"A tolerant spirit towards those with whose opinions we disagree is a necessary basis for intellectual progress. We know really very little at the present time. There is much which we can justly hope to learn. Every one of us who has lived through a reasonable span of years has seen changes in many things with regard to which, when we first learned about them, there was much greater certainty than there is now. Eternal change is a characteristic of nature. How then can we rightfully endeavor to hamper the search for truth?"

FRANK J. GOODNOW, President, Johns Hopkins University,
Commencement Address, June, 1926.

"The fight must go on. The cause of civil liberty must not be surrendered at the end of one or even one hundred defeats."

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THE breakdown of civil rights in the Passaic textile strike in New Jersey, which continued throughout 1926, resulted in one of the bitterest struggles for civil liberty in the industrial field in recent years. The determined fight of the strikers to maintain their rights, supported by the American Civil Liberties Union and other interested groups, finally forced the authorities to a return to lawful methods in the district. The strike was settled at the end of the year, the mill owners signing agreements with the new union affiliated with the American Federation of Labor.

Civil liberty issues were also prominent in industrial conflicts in Indiana, where state troops were called on strike duty at non-union mines. In the Rhode Island textile strike troops were used also. Hundreds of strikers were arrested while picketing in the fur workers and garment workers strikes in New York City. Police brutality against strikers in these and the paper box workers strike called forth public protest.

In general, however, there was continued improvement in the civil liberty situation throughout the country. Our correspondents in forty-four states, replying to a questionnaire in December, 1926, reported that conditions are better than last year in nineteen states (Alabama, Arkansas, Connecticut, Delaware, Idaho, Iowa, Kansas, Louisiana, Maine, Michigan, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming); about the same in twenty-three states; and worse in two — New Jersey and Ohio. Twenty-seven states reported the American Legion as the most active agency of intolerance and repression, the Ku Klux Klan having lost its influence in practically every section. Next in importance are the fundamentalist groups who are behind the campaign for anti-evolution laws and for such laws as that recently enacted in North Dakota requiring the posting of the Ten Commandments in all public schools.

Many of the attacks on freedom of speech during the year have been traced to propaganda emanating from the War Department, the American Legion and patrioteering societies. These groups together with the Bible Crusaders and other Fundamentalist organizations are held responsible also for the inroads on freedom of teaching. Sup-
pression of student publications, dismissal of teachers and students for expressions of opinion, enforced military drill, compulsory Bible reading laws and "salute-the-flag" regulations, and one new anti-evolution law (in Mississippi) mark the course of their campaign of repression and intolerance in 1926. The decision of the Tennessee Supreme Court, reversing the conviction but upholding the anti-evolution act, and recommending that the Scopes case be quashed, blocks for a time a Federal Supreme Court ruling on this type of legislation.

Prosecution of workers under state criminal syndicalism and sedition laws has practically ceased. In California, where most of the prosecutions have occurred since 1919, no new cases have been reported since 1924, and no new cases are pending at this time. Fifty-five criminal syndicalist prisoners serving sentences in California prisons were released in 1926 either on parole, by expiration of sentence or on reversal of conviction. The five criminal syndicalist prisoners in Washington were released during the year. The number of state political prisoners at the end of 1926 is 17 (16 in California and 1 in Kansas), as compared with 77 at the end of 1925. In Pennsylvania alone has there been a continuance of prosecutions for opinion. One conviction, of a Workers Party member, occurred under the state sedition act. Police raids on homes and headquarters of members of the Workers Party in the steel districts resulted in several arrests. The only other sedition conviction in 1926 was that of Anthony Bimba in Massachusetts, who was acquitted at the same time of a charge of violating the state blasphemy act passed in 1697.

The most important free-speech fight of the year was the New York City School Board's ban against the American Civil Liberties Union, which revealed the existence of a "blacklist" against individuals and organizations whose views do not conform to those of the Board members. The Union's appeal to the State Commissioner of Education resulted in affirmance of the Board's position and the fight has been carried into the courts.

In most places, however, where the free-speech issue was fought out the forces of reaction lost support and the liberal element prevailed. This was notably the case at Salt Lake City where the American Legion, the Sons of the American Revolution, the Daughters of the American Revolution and the Chamber of Commerce combined to prevent an address of Scott Nearing at the University of Utah. The Board of Regents of the University, backed by the Governor, stood
firm and unanimously voted to permit the meeting. Freedom of speech became a live issue; numerous colleges in the state selected that subject for debates and in each case the proponents of civil liberty won.

Another instance where the question was given an airing was at Atlanta, Ga., where the American Legion succeeded in cancelling a speaking engagement of Mrs. Lucia Ames Mead, peace advocate, before the Agnes Scott College. The result was that the liberal forces in the community were awakened, and Mrs. Mead through the press and before the ministerial association and Lion’s Club was given an opportunity to present her views before a much larger audience than the banned meeting would have afforded. The Legion’s attack on Roger N. Baldwin on the Pacific Coast was also only partially successful, as Mr. Baldwin was allowed the platform of the State Conference of Social Workers over the Legion’s protest. At Pittsburgh the Workers Party won the right to hold meetings in private halls without police interference, and from other heretofore closed spots have come reports of uninterrupted meetings under radical auspices and with radical speakers.

Thirty-four lynchings were recorded in 1926 against 18 in 1925, an increase due to a great extent, it is believed, to the failure of Congress to take action on anti-lynching legislation. A considerable decrease in cases of mob violence is shown in the 1926 record—from 40 in 1925 to 21 in 1926.

Below is the table of civil liberty violations reported to the Union for 1926 and the five previous years:

<table>
<thead>
<tr>
<th>Year</th>
<th>Prosecutions</th>
<th>Mob Violence</th>
<th>Lynchings</th>
<th>Meetings Stopped</th>
</tr>
</thead>
<tbody>
<tr>
<td>1926</td>
<td>52*</td>
<td>21</td>
<td>34</td>
<td>28</td>
</tr>
<tr>
<td>1925</td>
<td>352</td>
<td>40</td>
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<td>235</td>
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<td>1923</td>
<td>340</td>
<td>80</td>
<td>28</td>
<td>58</td>
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<tr>
<td>1922</td>
<td>846</td>
<td>225</td>
<td>61</td>
<td>28</td>
</tr>
<tr>
<td>1921</td>
<td>289</td>
<td>123</td>
<td>64</td>
<td>82</td>
</tr>
</tbody>
</table>

*This is exclusive of the large number of cases arising out of labor disputes which, in New York City alone, during the garment workers, fur workers and paper box workers strikes, numbered thousands. In previous reports cases arising out of labor disputes were included.
The Year's Work

I. Affecting the Federal Government

A. State Department

Countess Karolyi continued through the greater part of the year her efforts to overcome the opposition of the State Department to her entry into the United States to keep her lecturing engagements. Her attorneys brought a federal suit in January to mandamus the Department of State to grant her a visa, but on request of Countess Karolyi, they withdrew the proceedings in November.

In November the American Consul General at Berlin refused to grant a visa to Madame Alexandra Kollantai, Soviet minister to Mexico, to pass through the United States on her way to her post in Mexico. Secretary Kellogg explained in a public statement that this action was approved by the State Department on the ground that Madame Kollantai has been "actively associated with the International Communist subversive movement." The Department places no hindrance in the way of communist business agents from Russia who visit the United States.

B. Department of Justice

While no new cases for offenses involving opinion were instituted at the instance of the Department of Justice, developments in the Sacco-Vanzetti case brought an ugly reminder of the days of the Red Crusade. Affidavits of two former Department of Justice agents were introduced at the hearing in September which showed that the Department had cooperated with the local district attorney who was prosecuting the case in 1921 and had sought through spies to obtain evidence on which to deport the accused men for their political beliefs. The evidence thus obtained not only was found inadequate for its purpose, but might have contributed towards establishing the innocence of the men. However, Attorney General Sargent instructed the Boston agent of the Department to refuse defense counsel access to the documents in his possession.

