothschild
Francis ........................... $156.89
Deficit .............................. 6.89
The deficit was met by transfer from the Operating Fund.

Boston Free Speech Fund:

Receipts:
From individuals in response to appeals $126.00

Expenditures: (none)
Deficit incurred in 1926 ............... 31.25
Balance .............................. 94.75
The balance was sent to the treasurer of the Boston Committee.
THE FIGHT FOR CIVIL LIBERTY

2. Special Funds Still Open:

Paterson, N. J. Unlawful Assembly Case:

Receipts:

From our appeals ..................... $951.00
From Associated Silk Workers ...... 500.00
From funds contributed for handling cases outside regular budget ...... 1,332.18
Transfer from Operating Fund ...... 148.24

$2,931.42

Expenditures:

Fee and expenses of trial lawyer .. $1,500.00
Other expenses on trial and appeal .. 881.00
Printing briefs, the record and pamphlets .................. 752.37

$3,133.37

Deficit ...................... $201.95

Cheswick, Pa. Miners' Cases Fund:

Receipts:

From our appeals ..................... $218.00
From Emergency Case Fund ...... 1,500.00

$1,718.00

Expenditures:

Attorneys' fees ...................... $1,500.00
Investigators from New York ...... 287.38
Printing pamphlets ................. 77.75

$1,865.13

Deficit ...................... $147.13
The Colorado Coal Strike Defense Fund.

The Union made a special appeal for the defense of the Colorado miners in the strike of 1927-28. The strike was called off in February. The following is a statement of our total receipts and expenditures:

<table>
<thead>
<tr>
<th>RECEIPTS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>From our appeals</td>
<td>$300.77</td>
</tr>
<tr>
<td>From the Emergency Case Fund</td>
<td>1,436.33</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,737.10</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Guy D. Duncan, attorney, fees and expenses</td>
<td>$1,386.73</td>
</tr>
<tr>
<td>Publicity</td>
<td>50.00</td>
</tr>
<tr>
<td>Expenses of representative from New York</td>
<td>99.60</td>
</tr>
<tr>
<td>Miscellaneous telegrams, stenographer</td>
<td>134.27</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,670.60</strong></td>
</tr>
</tbody>
</table>

**Balance**    $66.50
THE FIGHT FOR CIVIL LIBERTY

Freedom in Education Fund:

This fund was created to be used for cases defending educational freedom.

Receipts:

From our appeals ........... $325.62
From Emergency Case Fund 200.00
Transferred from Tennessee Evolution Case Defense Fund .................. 1,868.03

$2,393.65

Expenditures:

Clifford case, Lynn, Mass.
attorney's fee and expenses .................. $399.22

N. Y. Board of Education Case.

Attorneys' fees in preparing briefs; traveling expenses to hearing at
Albany .................. 386.43
Transcript of hearing .. 199.80
Briefs .................. 183.25
Printing, postage and circularization ........ 468.20

$1,636.90

Balance .................. $756.75
THE FIGHT FOR CIVIL LIBERTY

Book Fund:

This Book Fund covered the cost of preparing the two books by Leon Whipple—"Our Ancient Liberties" and "The Story of Civil Liberty in the United States", together with the guarantee to the Vanguard Press of 1,000 copies of the latter book. Both books were published in 1927, after some years' work in preparation.

Receipts:

From Albert DeSilver and Alexander Fleisher .................... $1,800.00
From the Personal Service Fund .... 400.00
From subscriptions for the books ... 941.91

$3,141.91

Expenditures:

To Leon Whipple for preparation ... $2,400.00
To Vanguard Press for "The Story of Civil Liberties in the U. S." ... 884.20
To The H. W. Wilson Co. for "Our Ancient Liberties" .............. 654.11

$3,938.31

Deficit ................................. $796.40

The deficit is carried in the Operating Fund, some of which will be made up by the sale of the 600 books on hand.

