If there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought; not free thought for those who agree with us, but freedom for the thought we hate."

Justice Holmes dissenting in the Schwimmer case
## CONTENTS

### The Record

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repression and Intolerance — a summary</td>
<td>3</td>
</tr>
<tr>
<td>Court decisions</td>
<td>6</td>
</tr>
<tr>
<td>Laws</td>
<td>6</td>
</tr>
<tr>
<td>Political prisoners</td>
<td>8</td>
</tr>
<tr>
<td>Criminal cases</td>
<td>10</td>
</tr>
<tr>
<td>Strike cases</td>
<td>11</td>
</tr>
<tr>
<td>In Pennsylvania</td>
<td>14</td>
</tr>
<tr>
<td>Injunctions in strikes</td>
<td>18</td>
</tr>
<tr>
<td>Interference with meetings</td>
<td>19</td>
</tr>
<tr>
<td>Aliens</td>
<td>21</td>
</tr>
<tr>
<td>In schools and colleges</td>
<td>22</td>
</tr>
<tr>
<td>Censorship</td>
<td>24</td>
</tr>
<tr>
<td>In California</td>
<td>27</td>
</tr>
<tr>
<td>The program ahead</td>
<td>29</td>
</tr>
</tbody>
</table>

### The Union’s Organization, Publications, Finances

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incorporation</td>
<td>32</td>
</tr>
<tr>
<td>National and executive committees</td>
<td>32</td>
</tr>
<tr>
<td>Local committees</td>
<td>33</td>
</tr>
<tr>
<td>Publications</td>
<td>33</td>
</tr>
<tr>
<td>Law bulletins and legal studies</td>
<td>34</td>
</tr>
<tr>
<td>Bail fund</td>
<td>35</td>
</tr>
<tr>
<td>Finances</td>
<td>36</td>
</tr>
</tbody>
</table>

The period covered by this account includes the events of 1928, together with their later developments up to the end of May, 1929. New events originating in 1929 are not included. The preceding report covered a similar period.
REPRESSION AND INTOLERANCE

Although the underlying facts of the repression and intolerance which have marked the whole country since the war continue unchanged, their aspects show changes — some for the better, some worse.

First, to be encouraging in the small area left for encouragement, lynchings and mob violence have sharply decreased. Only one case of mob violence was reported in 1928, against hundreds in the hey-days of the Klan. Lynchings dropped to 11 in 1928, the lowest number in fifty years of record-keeping.

Prosecutions for opinion continue few. No political prisoners under sedition or syndicalism laws are confined in state or federal prisons, though a few are on their way in Pennsylvania. But Mooney and Billings are still in prison in California and the Centralia I. W. W. men in Washington.

Deportations of aliens for their political or economic views or activities have fallen off to occasional cases. Issues of academic freedom in the colleges are uncommon. Proposed repressive measures have failed in practically all the states — but the varied old machinery created since the war remains intact.

Public opinion is more responsive, chiefly because the issues to arouse opposition are varied enough to make wider appeals. And there is less response to alarms against reds and pacifists and other bogeys. Yet even the increased public opinion which is alive to the issues is pathetically small.

No better evidence of the widespread racial and religious intolerance which marks the country can be cited than the passionate feeling in the national election of 1928 in opposition to Catholicism. And that is only an index to the feeling toward all minorities which we meet in its practical effects on all sides.

Over 170 correspondents in forty states, responding to an inquiry early in 1929, reported conditions as unchanged in 36, better in two, worse in two. Most of them said no issues have been raised to challenge the machinery of repression. Some of these comments reveal vividly the general state of affairs:

"Labor does not even argue any more; the unions are ' petering out'."

"Reaction is firmly in the saddle; everybody is cowed; no one dares to stand up for his rights."

"Hell would break loose if there were any one who actually protested some of the stuff that is being pulled", says our Oklahoma correspondent.

"Everybody seems to be satisfied to cuss the weather, discuss the 18th Amendment, and hustle for gasoline", writes a friend from Missouri.
Outside the minorities who are the chief victims of repression — strikers, radicals and Negroes — new issues confront us in the restrictions on teaching evolution, in the denial of citizenship to pacifists refusing to bear arms, in the increasing invasion of the rights of defendants in criminal trials, and in the tendency toward wider censorship of books, plays and movies by administrative officers.

The chief weapons of repression are the local police and federal injunctions. The record for 1928 shows more meetings broken up by the police, more arrests under local laws in free speech cases, more injunctions than in any year since 1921. The causes were primarily the campaign activities of the Communist Party and its related organizations, and the left-wing strikes in the coal and textile industries. Four out of five of all the cases of any sort reported to us deal at bottom with industrial conflict. While other types of cases are numerous and varied, their total is insignificant — though the issues are important. In saying this, we leave out of account the violations of the rights of Negroes, who suffer more restriction than any minority in the country, but with whose troubles we do not deal. The National Association for the Advancement of Colored People tackles them.

The total number of cases of all sorts reported in four groups during 1928 —prosecutions, mob violence, lynching and interference with meetings — was 483, as against 99 in 1927. But in two groups, lynching and mob violence, there was a great drop. Here are the figures for the past three years — and they cover only what our records show. Many others escape our notice.

<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>1928</td>
<td>418</td>
<td>1</td>
<td>11</td>
<td>53</td>
</tr>
<tr>
<td>1927</td>
<td>46</td>
<td>18</td>
<td>21</td>
<td>14</td>
</tr>
<tr>
<td>1926</td>
<td>52</td>
<td>21</td>
<td>34</td>
<td>28</td>
</tr>
</tbody>
</table>

And yet in presenting so gloomy a picture, we should say that wherever a strong fight is put up, the chances of gaining the rights sought are better than in recent years. This is especially true in opposing the often lawless police prohibitions affecting public meetings.