Efforts to secure the restoration of citizenship rights to persons convicted of offenses of opinion during the war have been unsuccessful thus far. The Attorney General has taken the position that each case should be considered separately on its merits.
C. Department of Labor

Two old cases involving the Department of Labor were settled in the courts. The Circuit Court of Appeals in April sustained the judgment of deportation against Milos Vojnovic, charged with advocacy of the overthrow of government by force and violence; certiorari was denied by the United States Supreme Court. The judgment of deportation against Dr. Emanuel Vajtauer, Czecho-Slovakian communist, was affirmed by the United States Supreme Court during the first week of January, 1927. The opinion, delivered for the Court by Mr. Justice Stone, weakens the effect of Judge Augustus Hand's ruling in the District Court which placed the burden of proof on the alien in deportation cases; it was to test this ruling (on Section 29 of the Immigration Act of 1924) that the case was appealed. The case of John C. Schedel in which the Union was interested is still pending.

The aggressive policy of the Department toward aliens holding radical political views continued to present cases of interest. Despite the efforts of the Union, cooperating with the International Labor Defense, three Portuguese anarchists—Disminillo Texeira, Antonio da Costa and Antonio Perreira—were deported in December for having published an anarchist paper in Fall River, Mass. James Olsen, released from San Quentin prison in February after serving a five-year sentence for a conviction under the criminal syndicalism law of California, was ordered deported on the ground of his membership in the I. W. W. The deportation order is being appealed.

Cases occur frequently in which aliens against whom deportation orders have been issued are found for one reason or another to be non-deportable. The Labor Department has been making it a practice in this situation, when once the man has been released on bail, to refuse to cancel either the bail or the order of deportation. Large amounts of money are thus tied up indefinitely in the form of bail bonds. For example, James Phillips, who was ordered deported to Russia in 1922 after serving five years in Leavenworth for a conviction under the wartime espionage act, is under bail and is not deportable so long as the United States refuses to recognize the existing Russian government. Attorneys for the Union are seeking the means of obtaining a general ruling which will make it possible to release all bail of persons whom the government is unable to deport.
The traditional right of asylum for political refugees was recognized by the Board of Review of the Federal Bureau of Immigration on September 17th when it granted to Vincenzo Vacirca, Italian socialist and anti-Fascist, the right to remain in the United States, because his life would be in jeopardy if he were forced to return to Italy. Mariano Scolise, against whom an order of deportation had been issued, was granted a court hearing in December by Judge James A. Lowell of the Federal Court at Boston, on the plea of counsel that he would be killed because of his opposition to Mussolini if he returned to Italy.

The Commissioner General of Immigration yielded in February to the requests of the Civil Liberties Union and others to admit T. E. Moore, editor of "One Big Union," published at Winnipeg, Canada, after he had been barred from the United States because of his connection with the I. W. W.

D. War Department

Walter M. Trumbull was released from the Alcatraz Disciplinary Barracks on February 5th, after having served out his reduced sentence. It will be remembered that his original sentence by court-martial was 26 years, while that of Paul Crouch, convicted with him for disseminating communist views in the army, was 40 years. The reduction of these sentences to 1 and 3 years is the only concession the War Department has made in these cases. Paul Crouch is still in prison. When parole was sought for him in order that he might return to the support of his aged father, it was denied. The Secretary of War explained that the Department considers Crouch will be getting off very lightly under the reduced sentence "considering the gravity of the offenses."

E. Navy Department

Although Congress once more gave consideration to bills to put the Virgin Islands under permanent civil government, the situation in the Islands remains unchanged except for the fact that citizenship was granted the Islanders in the early part of 1927. It is hoped, however, that a satisfactory Civil Government bill will be passed in the next session.
In January the Circuit Court of Appeals in Philadelphia reversed the conviction of Rothschild Francis, Virgin Islands editor, sentenced by Judge George Washington Williams to serve thirty days in jail for criticizing a St. Thomas policeman. The same court sustained the conviction of Francis on the charge of contempt of court for criticizing Judge Williams' decision in the former case. Appeal on a writ of certiorari was refused by the United States Supreme Court. Francis was again held for contempt before Judge Williams in March because of a brief item in his paper, *The Emancipator*, in which it was suggested that the judge's personal animus had determined his judicial treatment of Francis. For this last offense the editor was fined $200 and received another sentence of 30 days in jail. Congress in the meantime had passed a statute the effect of which was to make appeal of the case impossible.

Another case related to naval rule over our insular possessions attracted the attention of the Union during the year. This was the case of S. S. Ripley of Richmond, Cal., who was practically shanghaied at Pago Pago, American Samoa, in 1921, at the order of Captain Waldo Evans, then Commander-General, and carried to San Francisco virtually as a prisoner. This treatment of Ripley was on account of his having acted as an emissary of the Samoan chiefs to carry their petition of grievances to the Washington authorities. As the case involves the whole issue of abuses under naval administration and especially the right of American nationals to appeal against such abuses, the Union has sponsored the suit of Ripley against Captain Evans for $50,000 damages. The case was tried in the Federal District Court at Chicago and an instructed verdict for the defendant was rendered in November. An appeal is being taken.

**F. Supreme Court**

The following decisions handed down in 1926 by the United States Supreme Court involved issues of civil liberty:

1. In the case of August Dorchy (October 26, 1926) a conviction under the Kansas Industrial Court Act was affirmed. The court denied that the federal constitution protected the right to strike, and reasserted the right of the courts to pass upon the legality of the purpose for which a strike is called.
2. In the Tutun and Newberger cases the court recognized the right of an alien to appeal from the denial of naturalization by a United States District Court—a right which had been denied in a number of circuits.

3. The judgment of deportation against Dr. Emanuel Vajtauer was affirmed during the first week in January, 1927. (See page 7 for the effect of this decision.)

G. Federal Courts

1. Subsequent to the decision of the United States Supreme Court in the Tutun case (see above), the Circuit Court of Appeals in Massachusetts reversed the lower court's denial of citizenship, holding that a claim of exemption from military service did not constitute a ground on which citizenship may legally be denied. This was the first adjudication of this disputed question by an appellate federal court.

2. Judge Stanley Webster of the Federal District Court at Spokane, Wash., in March deprived James Rowan of his citizenship on the ground that his naturalization in 1907 was accomplished under misrepresentation. Rowan was convicted in 1918 under the Espionage Act because of membership in the I. W. W. since 1912. The Union is sponsoring an appeal to the Circuit Court of Appeals.

3. Judge Wolverton of the District Court at Portland, Ore., denied citizenship papers to Mary Ring, an Irish Quakeress, because she said she would not, if she were a man, bear arms in the event of war with Japan.

4. In the Eastern District Court of Michigan, Judge Tuttle refused to cancel the certificate of naturalization of one Rovin, against whom it was charged that he had not been attached to the principles of the Constitution at the time when he was naturalized (1917). In his written opinion Judge Tuttle upheld the right of every citizen who differs with the holders of public office in respect to public policies “to make all lawful efforts to arouse, and direct towards the official representatives of the people, the force of public opinion in regard to such policies.”
The large increase in the number of bills dealing with civil liberty issues in the 69th Congress occasioned in 1926 the most extensive campaign on national legislation the Union has ever conducted. Ten of the nineteen measures affecting civil liberty received our support; the other nine we opposed in whole or in part. Among those which the Union supported were measures for civil government in the Virgin Islands and Samoa, the repeal of the war-time passport control law, the penalizing of officials who interfere with civil rights, the withdrawing of federal aid from educational institutions where military training is compulsory, the granting of citizenship rights to American women married to aliens ineligible to citizenship, a Congressional investigation of the Passaic textile strike, and a Congressional investigation of the labor spy system.

The Union opposed—the drastic deportation bill introduced by Congressman Albert Johnson, the registration of aliens, federal censorship for motion pictures, universal conscription and the federal sedition bill. Proposals of the Union to protect the principle of free speech on the air were embodied in the final form of the Senate bill for radio control, but were dropped out in the bill that emerged from the joint conference in the second session. There were a number of other measures which the Union followed closely but did not act upon officially, owing to circumstances which made support or opposition unnecessary. Committee hearings at which representatives of the Union appeared were held on the following matters: the deportation of aliens, radio control, Virgin Islands affairs, investigation of the Passaic strike, and compulsory military training.