Educational Campaign for Civil Liberty

A small fund was started toward the close of the fiscal year for a propaganda campaign for civil liberty. $55 was contributed, that balance being in hand on January 31st.
3. Trust Funds:

Revolving Loan Fund

For several years we have administered two funds placed at our disposal by the American Fund for Public Service,—one a Revolving Loan Fund, which has been little used, and the other the Emergency Case Fund expended for special needs which would ordinarily be put up to the American Fund to finance—by one agency or another. The trustees of that fund prefer to have the Civil Liberties Union administer it, as the amounts involved are all small.

In the Revolving Loan Fund the principal of $6,500 was reduced to $4,500 during the year through the return of an outstanding bail bond of $2,000 which the Civil Liberties Union had furnished at the Fund's request. Upon its collection in part ($1,250) that amount was returned to the Fund. Only one loan was made during the year,—bail for Warner G. Williams, charged with blasphemy in Massachusetts. The bail was returned in 1928.

**Principal Feb. 1, 1927**  
6,500.00

**Returned to American Fund**  
$1,250.00

**Loss on bail bond**  
750.00

**Total**  
$2,000.00

**Principal reduced to**  
4,500.00
THE FIGHT FOR CIVIL LIBERTY

Loans outstanding Jan. 31, 1928:
Edwin R. Cornish .................. $500.00
Bail bond in the case of Fiske, Kansas .................. 400.00
Phila. Labor Defense Council ...... 400.00
Williams case, Mass. bail ............. 250.00

$1,650.00

Balance of principal in hand .......... $2,850.00
Interest on loan ..................... 42.29
Interest on deposit ................... 87.61

BALANCE ......................... $2,979.90

Emergency Case Fund

In 1925 the American Fund for Public Service put at the disposal of the Civil Liberties Union funds to be spent at the direction of the Executive Committee of the Union for emergency cases involving civil liberty, in order to avoid having these smaller applications go to the American Fund direct.

The total amount spent through the Emergency Case Fund during the year was twice the amount of the year before,—$6,300 as against $3,000. Some items have been reported above in the special accounts, where they are shown with other receipts.

Cheswick, Pa. cases, attorneys' fees ...............$1,500.00
Woodlawn, Pa. sedition cases, attorneys' fees ... 1,250.00
Colorado Miners' defense work, attorneys' fees and expenses ....................... 814.60
THE FIGHT FOR CIVIL LIBERTY

Passaic strike cases, balance due for legal services and expenses .................... 701.27
Charlotte Anita Whitney case ............... 678.50
($300 to repay Revolving Loan Fund; all for attorneys’ fees and expenses).
Suit of S. S. Ripley against the Governor of Samoa, attorneys’ fees ....................... 500.00
Chinese Defense Committee, salary and expenses of secretary .......................... 310.92
Case of Della Clifford, Lynn school teacher, attorneys’ fee ............................... 200.00
Marion Bensich case, held for deportation, attorneys’ fees ............................... 153.00
Armondi Borghi, deportation case, attorney’s fee ..................... 150.00
Warner Williams, Mass. blasphemy case, attorney’s fee ............................... 50.00
James Rowan, naturalization case ............. 43.50
($22.50 for printing record; and $21 for printing reply brief.)
William Burns, criminal syndicalism case, part of attorney’s fee for rehearing petition .... 37.00
Peter Gandolfo, Italian anti-Fascisti, ordered deported, one-half cost of official record .... 25.00

Total ................................................. $6,313.79

The Union also holds in trust a $1,000 bond, the income of which is paid to the donor during his lifetime. It becomes the property of the Union upon his death.
### Balance Sheet