The police, the chief and ever-present censors of strikers, radicals, et al. usually act on their own initiative in repressing what they conceive to be against law and order. But they are backed by the incitements of popular prejudice and often by the direct intervention of private organizations of “patriotic” citizens. Our correspondents, answering an inquiry as to the most active agencies of intolerance, named the American Legion in 24 places; the Fundamentalists in 16; the D.A.R. and other professional patriots in 15; the Klan in 14.
THE FIGHT FOR CIVIL LIBERTY

Despite these replies, it is our judgment that these private organizations merely reflect the settled prejudices toward various minorities which mark the country as a whole. Their active interference with others' liberties is less. The press is notably better in its attitude than either these organizations or the public officials through whom the weapons of repression are wielded.

The account in these pages tells the story of the year 1928, with later developments into 1929, of repression and of the fight against it in the interest of freedom of agitation for any and all causes, any and all minorities. The fight cannot be said at any time to be lost or won. In a society of conflicting classes and interests it is inevitably a ceaseless but significant struggle.
COURT DECISIONS

No decision of the U. S. Supreme Court during 1928 added to or subtracted from the long line of rulings hostile to the old tradition of civil liberty. But in May 1929, the Court handed down a decision of the first importance in the case of Mme. Rosika Schwimmer, denied citizenship for her refusal to bear arms. The Court reversed the Circuit Court of Appeals at Chicago which had unanimously sustained Mme. Schwimmer's right to citizenship. This case is treated fully in a special pamphlet published by the Union, and is therefore not recounted here.

Three State Supreme Court decisions dealt directly with important civil liberty issues, one favorably, two adversely. The right of assemblage as against police prohibitions was affirmed in New Jersey in the case of Roger Baldwin and seven Paterson silk strikers. In Minnesota the Supreme Court held constitutional a statute permitting a court to enjoin the publication of a newspaper deemed "defamatory". In Pennsylvania in March 1929, the Supreme Court put the seal of its unanimous approval on the sedition act, under which prosecutions are continuously brought, alone of any state in the country.

One decision by the highest court in New York state liberalized previous rulings on the number and rights of pickets in strikes. The South Dakota Supreme Court is still holding without decision for three years, a case involving the constitutionality of the compulsory reading of the Bible in schools. If the decision sustains the law, we will appeal it to the U. S. Supreme Court.

In the lower courts, both federal and state, several cases were heard which are likely to reach the Supreme Court. Notable among them is the issue of revocation of citizenship, because of belief in Communist principles, of one John Tapolczyani, a Hungarian who became naturalized in 1920. The government claims he held those beliefs when naturalized and therefore obtained his citizenship by fraud. The case is important, as it might lay the basis for revoking the citizenship of all naturalized Communists.

LAWS

Few issues involving civil liberty arose either in Congress or in the half-dozen state legislatures which met during 1928. No new legislation was added to the long list of the statutes restricting civil rights, except for the Arkansas anti-evolution law adopted by the voters at the polls on November 6. The
measure is similar to the laws already in effect in Tennessee and Mississippi prohibiting the teaching of evolution in tax-supported schools. The Arkansas legislature had refused to pass the bill. It was proposed by initiative petition. The measure carried by a majority of 21,000 votes out of a total of 105,000.

The bill was fought by a local committee in Arkansas which requested agencies outside the state to keep out of the campaign. The Civil Liberties Union aided only by furnishing material. The president of an atheist organization with headquarters in New York City went into the state to oppose the measure, which undoubtedly helped to pass it.

Plans to bring a test case under the act were made at once by the Civil Liberties Union but no qualified defendant has yet been found. The authorities of the state university preferred not to raise the issue, feeling as do the university officials in Tennessee, that they better go on quietly ignoring the law until challenged. The Civil Liberties Union, however, is determined to get a case into the courts and to the United States Supreme Court, believing that a decision against the law will result and so end the agitation to buttress Fundamentalism by law.

Our representative at Washington and our national office continued to fight the bills in Congress proposing further restrictions on aliens by extending the grounds for deportation, by registering them and by making naturalization more difficult. No registration bill was passed, but a measure making naturalization more expensive, and extending the grounds for deportation was passed early in 1929. It also made both unlawful entry and re-entry after deportation crimes punishable by prison sentences. The Union fought these provisions unsuccessfully.

We were also concerned with the bill to limit the use of injunctions in industrial disputes, backed by the American Federation of Labor and other agencies. Morris Ernst represented us at a Senate hearing.

In the forty 1929 state legislatures, old issues bobbed up again here and there — compulsory Bible reading, anti-evolution, state police, and in Colorado a criminal syndicalism bill. Not a single one of the repressive measures passed. The Union fought the syndicalism bill in Colorado, — along with the Federation of Labor and the Rocky Mt. Fuel Co. Though it passed the House it never got out of the Senate committee. We also joined in the fight on the state police bill in Ohio.

In Pennsylvania a hot campaign was conducted by our friends and the press for the abolition of the notorious coal and iron police, a private force of some thousands of men, against whom public indigation was aroused by their
THE FIGHT FOR CIVIL LIBERTY

brutal murder of a miner near Pittsburgh just as the legislature opened. The legislature finally passed two bills restricting their powers and reorganizing them. The governor signed the weaker of the two — a makeshift measure. Plans to wage campaigns to repeal the sedition act, force the incorporation of company towns and to restrict the powers of the state police were sidetracked in the fight against the private police.

In other states where we were not involved in the issues, the record shows that Michigan passed a law for voluntary Bible reading in the schools; North Dakota repealed a recent law requiring the Ten Commandments to be posted in every school room; Minnesota passed a law restricting the use of injunctions. State police bills were defeated in six states; compulsory Bible reading in schools in four.

POLITICAL PRISONERS

No person was sent to state or federal prisons during 1928 on a civil liberty issue. A considerable number went to local jails for short periods for offenses on picket lines in strikes and in connection with meetings broken up by the police. But there were no prison sentences under the criminal law.