The conference bill for radio control passed near the end of the second session. Citizenship was granted to the Virgin Islanders, also in the second session. The Johnson deportation bill passed the House in the first session but did not get out of the Senate Committee in the second session.
II. Affecting State Governments

Criminal Syndicalism and Sedition Cases

At the close of 1926, there were 17 prisoners in state prisons under convictions for criminal syndicalism and sedition as against 77 at the close of 1925. Of these 16 are held in California; the other one is in Kansas. One person went to prison during the year under an old criminal syndicalism indictment. There were two new sedition convictions—Anthony Bimba in Massachusetts and George Papcun in Pennsylvania; both cases have been appealed*. The case of Edward Horacek, convicted in 1925 under the Pennsylvania sedition law, is still waiting a decision on a motion for a new trial.

Long standing indictments against C. E. Ruthenberg and I. E. Ferguson (both members of the Workers Party) under the criminal anarchy law of New York were dismissed on June 23rd by Justice Edward J. McGoldrick of the New York Supreme Court. The Court of Appeals in 1922 had reversed the convictions against these men and remanded the cases for retrial.

Sedition charges against three Portuguese anarchists (see page 7) were dismissed in Massachusetts on May 17th. In Pennsylvania charges of sedition were lodged against 8 members of the Workers (Communist) Party, seized in police raids on three private homes in Woodlawn on December 7th. A. S. Embree, an I. W. W., who was released on parole by the Governor of Idaho in 1925 after serving three years of a 1 to 10 year sentence under a criminal syndicalism conviction, received an unconditional pardon in February.

All of the five criminal syndicalism prisoners in Washington were released during the year. Fifty-five criminal syndicalism prisoners serving sentence in California prisons were released either on parole or by expiration of sentence. The conviction of Tom Connors, former secretary of the I. W. W., on a charge of influencing jurymen sitting in a criminal syndicalism case was affirmed in the Third District Appellate Court of California on April 15th; a petition for a rehearing was denied in September. Attorneys for the Union were unsuccessful in their attempts to obtain the release of Joe Neil, sole remaining criminal syndicalism prisoner in Kansas.

*The Bimba case was dropped by nolle prosequi in March, 1927.
The constitutionality of criminal syndicalism statutes in two states is involved in three cases now awaiting decision of the Supreme Court: (1) The appeal of Charlotte Anita Whitney, convicted under the criminal syndicalism act of California in 1919, was reargued before the Supreme Court in March, the court having reversed its first decision not to pass upon the case. (2) The same law was the basis of the conviction of William Burns, arrested in Yosemite National Park in 1923 and tried because of his membership in the I. W. W. The case was argued on appeal before the Supreme Court in November. (3) The case of Harold B. Fiske, I. W. W., whose conviction under the Kansas criminal syndicalism law was sustained by the State Supreme Court in 1924, was argued before the United States Supreme Court in April.

The conviction (1925) of Captain Harry Allen Ely on a charge of seditious libel because he criticized a New York judge, was sustained on June 11th in the Appellate Division of the Supreme Court.

Status of Criminal Syndicalism Laws

Excepting in California there have been no new efforts to bring about the repeal of criminal syndicalism laws. Such a law is now being advocated in Massachusetts, but indications are that there will be enough liberal sentiment in the state to defeat the measure. While prosecutions under this type of statute have now practically ceased, it is doubtful whether any of the thirty-four states having such laws have sufficiently outgrown the psychology which inspired them to wipe them off the books. There remains the possibility of obtaining modification of existing statutes to do away with the "membership" clauses under which most of the convictions hitherto were found.

Other State Prisoners

Cases involving acts of violence are not within the scope of the Union's interest excepting when we believe the men to be the innocent victims of persecution for their opinions or their labor activities.

Owing largely to the efforts of our California branches, Herman Suhr was paroled in October from Folsom Prison, where he was
serving a life sentence under a conviction (with Richard Ford) for murder in connection with the Wheatland hop workers strike in 1913. Charles Cline, José Rangel and four Mexican revolutionists who were serving sentences for the alleged murder of a deputy sheriff, were pardoned in August by Governor Miriam A. Ferguson of Texas, after the Union had cooperated with other organizations for over two years in efforts to secure their release. The Union continued its support of efforts in behalf of the Centralia riot victims in Washington, and, chiefly through the Boston group, of appeals in the Sacco-Vanzetti case. (See page 6).

California

Report of the California Branches

Clinton J. Taft, Director of the Southern California Branch
Elmo A. Robinson, Director of the Northern California Branch

The year 1926 has been comparatively free from the violent persecution of radicals that marked several preceding years and made this commonwealth the most ruthless of all the states of the Union. Doubtless the reason for this is that no large labor disturbance occurred here during the past twelve months. So there were no arrests under the criminal syndicalism law. One man—Leo Ellis a member of the I. W. W.—was brought back to this state from Texas and committed to Folsom Prison, he having previously been sentenced here and escaped from jail.

The United States Supreme Court still has the case of Charlotte Anita Whitney under consideration. For more than a year this judicial body has been deliberating upon what decision to render. The Burns case is also still pending before the same tribunal.

Sporadic cases of the violation of civil liberties have arisen during the year in connection with the Los Angeles bakers strike in the spring and various other minor disturbances.

Altogether the outlook for civil liberties in California is more encouraging than it has been for some time back. We have surrendered to one of the eastern states the dishonor of first place as persecutor,
and in due course of time we entertain the expectation that we may return to complete sanity.

As a result of a visit of Roger Baldwin, a survey which he made of the field, and several conferences with the Southern California group and other leading liberals, the Northern California Committee was formed on July 6th, with Professor Guido Marx of Stanford University as Chairman, Elmo A. Robinson as Director, and Austin Lewis as Counsel. An office was opened at 473 Mills Building, San Francisco. The Southern California and Northern California Committees were united in an all-California Committee with George West as Chairman.

The main objective of this united front was to get the state as a whole organized to contend for the repeal of the criminal syndicalism law. Dr. George W. Kirchwey, former dean of Columbia Law School, who was engaged during 1925 to make a survey of the workings of the criminal syndicalism law in this state, completed his task, and the findings were issued in the form of a forty-eight page pamphlet toward the close of the year. Thousands of copies of this were sent to leaders of thought throughout California—lawyers, teachers, ministers, legislators, judges, club-women, etc. Another pamphlet, prepared by the Northern California Committee as a compendium of the thought of leading citizens on criminal syndicalism and other repressive legislation, was distributed throughout the state. That the campaign is having a good effect is evident from the press comments and from numerous letters received in both offices from outstanding men and women. The hope is that this publicity will practically re-educate the people of the state as to what has really gone on here during the nearly eight years since the iniquitous measure was passed.

The Los Angeles Open Forum—conducted by the Southern California Branch as an all-year activity—is now in its fourth year. It is attracting large audiences and is giving a fine illustration of the value of freedom of speech in a community. The weekly paper, The Open Forum, entered upon its third year December 1st. Evidently it fills a real place on the western coast, helping in no small measure to offset the propaganda of such menacing organizations as the Better America Federation and certain other well known patrioteers.

On September 1st Robert Whitaker severed his connection with the Southern California office after two years of most energetic and faithful service. He is devoting himself to some private writing, but
finds time to counsel with us frequently and to act as one of the contributing editors of the paper.

The only specific case of infringement of free speech reported in the Northern California section arose in Sacramento, where a permit for a park meeting was refused recognition by the police. This situation was adjusted by correspondence to the satisfaction of all concerned.

Much of the attention of the Northern California Branch has been directed to deportation cases in which deportation has been sought by the Federal Government either directly or indirectly on account of the opinions of the victim. All these cases are still pending. Several cases of racial discrimination have been reported, involving Hindus, Chinese, Negroes, and Italians. The Chinese case was an attempt, fortunately unsuccessful, by a group of parents in an Oakland school district to bring pressure on the school authorities by means of a school strike and a public mass meeting, and to force the establishment of a segregated school for a group of Chinese children, most of whom were born in this country and were living in a home maintained by the Presbyterian Church. There have also been cases involving citizenship and parole.