**Fiscal Year Ended January 31, 1928**

*Exhibit “C” from auditor’s report*

#### ASSETS

<table>
<thead>
<tr>
<th>Classification</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash in Banks—Expendable funds:</td>
<td></td>
</tr>
<tr>
<td>Operating Fund</td>
<td>$3,623.41*</td>
</tr>
<tr>
<td>Roger Baldwin Fund</td>
<td>2,279.61</td>
</tr>
<tr>
<td>Other Expendable Special Funds</td>
<td>1,307.65</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$7,210.67</strong></td>
</tr>
<tr>
<td>Cash in Bank—non-Expendable fund:</td>
<td></td>
</tr>
<tr>
<td>Revolving Loan Fund</td>
<td>2,979.90</td>
</tr>
<tr>
<td>Petty cash</td>
<td>20.00</td>
</tr>
<tr>
<td>Investments — Guaranteed mortgage certificate</td>
<td>3,500.00</td>
</tr>
<tr>
<td>Loans receivable—non-Expendable funds:</td>
<td></td>
</tr>
<tr>
<td>Revolving Loan Fund</td>
<td>1,650.00</td>
</tr>
<tr>
<td>Securities held in trust under deed of gift</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Furniture and equipment — cost less depreciation</td>
<td>188.61</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$16,549.18</strong></td>
</tr>
</tbody>
</table>

*1,500 of this balance was part of the House bequest held for later investment.*

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*69*
LIABILITIES

Surplus accounts—non-expendable funds:

Accounts payable ....................... $ 442.45

Revolving Loan Fund:

Principal sum—Exhibit “B” . . . $ 4,500.00
Income account—Exhibit “B” . . 129.90

Trust Fund under deed of gift—Exhibit “B” . . . . . . . . . . 1,000.00

5,629.90

Surplus accounts—Expendable special funds:

Roger Baldwin Fund—Exhibit “B” $2,254.61
Other—Exhibit “B” ................. 921.29

3,175.90

Deficit accounts—Expendable special funds—Exhibit “B” ............... 1,100.48

Surplus account—Operating Funds—Exhibit “B” ....................... 8,401.41*

Total ......................... $ 16,549.18

*This surplus shown in Operating Fund includes the $5,000 of the House bequest.

NOTE: Each Surplus Account of a Special Fund is represented by assets in excess of liabilities.
THE FIGHT FOR CIVIL LIBERTY

AUDITOR'S CERTIFICATE

I have examined the accounts of the American Civil Liberties Union for the fiscal year ended January 31, 1928. I received all the information and explanations I demanded. Any contributor not receiving an official receipt for his contribution should communicate with me.

In my opinion Exhibit "C"* is drawn up to present the state of the funds of the Union as at the close of the year.

(Signed) J. B. COLLINGS WOODS,
Chartered Accountant.
Member, American Institute of Accountants
Certified Public Accountant (N. H.)

299 Madison Avenue,
New York, N. Y.
February 14, 1928.

*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.
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Vice-Chairmen
DAVID STARR JORDAN
JAMES H. MAURER
HELEN PHELPS STOKES

Treasurer
B. W. HUEBsch

DIRECTORS

ROGER N. BALDWIN
FOREST BAILEY

FIELD SECRETARY
LUCILLE B. MILNER

Counsel
WOLCOTT H. PITKIN

WASHINGTON CORRESPONDENT
CLAYTON S. SPEAR

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Harry Elmer Barnes  
Herbert S. Bigelow  
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Joseph D. Cannon  
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Lincoln Colcord  
Clarence Darrow  
James H. Dillard  
James A. Duncan  
Robert W. Dunn  
John Lovejoy Elliott  
Edward W. Evans  
Elizabeth Glendower Evans  
Elizabeth Gurley Flynn  
William Z. Foster  
Felix Frankfurter  
Ernst Freund  
Kate Crane Gartz  
Norman Hapgood  
Arthur Garfield Hays  
Morris Hillquit  
John Haynes Holmes  
Frederic C. Howe  
James Weldon Johnson  
William H. Johnston  
Helen Keller  
George W. Kirchwey  
Julia C. Lathrop  
Agnes Brown Leach  
Arthur LeSueur  
Henry R. Linville  
Robert Morss Lovett  
Mary E. McDowell  
Oscar Maddaus  
Anne Martin  
Alexander Melklejoh  
Henry R. Mussey  
A. J. Muste  
Scott Nearing  
Walter Nelles  
Fremont Older  
Julia S. O'Connor Parker  
William Pickens  
Jeannette Rankin  
Edward A. Ross  
John A. Ryan  
John Nevin Sayre  
Joseph Schlossberg  
Rose Schneiderman  
Vida* D. Scudder  
Abba Hillel Silver  
John F. Sinclair  
Clarence R. Skinner  
Seymour Stedman  
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