A few new court cases were started. The first criminal syndicalist prosecution in four years outside of Pennsylvania, took place in Kansas City, Kansas, where five members of the Communist Party were indicted for distributing literature. The immediate cause of arrest was a Sacco-Vanzetti memorial meeting. The cases have not yet been tried.

In Pennsylvania three new prosecutions under the sedition law were started. Seven previous convictions were on appeal in the courts. The Supreme Court of Pennsylvania rendered a decision in February 1929 sustaining the sedition law, which will result in the imprisonment of four defendants who have been out on bail several years. Their imprisonment is temporarily halted by a motion to appeal to the U. S. Supreme Court.

In New York, David Gordon, 18-year-old author of a political poem held to be obscene, seemed to be headed for three years in the state reformatory when the Court of Appeals upheld his 1927 conviction. The parole board, acting under pressure of a public campaign against such a sentence, let him out after a month. His release ended the attack of professional patriotic bodies on the Daily Worker, in which the poem had appeared. The federal indictments then pending against its editors were dropped. While we had at first declined to go into this case of “obscenity”, we aided after its purely political character became evident.
The last of the political prisoners in state prisons under the criminal syndicalism laws were released during 1928 — two members of the I. W. W. — Joe Neil in Kansas in June, after serving six years for mere membership; Leo Ellis in California in September. Neil's long term was due in part to the issue of his sanity. He was finally paroled through our efforts.

The only federal political prisoner in several years was also released — Wm. Burns from Leavenworth in May by Presidential pardon secured through us. Burns was a member of the I. W. W. arrested in 1924 in one of the California round-ups, but in Yosemite Park, which made him a federal case. We helped appeal it to the U. S. Supreme Court on the issue of mere membership in the I. W. W. being a crime. The decision was adverse. Burns served six months of a fifteen month sentence.

Old cases of political prisoners who are the objects of nation-wide campaigns for freedom are Tom Mooney and Warren K. Billings in California and the eight members of the I. W. W. in the state of Washington who are serving 25-40 year terms for second-degree murder for defending their hall at Centralia from armed attack by American Legionnaires in 1919.

The Civil Liberties Union organized a National Mooney-Billings Committee to conduct a campaign based on Mooney's application for pardon before the Governor of California. The committee was formed in November 1928 with Henry T. Hunt of New York as chairman. The Civil Liberties Union puts its facilities at the disposal of the committee and the work is done from our office. A book on the case, pamphlets and reprints of articles have been gotten out and extensive newspaper and magazine publicity has been aroused.

A representative of the Union, Mrs. Adele Parker-Bennett, is handling work on the Centralia prisoners in Washington on our behalf. She volunteers her services but her expenses are paid by the Union. She works in co-operation with the several working-class committees organized to help free these men.

We have continued to agitate the issue of restoration of citizenship to the 1,500 men and women who lost their rights through their convictions under the espionage act during the war. A petition was presented to President Coolidge in November, signed by some fifty distinguished citizens. The President continued to refuse issuing a general proclamation restoring their rights. He took the position that each person should apply individually for restoration of rights — an obviously impracticable course. We caused to be introduced in Congress measures calling upon the President to issue a proclamation. Senator Blaine introduced such a measure in the Senate and Congressman La Guardia in the House. A sub-committee of the Judiciary Committee of the Senate reported it favorably, but close of the session stopped further consideration.
THE FIGHT FOR CIVIL LIBERTY

Widespread support of the campaign was expressed all over the country by organizations, individuals and newspapers. No opposition was expressed outside the attitude of the government. The campaign is being continued with the new administration.

CRIMINAL CASES

Although prosecutions under the sedition and criminal syndicalism laws have stopped in all states except Pennsylvania, 1928 saw more free speech cases in the courts than any year since 1921 and ten times as many as in 1927. But almost all of them were under city ordinances. In addition hundreds of cases were brought against pickets in the coal and textile strikes and in the strikes in Kenosha and New York. The total prosecutions reported to the Civil Liberties Union outside the strike areas were 418 as against 46 the year before.

The chief cause of this greatly increased number of cases is set forth in the section on police interference with meetings (page 19). Some of the prosecutions are noted in other sections — sedition cases in Pennsylvania and Kansas, and the prosecution of Mrs. Dennett for “obscenity”.

Other cases in which the Union was involved were two prosecutions for blasphemy, one in Massachusetts, one in Pennsylvania, and the criminal libel charge against Harry Canter at Boston for carrying a placard on the streets reading “Fuller — Murderer of Sacco and Vanzetti”.

The Massachusetts blasphemy case, the third in three years, ended almost as soon as it began. A warrant was issued by a Boston judge on application of the police who had attended the Sacco-Vanzetti memorial meeting in August where Prof. Horace M. Kallen had likened the anarchist beliefs of those two martyrs to the beliefs of Jesus and Socrates. The charge raised such a storm of protest that it was withdrawn at once.

In Reading, Pa., one Albert Phifer, an old resident, refused to swear on the Bible when appearing in a bail proceeding in court. He punctuated his refusal by saying “to hell with that”. An indictment for blasphemy followed. On the trial, the jury acquitted him.

Another blasphemy case arose in Arkansas during the campaign on the anti-evolution law. Charles Smith of New York, president of an atheist organization had gone to the state to oppose the proposed law. He was arrested twice, once for “conduct calculated to cause a breach of the peace” and fined $25, and again for blasphemy. In neither case was he allowed to testify, as a constitutional provision in Arkansas denies that right to atheists. That issue,
The case of criminal libel in Boston against Harry Canter grew out of a street demonstration during the fall election campaign. Canter was candidate for secretary of state on the Communist ticket. He carried the placard characterizing Governor Fuller in order to give point to the party’s attitude. The Union volunteered his defense on the ground that the case involved “seditious libel” — that is, against an official’s acts — and was therefore a political prosecution. We also believed that the use of the word “murderer” as commonly understood, not in its literal sense, did not justify a charge of criminal libel. When the case came on for trial in May, 1929, our general counsel, Mr. Hays, defended Canter. The court refused to allow him to get the issues of the Sacco-Vanzetti case into the record or to interpret the use of the word, and conviction was therefore inevitable. Canter was sentenced to a year in prison for his trifling offense. The verdict has been appealed, but Canter went to prison when bail pending appeal was refused.