At the time of the opening of the San Francisco office it was undecided whether the undertaking would be permanent, or merely a temporary expedient to combat reactionary tendencies in the election of November and in the legislative session of 1927. This question is still undecided. But the number of matters reported to the office for investigation, the friendly response from the membership to calls for assistance, and the respectful hearing given to the presentation of the aims and accomplishments of the Union, even by audiences which expect to criticize, lead the Committee to hope that ways and means may be found to continue on a modest budget.

III. AFFECTING LOCAL GOVERNMENTS

New York City.—Protracted strikes affecting the needle and garment trades, the fur workers, the Interborough Rapid Transit workers and the paperbox makers, furnished occasion in New York City for police violence, anti-picketing injunctions and hundreds of arrests for "disorderly conduct." By arresting and imposing fines for disorderly conduct, the police and the magistrates avoided the issues of a court
test of the injunctive weapon as employed to oppress workers. Police brutality against the striking paperbox workers was protested to the Mayor and the Commissioner of Police in December by representatives of the Civil Liberties Union, with some effect. The most sweeping injunction in this period of local industrial conflict extending over the greater part of the year was that issued in September by Supreme Court Justice Charles L. Guy, restraining strikers of the International Ladies Garment Workers Union from every form of picketing. Fifteen hundred arrests for "disorderly conduct" immediately followed this one injunction.

Two members of the Marine Transport Workers Union, Santiago Laredo and John Lynch, were arrested while on picket duty in a strike of their union and held under the Baumes act without bail on charges of robbery, grand larceny and felonious assault. Attorneys Shorr, Brodsky and King, acting for the Civil Liberties Union, took the case to the Supreme Court on a writ of habeas corpus and had the bail fixed at $1,000 apiece. The precedent of this case was used immediately afterwards in the case of two Italian Anti-Fascists, Peter Fragiacomo and Peter Costello, whose bail of $100,000 each was reduced by the same process to $2,000 each.

Passaic, N. J.—From the point of view of the civil rights of strikers, the outstanding feature in the year’s record was the complete breakdown of the Bill of Rights in the area of the Passaic textile strike, which began in January and lasted through the year. Strike meetings were banned, men and women were brutally attacked by the police on the picket lines and elsewhere, strike committee offices were ransacked and pillaged without warrant, and strikers and sympathizers were arrested under the "disorderly persons" act. Some were held in excessive bail under trumped-up charges that were more serious. Albert Weisbord, strike leader, was held under $30,000 bail on charges of inciting to riot. A sweeping injunction, afterwards modified through the efforts of an attorney for the Union, was issued on the petition of the Forstmann and Huffmann mills to prevent any form of picketing.

Under a legal fiction of his own invention which he called "Riot Law," Sheriff George P. Nimmo of Bergen County forbade peaceful assembly and enforced the order with heavily armed deputies. In an effort to test this novel device, Norman Thomas was arrested on a charge of unlawful assembly for attempting to speak at a meeting.
planned by the Union. After being locked up in the county jail, he was released under $10,000 bail. When the grand jury, towards the end of the year, refused to indict, he brought suit for damages against the Bergen County officials responsible for his arrest. This, and a number of cases instituted by the Union against police officers for atrocious assault and unlawful arrest, will probably be tried during 1927.

The ban against strikers’ meetings was finally broken by an injunction obtained by John Larkin Hughes of Newark, attorney for the Union, restraining the Sheriff and others from interfering with lawful assembly.

**Boston, Mass.**—Mayor Malcolm Nichols, quite early in his term of office, showed sympathy with the policy of hostility to free speech and free assembly which his predecessor had made effective. In February, soon after the arrest of Anthony Bimba (see page 12) on charges of blasphemy and sedition, the mayor issued an edict barring discussion of the Bimba case in any licensed hall in Boston. As there was no legal authority for such a denial of free speech, the desired result was accomplished through the administration’s control over the licensing of halls. After conducting a long correspondence and presenting a vigorous signed protest, a group of leading citizens held a meeting at Old South Meeting House on June 24th to attack the Mayor’s repressive policy; Dean Roscoe Pound, Dr. Samuel M. Crothers and James P. Monroe were speakers. The controversy continued through the year, with the result that the Mayor finally declared that he would permit a Bimba meeting in Faneuil Hall to be arranged for under the joint auspices of the American Civil Liberties Union and the International Labor Defense. It is still his threat that if meetings are held in licensed halls, he will ask federal agents to attend and will revoke the license of any owner in whose hall a law violation occurs.

Interference by the police with civil rights was widespread, but was especially prevalent in cities of Pennsylvania, New Jersey and Massachusetts. Members of the Workers Party were the most frequent victims of these attentions. I. W. W.’s were arrested at Gracieville, Minn. and Mobile, Ala.

One of the most interesting cases of the year was the arrest at a foreign language meeting in Brockton, Mass., of Anthony Bimba, editor of a Lithuanian communist paper published in Brooklyn on charges
of blasphemy and sedition. Although the prosecution appeared to attach special importance to the blasphemy charge (based on a statute dating from pre-revolutionary times), and although Bimba admitted having made the allegedly blasphemous remarks attributed to him, conviction was found for sedition and an acquittal on the charge of blasphemy. The conviction was appealed. (See page 12 and footnote.)

At Lawrence, Mass., Fred E. Beal was arrested in July for attempting to hold an open air meeting after a permit for such a meeting had been denied, and was convicted and fined $20 on a charge of disturbing the peace. An appeal was taken by the Union and the International Labor Defense, and the conviction was reversed in the Superior Court of Salem in November.

Meetings to discuss the deportation cases of three Portuguese anarchists (see page 7) were barred by Chief of Police Martin Feeney of Fall River, Mass., in July. The men were deported before the test planned by the Union in cooperation with the International Labor Defense could be carried out.

At Washington, Ga., Charles E. Falloon was arrested for challenging the local clergy with the assertion that there is "no proof that Jesus ever lived as a man, much less as a God." In St. Louis, Mo., Victor Saff, a laborer, was arrested for saying to a recruiting officer, "I would not wear the uniform again after what I learned over there." Police Judge Rosecan compelled him to kiss the flag. A series of police raids on Workers Party gatherings in private homes at Aliquippa and Woodlawn, Pa., culminated in the holding of 8 men seized at Woodlawn on December 7th under charges of sedition. In this connection, three damage suits against the chief of police of Aliquippa for false arrest are pending in the courts. Labor and radical meetings are completely banned by the local police of the coal mining areas of Scranton and Wilkes Barre. When Benjamin Gitlow was refused permission to speak in Philadelphia, the Union lent its auspices to a meeting to test the ban. Mr. Gitlow was allowed to speak at the test meeting, but the situation under which the Superintendent of Police assumes authority to grant or withhold permits was not altered by this partial victory.

Distributors of Workers Party literature were arrested in Elizabeth, N. J., Camden, N. J., Pittsfield, Mass., Chicago, Ill. and other cities.
Among places not already mentioned where interference with meetings occurred are the following: Lynn and Hudson, Mass; Trenton, Newark and Perth Amboy, N. J; Yorkville and Cincinnati, Ohio; East Chicago, Ind.

IV. IN THE EDUCATIONAL FIELD

VIOLATIONS of the rights of opinion and utterance continued through 1926 to afflict teachers in both schools and colleges, and there were several instances of interference with meetings where speakers scheduled to address groups in educational institutions were found "objectionable." A number of student editors were removed from office and even suspended or dismissed from college because of opinions expressed in their magazines. Though the issues in these cases are clearly those of civil liberty, the Union has found the problem of effective action complicated by the legal presumption of wide discretionary power lodged in the authorities in control of the employment of teachers, the discipline of students and the use of educational plants.