STRIKE CASES

Four strikes during 1928 raised many and varied issues of repression, — the New Bedford and Fall River textile strikes, the soft coal strike in Pennsylvania and the middle west, the strike of the left-wing women’s garment workers in New York City and the hosiery workers’ strike at Kenosha, Wisconsin.

The New Bedford textile strike ran from April to October. Fall River was incidental — and only a few workers went out. The soft coal strike ran from early in the year to the fall. The New York garment strike ran a month only. The Kenosha strike is still going.

All of these strikes were marked by cases of assault by the police, hundreds of arrests of pickets, by many cases in court, and the coal and Kenosha strikes by injunctions. But in none of them were any strikers sent to prison for long terms or serious crimes. The longest sentence was for three months for violation of a federal injunction in Ohio — and for two months in the case of an organizer in New Bedford.

The Union was not involved in the Kenosha strike, for the hosiery workers were able to handle their own defense work against the federal injunction and the arrests of over 700 pickets. Nor were we involved in the New York garment workers’ strike, save to protest to the Police Commissioner against the hundreds of unwarranted arrests of pickets. In the month the strike ran, 1,350
pickets were arrested, only five of whom had committed an offense justifying the courts in holding them for the grand jury. The great majority were discharged.

Our connection with the coal strike was chiefly in the cases arising in western Pennsylvania, northern West Virginia and eastern Ohio. The principal events are covered in the account of Pennsylvania cases. In Ohio we aided in the extraordinary case at St. Clairsville where fifty-one women, wives of arrested miners, were locked up when they went to visit their husbands in jail. They were charged with "riotous assemblage". Released on bail, they were told the charges would not be pressed if they stopped strike activities. The cases have since been dismissed. We endeavored without success to find a way to remove or impeach the prosecutor responsible for this outrage.

Our connection with the New Bedford and Fall River textile strikes was continuous, though the active defense work was handled by the attorneys for the two rival unions involved. Our part consisted in publicity, protests to police heads and proceedings against lawless officials.

The trouble in New Bedford, which did not begin till the strike had run two months, was due chiefly to police efforts to stop mass picketing of the left-wing union. Some 30,000 workers were on strike; thousands were on the picket lines. The mills were closed tight; no strike breakers were brought in, and no injunctions were sought. Somewhere around 2,000 arrests were made, chiefly of the left-wing union. 800 were convicted, and all of them appealed. Only 50 of the cases involved members of the American Federation of Labor union of the skilled workers. The arrests were not for picketing, which Massachusetts law permits, but for alleged offenses on the picket line. Mass picketing itself was held to be "disorderly conduct", then "parading without a permit", then "rioting". The authorities succeeded in stopping mass picketing, but picketing in small groups went on to the end of the strike, settled by a compromise effected by a "citizen's committee".

During the strike only a handful actually served sentences after conviction by juries in the Superior Court where they appealed from the lower court, which sits without jury. The Superior Court did not meet from early in the strike until after it was over. The strikers therefore got the benefit of delay while out on bail. When the Superior Court met in March 1929, with some 800 cases on its docket, a settlement was effected by which the defendants were placed on probation for six months to a year without going to trial.

This settlement included also cases of "conspiracy to parade without a permit" brought after the strike was over against twenty-five of the leaders. The state was anxious to jail them, and even tried to extradite four from New York.
Governor Roosevelt after hearings refused to honor the request for extradition because of the flimsy nature of the cases and the delay in bringing them. The only case not dismissed is that of Albert Weisbord, who did not appear at the time of the settlement and who was later arrested in Massachusetts. Pending also is our suit for damages against a police officer on behalf of a striker whom he beat.

The Union sent representatives several times to New Bedford to deal with the police, help strengthen the defense, and to institute two cases against police officers charged with brutality. Jacob Minkin, New Bedford attorney, generously volunteered his services to us in civil liberties cases, and represented us in much of this work.

Over in Fall River, some ten miles from New Bedford, where the left-wing union sought to spread the strike, the police were far more hard-fisted. The Fall River workers had accepted the wage-cut, the American Federation of Labor unions would not strike, and the police chief (under state, not local control as in New Bedford) felt he could afford to be rough. He at once prohibited all meetings in private halls. The Civil Liberties Union thereupon organized a test meeting on a vacant lot with the Rev. Smith O. Dexter of Massachusetts as a speaker with Albert Weisbord of the left-wing union. It went off successfully before an audience of one thousand.

In the face of police opposition, the left-wing union resorted to the purchase of the vacant lot, christening it “Liberty Lot”, and proceeded to hold meetings. The police interfered, whereupon we sought relief by applying for an injunction to stop them. At hearings in Boston before the Superior Court, the injunction was denied, but the judge suggested remedies in criminal and civil suits for trespass. The police, however, shied at the court proceedings, and stopped their interference with meetings. Picketing, however, was strictly prohibited, and as it was impossible to overcome the police prohibition, the strike, never really established, petered out.

One case of police beating in arresting a striker resulted in our filing a damage suit on his behalf. It is still pending.

We also had on our hands litigation growing out of the Colorado miners’ strike which ended early in 1928. Jointly with the General Defense Committee of the I. W. W. we filed damage suits against the Governor, state police officers and officials of the Rocky Mountain Fuel Co. on behalf of the widows and children of the six miners shot to death on the picket line at the Columbine mine in November 1927. The cases have not yet been heard.
In a case in the Federal Court at Denver, where we won early in 1928 a decision setting aside the authority of the governor to declare a "state of insurrection", the state appealed; and we joined with the Colorado State Federation of Labor in an appeal for funds to finance the costs of our side of the case. When it came on for hearing before the Circuit Court of Appeals, it was dismissed on the ground that the question had become moot. The original decision in favor of our contention therefore stands.