Legal Restrictions.—Anti-evolution bills were introduced in four of the nine state legislatures which met in 1926. Kentucky defeated such a measure for the second time in two years. The bill was withdrawn in the Virginia legislature. The Louisiana senate postponed action after the lower house had acted favorably. A bill similar to the Tennessee measure, but omitting references to the Bible, was passed by the Mississippi legislature and signed by the Governor on March 12th. The Union is planning a federal action to test the constitutionality of the Mississippi statute. The case of John Thomas Scopes, convicted at Dayton, Tenn., in 1925, for a violation of the Tennessee statute, was argued on appeal before the State Supreme Court on May 31st.*

Under the resolution adopted by the Text-Book Commission of Texas which provides that "objectionable features" may be revised or eliminated to the satisfaction of the revision committee, publishers of text books have cut all references to evolution from school books in use in that state.

*Decision was rendered on January 15, 1927, reversing the conviction on a technicality.
The rider attached to the District of Columbia appropriation bills in 1924 and 1925 prohibiting the payment of salaries to instructors who teach "partisan politics, disrespect for the Bible, and that ours is an inferior form of government" was defeated in committee in 1926.

Treatment of Teachers. — Three New York City teachers of recognized ability, Miss Ruth G. Hardy, Dr. Jessie Wallace Hughan and Dr. Abraham Lefkowitz, are refused advancement by the Board of Education because of their alleged radical views.

Charges that they had taught evolution in their classes were brought against a teacher of biology and a teacher of English in the Tilgham high school, Paducah, Kentucky. They were reinstated only after they had proved to the satisfaction of the Board of Education that the charges were false.

Dr. John E. Fitzpatrick, author of "The American College and its Rulers," in which is discussed the control of higher education from skyscraper office buildings through "captains of erudition" in administrative positions, was summarily dismissed from Olivet College, Michigan, in July when his book appeared, thus furnishing in his own person the demonstration of his thesis.

Treatment of Students.—At the University of Illinois, Joseph E. Baker, editor of the Illinois Magazine, and Lloyd Reed, author of "Zinc City Sketches," were ousted on the demand of a delegation of smelter owners from LaSalle who held that Reed's sketches presented the zinc smelting industry in an unpleasant light.

The first issue of The Collegian, organ of the students of Junior College, Kansas City, Mo., was suppressed because of editorials and articles voicing student criticism of the institution. Subsequently five students, said to compose the staff of an anonymous publication, The Sacred Cow, issued to take the place of The Collegian, were suspended from the college. Four of them were reinstated when they recanted and made abject apologies to the authorities. One, Gerald Fling, refused to accept the terms on which the others were reinstated and was expelled.

At Denver, Colorado, fifty boys and girls who were members of the Jehovite sect, refused on religious grounds to participate in the compulsory patriotic exercises prescribed by the Board of Education and
were suspended from school as a consequence. They were readmitted, however, when their parents put aside their religious scruples against recognizing "earthy courts" and showed a disposition to contest the ruling of the board.

Russell Tremain, nine-year-old boy of Bellingham, Wash., taken from his parents because of their refusal to allow him to salute the flag in school exercises, was in June ordered by Juvenile Court Judge W. P. Brown removed permanently from their custody and placed for adoption in "a patriotic and Christian family." The Tremains, who are members of the Elijah Voice Society, refuse to appear in "earthy courts" and attorneys for the Union have therefore been unable to contest the court action. The boy is now in the Seattle Children's Home, required to attend school and salute the flag.

The refusal of the New York City Board of Education in May to allow a meeting in one of the city high schools to be addressed by two members of the National Committee of the Union revealed the existence of a "blacklist" against individuals and organizations whose opinions are found by the Board to be objectionable. The Union's appeal to the State Commissioner of Education, following the Board's persistent refusal to lift the ban, resulted in an affirmance of the Board's position. A court decision is now awaited on the Union's petition for a writ of mandamus to compel the Board to grant the use of a school building for a discussion of "Old Fashioned Free Speech."

United States District Attorney Al Williams urged the businessmen of Topeka, Kansas, to withdraw their support from Washburn College if Paul Blanshard, field secretary of the League for Industrial Democracy, should be allowed to keep his engagement to speak at the college. Mr. Blanshard was permitted to speak.
MEMBERS of the Executive Committee during the year were:
Margaret DeSilver, Robert W. Dunn, Morris L. Ernst, Elizabeth Gurley Flynn, Arthur Garfield Hays, J. A. H. Hopkins, Ben W. Huebsch, Robert Morss Lovett, Joseph Schlossberg, Norman Thomas, B. Charney Vladeck and the officers—Harry F. Ward, chairman; Roger N. Baldwin and Forrest Bailey, directors; Helen Phelps Stokes, treasurer; Lucille B. Milner, field secretary; and Wolcott H. Pitkin, counsel.

The National Committee lost a valued member by the death of Eugene V. Debs on October 21st.

There were no changes in the staff during the year. On December 24th, Mr. Baldwin sailed for Europe, expecting to be absent for a period of several months. He will represent the Union in making contacts with libertarian groups (like La Ligue Des Droits de l'Homme) whose interests are shared, at least in part, by the Union.

The Washington work was handled as it was in 1925 by Miss Isabelle Kendig, whose office very effectively kept us in touch with affairs in Congress and in the various administrative departments.

Meetings

Meetings of members and friends were held under Union auspices in New York, Boston and Philadelphia, to discuss matters in connection with the general work. Mr. Baldwin made a coast to coast trip during the spring and summer, addressing meetings at many leading cities. Under the auspices of a joint committee formed by the Union, a luncheon meeting was held at the Hotel Astor for the purpose of voicing opposition to the alien registration and deportation bills which were before Congress in the early part of the year. The Union gave its auspices to a meeting called in March in cooperation with a number of labor groups to protest police violence against the Passaic strikers. The Union also sponsored a meeting on November 1st at Community Church to protest violations of civil liberties under the injunctions issued against the striking cloakmakers and paper box makers in New York City. The annual meeting of the National Committee was held as a luncheon meeting at Town Hall on November 27th, members and friends being invited to hear reports of the work in hand.
Attacks Upon the Union

There was a marked increase during the year in the number and frequency of attacks on the Union. The bitterest of these was by Congressman Thomas L. Blanton of Texas, who read into the Congressional Record a long letter of Francis Ralston Welsh of Philadelphia in which the activities of the Union and the members of the National Committee were discussed on the basis of the Lusk Report and Whitney's "Reds in America." This attack was broadsided over the country by H. A. Jung of the National Clay Products Industries Association, and has since been referred to repeatedly by other enemies of the Union. Other attackers were the Industrial Defense Association, Inc. of Boston, the Military Intelligence Association of Chicago, The Reserve Officers Associations, the American Legion, The New York Commercial and the various "patriotic" societies. Six "patriotic" societies opposed the Union at the hearing before the State Commissioner of Education at Albany to contest the ban of the New York City Board of Education (see page 22).

Publications

The following pamphlets and leaflets were published during the year:

"Civil Liberties Issues Before Congress," two bulletins bearing the same title issued in March and September to give the facts about measures opposed and measures supported by the Union.

"The Sacco-Vanzetti Case," an editorial reprinted from the New Republic of June 9, 1926. (3 pages.)


"Anti-Evolution Laws," statements of men prominent in religion, education and public life, concerning anti-evolution laws, with a summary of the present situation regarding these laws. (36 pages.)

"Free Speech 1925-1926," the record of the work of the American Civil Liberties Union for 1925. (48 pages.)
Mimeographed statements on the following matters were published and kept on hand for distribution:

"The Charlotte Anita Whitney Case." (2 pages.)
"The Bimba Trial for Blasphemy and Sedition." (2 pages.)
"Civil Liberty and the Courts," bulletins reporting court decisions in cases involving civil liberty issues. Four were published during 1926.

Publicity

The work was conducted as hitherto, with timely news releases on every important case in which the Union engaged. Weekly releases to the labor and liberal press were regularly sent out throughout the country. These consist of two mimeographed sheets with the up-to-date news in the field of civil liberty, and are widely used. They go also to a list of subscribers who want to keep in touch with events and who pay $1.50 a year for the service. In addition monthly case reports have been gotten out covering all the items reported to us by correspondents or in the press. These go to subscribers and to a number of interested papers. The cost is fifty cents a year.