Pennsylvania

More violations of civil rights occur in Pennsylvania than in all the other states combined. This condition has prevailed for some years. It is due to the industrial control by the great steel and coal companies, to their domination of local and state officials, and to their anti-union policies, buttressed by the most extensive police system in the country. Some hundreds of state police and some thousands of private police commissioned by the state, do their bidding.

The record of violations for 1929 is the largest in years, chiefly on account of the coal strike in the bituminous fields of the western part of the state. But considerable trouble also arose in the anthracite district around Wilkes-Barre. And in Philadelphia there was, as for years, trouble with the police censorship of meetings in private halls.

In response to this aggravated situation, a vigorous committee was organized in Pittsburgh as a branch of the Union, under the direction of several members of the faculty of the University of Pittsburgh, with a number of ministers, lawyers and others actively participating. In Philadelphia, too, a committee was formed early in 1929 to deal both with state and local issues. A state-wide committee is in process of formation.

It is impossible to give in brief space the numerous cases that arose in the three districts chiefly affected — in and around Pittsburgh, in the anthracite region and in Philadelphia. They were marked by one brutal murder by the coal and iron police, some forty known cases of assault, a score of meetings broken up, including one national convention of the left-wing union, hundreds of arrests of pickets, prosecutions for "sedition" and a half-dozen sweeping injunctions. Where practicable, we aided by publicity, defense funds and attorneys, damage suits and prosecutions against the offending officers, and test meetings to establish the right of peaceful assemblage. The publicity was highly successful, the newspapers backing our position without exception. No damage suit or prosecution of an officer has yet come to trial, but they doubtless had the
effect of somewhat restraining the excesses of the police. Test meetings were successful in Pittston and Pittsburgh. The defense work in most cases resulted in acquittals, or at most small fines. None of the defendants was sent to prison. The most noteworthy of the cases in which we were involved are here given.

Old Cases

The case pending since 1927 against thirteen miners for alleged rioting at Cheswick on the occasion of a Sacco-Vanzetti protest meeting continued to be postponed, and may never be tried. The old sedition cases dating from 1924 involving four members of the Communist Party arrested at Woodlawn, finally got to the Supreme Court on the sole issue of the constitutionality of the law. The Supreme Court sustained the law in a unanimous decision in April, 1929. We had joined with the International Labor Defense in the earlier appeals in the case, but dropped out when it was taken to the Supreme Court, feeling that it would be better not to appeal in face of the certainty of an adverse decision, and preferring to bring a test on a better issue than these cases presented. The International Labor Defense, however, decided to go ahead alone.

Pittsburgh District

At Renton, in March 1928, Pat Toohey and John Brophy of the left-wing miners' group were arrested while addressing a meeting. Toohey was assaulted by the officers. Both were charged with inciting to riot. When the case was finally called for trial in December the appearance of Clarence Darrow and Arthur Garfield Hays, sent by us to defend them, apparently had a sobering effect on the prosecution. The prosecutor moved to dismiss the case. Our attorneys protested, but the judge dismissed it. We then swore out a warrant for assault against the officer who beat Toohey. The case is pending.

At Export, near Pittsburgh, early in 1928, a former miner, one Baldvino, not connected with the strike, was assaulted in the street without cause by a state policeman and seriously injured. Both criminal and civil actions were brought by us against the officer and are still pending.

At White Valley, also early in 1928 while the strike was in progress, our local secretary at Pittsburgh, Fred Woltman, was arrested for "inciting to riot" when he remonstrated with an officer against an attack on the picket line. The case was dismissed. Woltman then sued the officer for damages. The case is pending.

At Bentleyville, during the same period, two miners Getto and DiPiazza, were arrested by state troopers while standing on the street in front of the
home of one of them. DiPiazza was also assaulted and brought a criminal action against the trooper. The police charged the miners with inciting to riot! The grand jury ignored all the charges. DiPiazza then filed a suit for damages, which is still pending.

We instituted criminal action against state troopers for breaking up a meeting and confiscating union records at Avella, but the grand jury refused to indict. We paid the costs, as we did in other cases where prosecutions were brought which the grand juries refused to sustain.

Many other cases were investigated and efforts made to bring suits. Our offer of co-operation with the United Mine Workers and their attorneys was not followed up by them, though officially accepted. Most of our work was therefore done in connection with the left-wing union.

At Pittsburgh in September, the organizing convention of the new National Miners Union was broken up by the police, acting with officials of the United Mine Workers, who attacked many of the delegates. Over one hundred delegates were arrested, but the police ignored their assailants. Twenty-five men were fined for "disorderly conduct". The charges against the others were dropped after the convention. Vigorous protest was made by our Pittsburgh group, with the result that cases were dropped, the ban on meetings of the new Union was lifted (after the convention was over!) and the police stopped their efforts to force the delegates to leave town. The fines imposed were remitted.

The attacks on the new union, as on its predecessor, the "Save the Union Committee", did not cease. The Post Office authorities got into the fight just after the convention with the seizure of the records of the Miners' Relief Committee on the theory that money was being fraudulently collected. The case was taken at once to court, where the subpoenas for the records were found to be improper, and the records were returned. The Relief Committee then sued the Post Office inspector responsible for the raid for $10,000 damages. The case is pending.

After the Post Office Department's failure, the federal district attorney moved for a grand jury inquiry into the Relief Committee's affairs. The officers of the Miners' Union responded to the subpoena served on them by stating that they did not have the records, and the Relief Committee secretary had left the state. We got into the case and succeeded in getting it dismissed.

Of all incidents in the long series in the Pittsburgh district, by far the worst was the murder in February, 1929, of one John Barkoski, a miner on his way to work. He was beaten and clubbed to death by three drunken coal and iron policemen in their barracks at Imperial. The policemen are charged
with first-degree murder. The tragedy aroused wide-spread hostility to the private police system and directly contributed to the campaign in the legislature.

One incident in Pittsburgh early in 1929, when the police broke up a defense meeting and arrested our local secretary, Fred Woltman, while he was urging the right of free speech, resulted in a helpful opinion by the city law department. The department held that no police permit is required to hold meetings, and scored the police for their action.

_Anthracite Field_

While difficulties with meetings arise from time to time in Wilkes-Barre and Scranton, the scene of trouble in 1928 shifted to Pittston, a coal town a few miles from Wilkes-Barre, where a bitter fight was waged between factions in the United Mine Workers revolving around the “contract system” of mining. Two leaders of one local were brutally murdered in the street by machine guns. A protest meeting was called. It was forbidden by the mayor, who called in the state police.

Powers Hapgood and his wife, Mary Donovan, walked the street in front of the hall where the meeting was to have taken place with black arm bands reading “We Mourn Free Speech”. They were arrested, charged with “riot-ing” and held in exorbitant bail. The grand jury indicted them. We defended them, with our general counsel, Mr. Hays, as their attorney. The judge directed a verdict of acquittal after the state’s witnesses had failed to making out any rioting.

Later in the year, the same mayor prohibited meetings of the National Miners’ Union. We organized a test meeting which was held in a hall without interference. But Anthony Minerich, a left-wing union leader, was arrested just after the meeting, charged with dynamiting a church! At the hearing on the charge, the state troopers who made it failed to appear, and it was dropped.

_Philadelphia_

The issue of advance police censorship of meetings, which we have tried for years to get before the courts, at last got there through the arrest of sixteen persons in February, 1928, at a meeting called to discuss unemployment. The superintendent of police had refused a permit, and when the meeting was held anyway, he broke it up. The meeting adjourned to the Workers’ Party Headquarters, where the arrests were made. Five of those arrested were fined ten dollars each for disorderly conduct.
Our attorneys appealed on the ground that it was a lawful meeting, and that the disorder was due entirely to the lawless conduct of the police. The Appellate Court sustained the convictions, and refused to rule on the police authority to censor meetings. Appeal has been taken to the state Supreme Court.

A number of other cases arose in Philadelphia involving street meetings of the Workers' Party, one street demonstration by the Anti-Imperialist League, one raid on a class for children held in the home of a radical, and one arrest of a speaker for remarks at a meeting. Two sedition cases were brought in connection with these arrests. These cases were handled both by our Philadelphia representatives and by the International Labor Defense.

INJUNCTIONS

The most extensive restrictions on free speech and assemblage are caused by injunctions in industrial conflicts. It is the weapon of repression most difficult to combat.

The Union was involved during the year in several injunction cases in strike areas, either directly or through the participation of our friends.

In Ohio a federal judge who had issued an injunction against coal miners on strike later cited an organizer for the left-wing, Anthony Minerich, and seven others because they had in public speeches advocated violation of the injunction. Minerich's case went up on appeal on this new issue of mere advocacy of violating the injunction. No violation of the terms of the injunction itself was charged. But the Appellate court held that to advocate violating an injunction is to violate its "spirit". The United States Supreme Court refused to hear the case and Minerich went to jail for ninety days. The Union helped finance the appeal.

An interesting case arose in the hosiery strike in Kenosha, Wisconsin, where 19 leaders were tried before a federal jury on charges of violation of an injunction. They were acquitted. This was the first case under the recent federal law which permits jury trials in case of contempt committed outside the presence of the court.

An extension of the resort to injunctions, and outside the field of industrial conflict, is instanced in a unique proceeding in Minnesota under an act of the legislature passed in 1925 by which a single judge may suppress any newspaper which he deems to be "malicious, scandalous and defamatory". The Saturday Press, published in Minneapolis by J. M. Near, was found in July 1928 to be just that by Judge Mathias Baldwin. Near fought the injunction. He took
the case to the state Supreme Court, which upheld the constitutionality of the law. He then appealed to the Civil Liberties Union to help him carry the case to the U. S. Supreme Court. We were preparing to handle it when, to our surprise, the Chicago Tribune volunteered to take over the appeal. We gladly surrendered, feeling confident that the Tribune could get even better results than we. The case is now on its way to the Supreme Court. Efforts to secure the repeal of the law in the Minnesota legislature in 1929 failed.

Efforts to turn the tables on opponents of civil liberty by getting injunctive relief for the victims usually meet with failure where it is sought to enjoin public officials. In Jersey City where the local political machine interfered with the right of an opponent, James Burkitt, to speak on the streets, the courts were asked for protection. Burkitt was unable to get an injunction to restrain police interference, the court holding that the remedy should be an action for damages or a criminal prosecution.

In Lynn, Mass. the mayor forbade all meetings, even in private halls, of an established union of shoe workers because it was addressed by men he regarded as "reds". We took the issue into the courts on an application for an injunction. The court declined to grant the injunction but certified the issue to the Supreme Court of the state for an opinion as to the right to get that kind of relief. The Supreme Court held it valid, and new proceedings were started, which are still pending.

In Seattle where the Board of Education had in 1927 compelled teachers to agree not to join a union, one teacher applied for an injunction to restrain enforcement of the rule. Against an adverse decision in the lower court, he has appealed to the Supreme Court where the case is pending.

INTERFERENCE WITH MEETINGS

The year 1928 showed four times as many meetings banned or broken up as in the previous year — and far more than in any year since 1921. And this despite the fact that it was a Presidential campaign year when the right of assemblage is usually less restricted.

An examination of the 53 cases reported to the Union shows that the chief cause lay in the campaign activities of the Workers' Party and in the organization of left-wing unions in the coal and textile industries. Nine out of ten cases were directly or indirectly connected with the Communist movement. So far as our records show, no Socialist Party meeting was broken up, no American Federation of Labor meeting save a few of the United Mine Work-
ers in Pennsylvania and Ohio, and no meeting on birth control or other feared and unpopular topics.