Local Committees

Local committees have not been active during the year except in the case of Boston. These committees function only when called upon to deal with specific local situations. The local secretary notifies the New York office at once of any emergency in which cooperation between the national office and the local is necessary. The Boston committee was very effective in dealing with new aspects of the local free-speech fights.

Bail Fund

The National Bail Fund, started in 1922, with about $75,000, is administered by three trustees, Evans Clark, L. Hollingsworth Wood and Norman Thomas, with Miss Kathryn Fenn of the Labor Bureau as secretary. The Fund is now in process of liquidation, as the trustees feel that it has accomplished the purpose for which it was originally established. The winding up of the affairs of the Fund will be gradual at best, owing to the fact that a good portion of its resources is tied up in bail for non-deportable aliens (see page 7).
Legal Studies

Walter Nelles is continuing his exhaustive study of the injunction in industrial conflicts. A shorter work on the same subject is still in course of preparation under the direction of Wolcott Pitkin, counsel for the Union. Another pamphlet on contempt of court in free speech cases is being prepared under the direction of Walter Nelles and Carol Weiss King. The “Affirmative Legal Action” study begun last year under the direction of Arthur Garfield Hays is now nearing completion.

These various studies are financed by appropriations from the American Fund for Public Service.
FINANCES

The total amount spent during 1926 for all purposes was $34,924.26, or $4,680.08 less than in 1925. This difference is accounted for by the fact that we had the Tennessee case and other costly special work on our hands in 1925.

Operating expenses were practically the same as for the past four years—$19,188.59. Our contributed income for budgeted expenses was $19,893.43. This, with the surplus in the Operating Fund holding over from last year, enabled us not only to meet the yearly operating expense, but to cover costs in the Printing Fund and the Paterson Case Fund and to help out the Congressional Fund to the amount of $400. We closed the fiscal year on January 31, 1927 with a net surplus of $76.40 in the Operating Fund.

Our gross income was $38,364.25, of which $35,415.40 came from members and friends in response to appeals, and $2,948.85 (see page 30) from the American Fund for Public Service in support of special cases. This income exceeded our expenditures by $3,439.99, thus reducing our total net deficit to $816.88. Special fund deficits for Congressional work, the Charlotte Anita Whitney Case, the Board of Education Case and undesignated Special Cases amount to $3,922.59 and are financed by accounts and loans payable. As Special Fund surpluses are available as assets only in the funds where they respectively appear, it was necessary to meet special case emergencies with borrowed money amounting to $2,500, which will be repaid from special incomes promised for the near future.

Special Funds

The form of Treasurer’s Report adopted this year conveniently consolidates with various special appropriations under the heading “Other Expendable Special Funds” (see Exhibit A, page 35) a number of funds which former reports analyzed under appropriate separate headings. Under this general heading are classified accounts representing emergencies and special activities not provided for in the budget. The support received for these purposes, including the $2,948.85 contributed by the American Fund, amounted to $10,910.26. Adding to this the amount received for the Tennessee Evolution Case Defense
Fund, we find a total of $18,470.82, contributed by friends to the support of our special work. Expenditures for these various items are clearly shown by the second column of Exhibit A, page 35. Page references to discussions in the body of this report are as follows:

Tennessee Evolution Case Defense Fund ................................ pages 20, 28
Congressional work .......................................................... page 11
Paterson, N. J. Free Speech case ........................................ page 33
Charlotte Anita Whitney case ............................................ page 14
Boston Birth Control case ................................................ page 18
Joe Neil case .................................................................. page 12
Virgin Islands Self-Government ........................................... pages 9, 11
Passaic, N. J. strike cases .................................................. page 17
Board of Education, N. Y. Free-Speech case ....................... page 22
Test Deportation case ....................................................... page 7
Lynch and Laredo case ...................................................... page 17
Lawrence, Mass. case ........................................................ page 19
Fall River, Mass. case ....................................................... page 19

The Tennessee Evolution Case Defense Fund: This Fund was created in 1925 to carry the Scopes case through the courts. It is sponsored by an independent committee having its own treasurer, but the Union is actually responsible. Generous response to our appeals for this fund brought in $7,560.56 during 1926, which cleared the large deficit holding over from the previous year and gave us a surplus of $2,429.32 at the end of the year. This surplus is available for carrying on whatever further fight our attorneys find possible for the ultimate testing of the Tennessee statute.

Printing Fund: This carries our own pamphlet printing. The total expenditure of $588 during the year was made up by taking $530.09 from the Operating Fund and adding it to the income of $57.91 from the sale of literature.

Book Fund: This fund was originally created through the contributions of three friends for the publication of historical materials on civil liberty by Professor Leon Whipple (see page 34) and was supplemented by a contribution for the preparation of a handbook on civil liberty (see page 34). Expenditures amounting to $296.33 completed the work and left the fund with a small deficit, which will be wiped out when the books are put on the market.
**Anti-Radical Investigation Fund:** The American Fund for Public Service set up this fund by an appropriation for the purpose of investigating attacks on civil liberties by reactionary organizations. Expenditures of $384.04 left the fund with a surplus of $188.72.

**Baldwin Fund:** One of our contributors generously pledged an amount of money to be used for special work of Mr. Baldwin outside the regular budget. The expenditure of $900 during the year was covered by $600 received and a balance of $300 at the beginning of the year.

**Revolving Loan Fund:** This is a non-expendable fund, originally of $8,000, for loans to defendants or local defense committees in civil liberty cases. It is administered by the Union for the American Fund for Public Service. The loan of $1,500 made in 1925 for the defense of Richard Ford (see page 14) was cancelled in 1926 by action of the American Fund in acknowledging the loan as an uncollectible debt and reducing the principal sum of the fund to $6,500.

Two new loans were made during the year—one of $500 to provide bail in the case of James Rowan (see page 10), and another in the same amount as a loan renewal to the Labor Defense Council, Philadelphia. Loans receivable on eight loans amount at the close of the year to $4,750, of which two for $550 are to Funds of the Union. A cash balance of $1,796.63 is on deposit in a special bank account.
Emergency Case Fund

In 1925 the American Fund for Public Service put at the disposal of the Civil Liberties Union a fund of $6,000, to be spent at the direction of the Executive Committee of the Union for specific emergency cases involving civil liberty, in order to avoid having these smaller applications go to the American Fund direct. The American Fund would naturally seek the advice of the Union in making appropriations for such cases, and this arrangement avoids delay and inconvenience. Quarterly reports are made to the American Fund. During 1926 the American Fund appropriated an additional $2,000 and authorized the following specific expenditures:

Austin Lewis, for fee and court expenses in the case of James Rowan. (See page 10) .................................................. $ 400.00
Caroline Lowe, for fee and expenses in the case of Joe Neil. (See page 12) .............................................................. 148.85
George J. Shaffer for fee in the damage actions against Chief of Police Hamilton Brown of Aliquippa, Pa. (See page 19) ............................................................. 300.00
Union, Drucker, Reichmann and Boutell of Chicago, in part payment of fee in the case of Ripley vs. Evans. (See page 9) ................................................................. 500.00
S. S. Ripley, travelling expenses in the above case. (See page 9) ................................................................. *
Isaac Shorr, legal expenses in the case of James Philipps. (See page 7) ................................................................. 250.00
R. W. Henderson, legal expenses in the case of Tom Connors. (See page 12) ................................................................. 100.00
Harry Hoffman, legal expenses in the Fall River, Mass., anarchist deportation cases. (See page 19) ........... 150.00
Robert Zelms, to pay Attorney Harry Hoffman for legal services in the defense of Fred E. Beal in the free speech test case at Lawrence, Mass. (See page 19) .... 300.00
John Larkin Hughes, in part payment of legal services and expenses in cases connected with the textile strike at Passaic, N. J. (See pages 17, 18) ........... 500.00
Isaac Shorr, legal expenses in the Laredo and Lynch case, New York City. (See page 17) .................. 150.00

Total ........................................................................... $2,948.85
The total number of contributors in 1926 was 2,775, which means an increase of 525 over last year. These figures include contributors to the Tennessee Evolution Case Defense Fund, but in the following Table—analyzing the sources of our support according to the size of contributions—the 753 Tennessee case contributions for the year are not taken into account:

| Number of contributors at over $1,000 | ............... 1 |
| " " " " $501 to $1,000 | ............... 3 |
| " " " "$251 to $ 500 | ............... 12 |
| " " " "$101 to $ 250 | ............... 19 |
| " " " "$ 51 to $ 100 | ............... 27 |
| " " " "$ 26 to $ 50 | ............... 75 |
| " " " "$ 11 to $ 25 | ............... 368 |
| " " " "$ 6 to $ 10 | ............... 440 |
| " " " "$ 1 to $ 5 | ............... 1,077 |
The Work in Hand: 1927

Political Prisoners

 Restoration of citizenship to the 1,500 persons convicted during the war for expressions of opinion, and now without the right to vote, serve on juries, or in many states to get licenses for certain occupations and professions.