Despite the many meetings banned or broken up, both in private halls and on the streets, and despite the many arrests and cases in court, only a few convictions resulted. Of these only a few persons were sent to jail and for terms of a few days only.

The Union was active in endeavoring to protect the right of assemblage in many of these instances through our attorneys, local committees and representatives, and by protests to the authorities. In Wheeling we secured an injunction to prevent interference, and in other cities threats of court action sobered the officials. In most instances, a determined resistance won the right finally to hold meetings.

The Workers Party was on the ballot in 32 states against 14 in 1924, and conducted a nation-wide campaign. Trouble arose chiefly in the smaller cities of the middle west where such radical doctrine was new and shocking, and in the border-line states where the Party's race equality demands made trouble. But many occurred also in the east and north. The places where the issue was either conspicuous or fought out were Wheeling, West Virginia, Houston and Dallas, Texas, Rockford, Illinois, Wilmington, Delaware, Yonkers, New York, Phoenix, Arizona, Bellaire and Martin's Ferry, Ohio, and in both the anthracite and bituminous coal regions of Pennsylvania. One little city in Kansas, Arna, even passed an ordinance prohibiting Workers' Party meetings, but our friends staged two successful test meetings with Communist speakers.

From Dallas, where Benjamin Gitlow, Party candidate for vice-president, was prevented from speaking, came a unique contribution to the cause. A self-styled "Royalist League of America" advocating a sovereign for the United States demanded the use of the city auditorium. We backed them up, inquiring incidentally as to their candidate for king. The city commissioners refused at first, finally gave in. It then came out that it was a hoax to show up the authorities. A pleasant time was had by all, especially the press.

Outside the Workers' Party meetings, issues arose over the street demonstrations of the Anti-Imperialist League in New York, Washington, and Palo Alto, California, where Hoover was picketed as he started off on his South American tour. Scores of the demonstrators were arrested in New York and Washington, and many either were fined or served a few days in jail.

Sacco-Vanzetti memorial meetings in August, the first anniversary of their execution, either brought out the police in force in many cities or resulted in break-ups. In St. Louis the police resorted to tear gas to clear out the meeting.
In Kansas City, Kansas, criminal syndicalism prosecutions resulted. In Boston, one of the speakers, Prof. Horace Kallen, was charged with "blasphemy".

The left-wing unions ran into police opposition in both the coal and textile districts. Meetings in the coal towns of western Pennsylvania, northern West Virginia and eastern Ohio were frequently broken up or prohibited. In Fall River, Mass. the left-wing union held meetings only with great difficulty. As an aftermath of the Passaic textile strike of 1926, an issue arose there over allowing Albert Weisbord, leader of that strike, to speak in the summer of 1928, when no strike was on or contemplated. Our intervention with the authorities resulted in his being allowed to speak without even a police officer present.

In Paterson, N. J. where the police are notorious for curtailing strike meetings, a strike of silk workers ran from October to January without a single instance of police interference — due doubtless to the decision of the highest court in the state against the police conduct in the 1924 strike. (The case of Roger Baldwin and others.) Some account of the interference with strike meetings appears in the section on strike troubles (page 11). Pennsylvania’s troubles are treated on pages 14 to 18.

Issues quite outside the Workers’ Party or left-wing activities arose in Jersey City in the political conflict between the Hague machine and its opponents, notably James Burkitt, leader of the citizens’ reform forces. Our intervention and threat of court action established at once opponents’ rights to unmolested street meetings. An old case in Lynn involving a Socialist street speaker was decided by the appellate court, sustaining the right of the mayor to refuse a permit.

The cities where we can still count on police interference with unfortunate regularity are Boston and Taunton, Mass., Philadelphia, Wilkes Barre, Pittsburgh, Pittston, Penn., Bellaire and Martin’s Ferry, Ohio.

**ALIENS**

**Hundreds of cases involving the rights of aliens under our laws arise every year.** They affect immigration, naturalization and deportation. Some of those we have handled appear in other parts of this account — the Los Angeles raids on page 27, the Schwimmer case on page 6, and new legislation on page 7.

Deportations for political views or distributing radical literature are now happily rare. All alien anarchists are liable to deportation; so are all alien
members of the Communist Party. The law is not “enforced”, because the red drives of some years ago aroused such opposition, and because the “menace” of radicalism is so slight. In Los Angeles alone did the authorities, incited by the Better America Federation, put on an old-fashioned drive.

We aided in appealing the case of one Tsiang, a student at Stanford University, ordered deported to China, where his known radical connections would have doubtless caused his immediate execution. He was released by the Federal Court, and is now a student at Columbia University.

The well-known issue of the exclusion of Count Michael Karolyi came up again on the occasion of his stopping off in New York for two days in September on route by boat from Mexico to France. We organized a large reception committee of distinguished citizens which sponsored a meeting of welcome held on Wall Street near the pier where he arrived. He went to Washington with his attorney, Morris L. Ernst, to discuss with the State Department his exclusion. He followed this up on his return to France with an application for a visa, which we supported with a petition signed by many well-known citizens. The Department “found no reason to alter the decision” previously reached. We again protested Count Karolyi’s exclusion on the occasion when the general secretary of “Fascist organizations abroad” was admitted to the country on a diplomatic passport.

While the case of Mme. Rosika Schwimmer raised in the higher courts the issue of citizenship for pacifists, it is not unique. Other aliens have been refused for refusing to bear arms, — all of them members of religious sects historically opposed to participation in war. Notable among them is the case of Martha Graber, a Mennonite, who was denied citizenship in Ohio early in 1929. Her case may be re-opened and appealed to raise the issue of religious objection to bearing arms, recognized in all the early constitutions.