 Release of the 17 political prisoners held under criminal syndicalism laws—in California 16, and 1 in Kansas. (These were the figures at the close of 1926).

Congress

 Passage of a bill to establish a form of civil government in the Virgin Islands which will realize for the Islanders their new status as citizens by relieving them of the present navy rule.

 Passage of a bill to take away or modify the control exercised by the State Department over passports and visas, in order to prevent further abuses of the unlimited discretionary power created by the passport control act.

 Opposition to any further effort in Congress to restrict civil liberty—particularly to measures proposing unfair discrimination against aliens and to measures, like the recurrent sedition bill and the bill for universal conscription, which invade individual freedom in utterance and action.

 Amendment of the radio control act to insure freedom of the air and to prevent government broadcasting permits from becoming permanent vested interests, and pressure on the Radio Commission to these ends.

 Restoration of citizenship to American women married to aliens ineligible to citizenship.

 Passage of a law to confirm the citizenship status of Hindus naturalized prior to the Supreme Court decision which made Hindus ineligible to citizenship.
The Educational Field

Carrying to a test in the United States Supreme Court the right of a state to prohibit the teaching of evolution. The reversal of the Scopes conviction by the Supreme Court of Tennessee leaves the constitutionality of the statute still at issue. Effort will be made to institute an action in the federal courts to test the Mississippi statute.

Carrying to a test in the United States Supreme Court the right of a state to enforce an act requiring the reading of the Bible in the schools.

Carrying into the higher courts, if necessary, a test of the right of a state to compel the performance by every child of patriotic rituals that conflict in specific instances with religious or other scruples.

Testing the right of the New York City Board of Education to maintain a blacklist against organizations and persons desirous of holding meetings in public school buildings.

In general, clarification and constant assertion of the principles of the right to teach and the right to learn with a view to extending freedom of opinion and utterance for teachers and freedom of education for students.

Cases in the Courts

Aid in the defense of two sedition cases in Pennsylvania. One of these is now waiting a decision on a motion for retrial.

Aid in securing the pardon of Charlotte Anita Whitney and of William Burns, in case their convictions under the California criminal syndicalism law are sustained by the United States Supreme Court.

Carrying to the Supreme Court of New Jersey the conviction of Roger N. Baldwin and seven silk strikers for "unlawful assembly" in 1924.

Aid in the appeal of a damage action (Ripley vs. Evans) in which are involved issues of the denial of civil rights under the naval rule in American Samoa.
Local Free Speech Issues

- Efforts to break the ban by the municipal authorities of Boston on free discussion of public issues in licensed halls.
- Tests to reestablish rights of free assemblage and free speech in Scranton and Wilkes Barre, Pennsylvania, and in other sections of the same state.
- Fighting through the courts certain cases against textile strikers in Passaic, N. J., and against the police for brutality and false arrests.

Publications

- Distribution of the handbook of "Civil Liberty," to be issued in April, 1927, by The H. W. Wilson Company.
- Distribution of Leon Whipple's "The Story of Civil Liberty" to be issued in April, 1927, by the Vanguard Press.
- Distribution of Leon Whipple's "Those Ancient Liberties" to be issued in April or May, 1927, by The H. W. Wilson Company.
- Distribution of Professional Patriots" (Norman Hapgood, editor) to be issued in April by Albert and Charles Boni.
- Publication of a handbook on affirmative legal action in labor conflicts.
- Publication of pamphlets dealing with (1) the use of injunctions in labor disputes; (2) free speech and contempt of court; and (3) freedom in education.
TREASURER’S REPORT

EXHIBIT “A”

Income and Expenditure Accounts

FISCAL YEAR ENDED JANUARY 31, 1927

<table>
<thead>
<tr>
<th>Income</th>
<th>Expenditure</th>
<th>Excess of Income over Expenditure</th>
<th>Excess of Expenditure Over Income</th>
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</thead>
<tbody>
<tr>
<td><strong>OPERATING FUND:</strong></td>
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<tr>
<td><strong>Income:</strong></td>
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<tr>
<td>Contributions</td>
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<td>Case Reports</td>
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<td>News Service</td>
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<td>Profit on Book Sales</td>
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<td>Bank Interest</td>
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<td>Transferred to Other Funds</td>
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<tr>
<td><strong>Total</strong></td>
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**TENNESSEE EVOLUTION CASE DEFENSE FUND**

$7,560.56  $1,964.55  $5,596.01

**OTHER EXPENDABLE SPECIAL FUNDS:**

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<thead>
<tr>
<th>Fund</th>
<th>Income</th>
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<td>Printing Fund</td>
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<td>Congressional Work</td>
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<tr>
<td>Transferred from Operating Fund</td>
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<td>(400.00)</td>
<td>$1,092.49</td>
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</table>
### Free Speech in 1926

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<tr>
<th>Fund / Case Description</th>
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<th>Expenditure</th>
<th>Excess of Income over Expenditure</th>
<th>Excess of Expenditure Over Income</th>
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<tbody>
<tr>
<td>Book Fund</td>
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<td>Anti-Radical Investigation Fund</td>
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<td>Baldwin Fund</td>
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<td>300.00</td>
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<td>Paterson, N. J., Free Speech Case</td>
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<tr>
<td>Transferred from Operating Fund</td>
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<td>(148.24)</td>
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<tr>
<td>Charlotte Anita Whitney Case</td>
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</tr>
<tr>
<td>Boston Birth Control case</td>
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<td>195.20</td>
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<td>31.25</td>
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<tr>
<td>Joe Neil case</td>
<td>100.00</td>
<td>100.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Virgin Islands Self-government</td>
<td>200.00</td>
<td>251.91</td>
<td></td>
<td>51.91</td>
</tr>
<tr>
<td>Passaic, N. J., Strike cases</td>
<td>3,108.10</td>
<td>2,964.98</td>
<td>143.12</td>
<td></td>
</tr>
<tr>
<td>Board of Education, New York, Free Speech case</td>
<td>118.50</td>
<td>754.93</td>
<td></td>
<td>636.43</td>
</tr>
<tr>
<td>Affirmative Legal Action</td>
<td>650.00</td>
<td>381.85</td>
<td></td>
<td>268.15</td>
</tr>
<tr>
<td>Test Deportation case</td>
<td>500.00</td>
<td>500.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lynch and Laredo cases</td>
<td>150.00</td>
<td>150.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lawrence, Mass., cases</td>
<td>300.00</td>
<td>300.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fall River, Mass., cases</td>
<td>150.00</td>
<td>150.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Undesignated</td>
<td>3,385.60</td>
<td>3,200.68</td>
<td>184.92</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$10,910.26</strong></td>
<td><strong>$12,692.79</strong></td>
<td><strong>$ 983.72</strong></td>
<td><strong>$ 2,766.25</strong></td>
</tr>
</tbody>
</table>

**Non-Expendable Fund:**

**Revolving Loan Fund:**

**Principal Sum:**

- Received: $2,000.00
- Repaid: $2,000.00
- Reduction—Loan Receivable granted as Gift: $1,500.00

- Income Account: $41.15

**Total:**

|                      | **$2,041.15** | **$3,500.00** | **$41.15** | **$1,500.00** |
**EXHIBIT “B”**

*Surplus and Deficit Accounts*

**FISCAL YEAR ENDED JANUARY 31, 1927**

<table>
<thead>
<tr>
<th></th>
<th>At beginning of year</th>
<th>For year</th>
<th>At close of year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Excess of Income Over Expenditure</td>
<td>Excess of Surplus Deficit Expenditure Over Income Surplus Deficit</td>
<td></td>
</tr>
<tr>
<td><strong>OPERATING FUND</strong></td>
<td>$ 449.89</td>
<td>$ 373.49</td>
<td>$ 76.40</td>
</tr>
<tr>
<td><strong>TENNESSEE EVOLUTION CASE DEFENSE FUND</strong></td>
<td>$3,166.69</td>
<td>$5,596.01</td>
<td>$2,429.32</td>
</tr>
<tr>
<td><strong>OTHER EXPENDABLE SPECIAL FUNDS:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congressional Work</td>
<td>$1,092.49</td>
<td></td>
<td>$1,092.49</td>
</tr>
<tr>
<td>Book Fund</td>
<td>$ 224.51</td>
<td>270.13</td>
<td>45.62</td>
</tr>
<tr>
<td>Anti-Radical Investigation Fund</td>
<td>572.70</td>
<td>384.04</td>
<td>$188.72</td>
</tr>
<tr>
<td>Baldwin Fund</td>
<td>300.00</td>
<td>300.00</td>
<td></td>
</tr>
<tr>
<td>Charlotte Anita Whitney case</td>
<td>$1,630.00</td>
<td>$387.53</td>
<td>1,242.47</td>
</tr>
<tr>
<td>Boston Birth Control case</td>
<td></td>
<td>31.25</td>
<td>31.25</td>
</tr>
<tr>
<td>Virgin Islands Self-government</td>
<td>104.98</td>
<td>51.91</td>
<td>156.89</td>
</tr>
<tr>
<td>Passaic, N. J., Strike cases</td>
<td></td>
<td>143.12</td>
<td>143.12</td>
</tr>
<tr>
<td>Board of Education, New York, Free Speech case</td>
<td>636.43</td>
<td></td>
<td>636.43</td>
</tr>
<tr>
<td>Affirmative Legal Action</td>
<td>268.15</td>
<td></td>
<td>268.15</td>
</tr>
<tr>
<td>Undesignated</td>
<td>902.96</td>
<td>184.92</td>
<td>717.44</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$1,097.27</td>
<td>$2,637.34</td>
<td>$983.72 $2,766.25</td>
</tr>
</tbody>
</table>
NON-EXPENDABLE FUND:

Rovolving Loan Fund:

<table>
<thead>
<tr>
<th></th>
<th>At beginning of year</th>
<th>For year</th>
<th>At close of year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Excess of</td>
<td>Excess of</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Income Over</td>
<td>Expenditure</td>
<td>Surplus</td>
</tr>
<tr>
<td></td>
<td>Expenditure Over</td>
<td></td>
<td>Surplus</td>
</tr>
<tr>
<td></td>
<td>Income</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Sum</td>
<td>$8,000.00</td>
<td>$1,500.00</td>
<td>$6,500.00</td>
</tr>
<tr>
<td>Income Account</td>
<td>15.48</td>
<td>41.15</td>
<td>56.63</td>
</tr>
<tr>
<td>Total</td>
<td>$8,015.48</td>
<td>41.15</td>
<td>$1,500.00</td>
</tr>
</tbody>
</table>
EXHIBIT "C"

Balance Sheet

AS AT JANUARY 31, 1927

ASSETS

<table>
<thead>
<tr>
<th>Cash in Bank—Expendable Funds:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Fund</td>
<td>$ 44.58</td>
</tr>
<tr>
<td>Tennessee Evolution Case Defense Fund</td>
<td>2,444.82</td>
</tr>
<tr>
<td>Other Expendable Special Funds</td>
<td>1,043.88</td>
</tr>
<tr>
<td></td>
<td>$ 3,533.28</td>
</tr>
</tbody>
</table>

| Cash in Bank — Non-Expendable Fund:                     |          |
| Revolving Loan Fund                                     | 1,791.63 |
| Petty Cash                                              | 2.63     |

| Loans Receivable — Non-Expendable Fund:                 |          |
| Revolving Loan Fund                                     | 4,750.00 |
| Less Receivable from Expendable Special Funds           | 550.00   |
|                                                        | 4,200.00 |

| Furniture and Equipment — Cost less Depreciation        | 225.23   |

| Total Assets                                           | $ 9,752.77|

| Deficit Accounts — Expendable Special Funds — Exhibit “B”| 3,922.59  |

| Total                                                  | $13,675.36|
## LIABILITIES

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts Payable</td>
<td>$1,513.02</td>
</tr>
<tr>
<td>Loans Payable</td>
<td>$2,500.00</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td><strong>$4,013.02</strong></td>
</tr>
</tbody>
</table>

| Surplus Accounts — Non-Expendable Fund:      |            |
| Revolving Loan Fund:                         |            |
| Principal Sum — Exhibit “B”                  | $6,500.00  |
| Income Account — Exhibit “B”                 | 56.63      |
| **Surplus Accounts — Expendable Special Funds:** |       |
| Tennessee Evolution Case Defense Fund —     |            |
| Exhibit “B”                                  | $2,429.32  |
| Other — Exhibit “B”                          | 599.99     |
| **Surplus Account — Operating Fund — Exhibit “B”** | $76.40    |
| **Total**                                    | **$13,675.36** |

**NOTE:** Each Surplus Account of a Special Fund is represented by assets in excess of liabilities.
SCHEDULE "1"

Operating Fund — Expenditure

FISCAL YEAR ENDED JANUARY 31, 1927

Executive Salaries ...................... $ 4,174.96
Office Salaries .......................... 7,153.41
Technical and Professional Services .... 1,203.18
Office Rent and care ........................ 1,709.28
Office Supplies and Repairs to Equipment ... 340.06
Depreciation of Furniture and Fixtures .... 36.62
Printing and Stationery ..................... 1,276.54
Telephone .................................. 550.39
Telegrams, Messengers, etc. ............... 496.76
Postages and Express ........................ 1,661.84
Traveling .................................. $ 347.16

Less: Contributions received therefor ...... 285.00 62.16

Newspapers Subscriptions and Clippings ... 210.07
Books and Pamphlets purchased ............ 19.12
Miscellaneous Publicity Expense .......... 71.05
Dinners, luncheons and meetings (net) ... 223.15

Total — Exhibit "A" ...................... $19,188.59
AUDITOR'S CERTIFICATE

I have examined the accounts of the American Civil Liberties Union for the fiscal year ended January 31, 1927. 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 Exhibits "A", "B" and "C" and Schedule "1" are drawn up to present a true and correct view of the financial transactions for the year and of 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 24, 1927.
OFFICERS

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DUNCAN MCDONALD ........................................... Vice-Chairmen
JEANNETTE RANKIN .......................................... Vice-Chairmen
*B. W. HUEBCH .............................................. Treasurer
ROGER N. BALDWIN ........................................... Directors
FORREST BAILEY ............................................ Directors
LUCILLE B. MILNER .......................................... Field Secretary
WOLCOTT H. PITKIN .......................................... Counsel
ISABELLE KENDIG ........................................... Washington Representative

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Herbert S. Bigelow
Joseph D. Cannon
Parley P. Christensen
John S. Codman
Lincoln Colcord
Clarence Darrow
James H. Dillard
James A. Duncan
Robert W. Dunn
John Lovejoy Elliott
Edward W. Evans
Elizabeth Glendower Evans
William M. Fincke
Elizabeth Gurley Flynn
William Z. Foster
Felix Frankfurter
Ernst Freund
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Fremont Older
Julia S. O'Conner Parker
Wm. Pickens
Edward A. Ross
John A. Ryan
John Nevin Sayre
Joseph Schlossberg
Rose Schneiderman
Vida D. Scudder
John F. Sinclair
Seymour Sterman
Helen Phelps Stokes
Norman M. Thomas
Edw. D. Tittmann
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in any amount always welcomed and needed.

*Appointed February, 1927.