IN SCHOOLS AND COLLEGES

Comparatively few open issues involving freedom of speech or assemblage arose in colleges and schools in 1928. Control by university and school authorities over student meetings, outside speakers and over any heretical activities of teachers is far more general than the few collisions indicate.

In the Colleges

Our Committee on Academic Freedom had only one case during the year of the dismissal of a university professor for his views. It was impossible to
secure any action either for redress or reinstatement. The case was that of Wesley Maurer, Assistant Professor of Journalism at Ohio State University. The cause of his dismissal was his favorable treatment of the coal strike in a department of a local paper which he conducted as a laboratory in journalism for his students. Unhappily for Professor Maurer, a leading member of the board of the university was a powerful coal operator and he objected to Professor Maurer’s friendly attitude to the strikers.

But early in 1929 two other issues resulting in the dismissal of instructors arose. In the University of Missouri, three faculty members were let out and one suspended for circulating a sex questionnaire among students. At the University of Pittsburgh one instructor, who was the secretary of the local Civil Liberties Committee, was discharged, doubtless for his outside activities, and at the time when the Liberal Club was disbanded, and its two student officers expelled because of its discussion of radical issues. A program on the Mooney-Billings case was the provoking cause.

The only case of interference with a speaker before a college audience in 1928 or early in 1929 was the refusal of President Glenn Frank of the University of Wisconsin to allow Mrs. Bertrand Russell to address the student Liberal Club on sex problems. President Frank questioned the propriety of such a discussion before a mixed audience. Arrangements to have the meeting in the state Capitol were cancelled by the governor. The meeting was finally held in the Parish House of the Unitarian Church before a crowded audience of students and towns-people.

In many other colleges issues arose which did not attract public attention. Student liberal clubs are commonly under faculty supervision and must get the approval of faculty representatives for their speakers and programs. Doubtless many programs and speakers were not approved. Similarly the control over professors and instructors makes cautious the few inclined to take public part in political or industrial conflicts involving any radical issue.

In the Public Schools

In the public schools the issues of evolution, of compulsory flag drill and of students’ connection with the Communist youth organization cropped up here and there. In Tennessee one high school principal was charged with using an evolution text book banned by law. The Union offered to take the case into the federal courts if he were found guilty. He failed to respond to our offer.

The issue of compulsory flag drill arose in Delaware where Mennonite children refused to join in the patriotic exercises. The state Board of Educa-
tion ruled that teachers must discipline children who refuse to salute the flag. Again our offers to take up the issue got no response.

In Oklahoma City a twelve-year-old boy who on religious grounds declined to salute the flag was excused by the principal of the school and the school board wisely sustained him.

In Michigan a boy was expelled from a high school for membership in the Young Workers' League. The action was based on a state law against fraternities. The Union planned a mandamus action to restore the boy to the school but he moved and track of him was lost.

The controversy in New York City between the Civil Liberties Union and the Board of Education for the right of the Union to hold meetings in public school buildings like other organizations was finally ended in November. The controversy had dragged on for two years and was at various times before the State Commissioner of Education and the courts. Officials of the Board of Education opposed the Union's definition of free speech, believing that a discussion of the right of unlimited free speech would open the way to all sorts of advocacies in school buildings. Mr. Louis Marshall represented the Union in the controversy with the Board and made a powerful plea against any discrimination based on our conception of free speech.

The Board finally agreed to permit the Union to hold a meeting on "Old Fashioned Free Speech" with a distinguished list of speakers. The Union having won recognition of its right did not hold the proposed meeting. The ban has been lifted.

CENSORSHIP

An important new issue in the field of censorship has arisen with the advent of the talking movies. In the eight states which have set up boards of censors for moving pictures the claim has been made by these boards that they have the right to censor spoken language with films just as they censor titles.

This claim was contested by the Fox Film Corporation and the Vitagraph Company in two suits against the Pennsylvania Board of Censors. In the Superior Court at Philadelphia two contrary decisions were rendered. One court sustained the contention of the film companies, the other that of the Board of Censors. Both cases were appealed to the Supreme Court which in February 1929 ruled that spoken words in a talking movie come within the Pennsylvania statute. No issue of freedom of speech was raised during the entire course of litigation, although the Civil Liberties Union endeavored to
get into the proceedings for that purpose. We expect to raise that issue in future litigation over censorship in other states.

The censorship exercised by the Post Office produced a notable case when little stickers on the backs of envelopes issued by the All-America Anti-Imperialist League with the words “Protest Against Marine Rule in Nicaragua” were barred from the mails. The Post Office Department cited as authority their usual censorship section barring “libelous, obscene and lascivious” matter from the mails. The Anti-Imperialist League brought suit in the Federal Court in New York to enjoin the Post Office Department. The Civil Liberties Union aided the League in its effort. Arthur Garfield Hays represented the League in court at our request. The case was thrown out on the ground that the Anti-Imperialist League did not come into court with clean hands because of its campaign of “falsehood” concerning the marines in Nicaragua.

Since the court had objected particularly to the implication that the marines were “ruling” Nicaragua, Mr. Hays’ advice was to have a stamp printed “Protest Against the Marines in Nicaragua”. This was done at our suggestion by the Emergency Committee on United States Policy in Nicaragua formed by the Fellowship of Reconciliation. Thousands of little stickers bearing those words were attached to envelopes. The Post Office Department was advised of them but did nothing. The postmaster in New York replied that the stickers might be used until he advised to the contrary. The Solicitor in Washington refused to make a ruling. Apparently they feared that a more reputable organization would take them into court on a better issue and they did not want to risk it.

The Post Office Department raised the issue of censorship in a criminal case which it caused to be brought against Mrs. Mary Ware Dennett of Brooklyn, whose pamphlet the “Sex Side of Life”, the department had held obscene since 1922. An indictment was obtained in December, 1928, and the case went to trial early in 1929, resulting in Mrs. Dennett’s conviction. We have organized a defense committee to appeal it. The issues of this prosecution, which have aroused wider interest than any censorship case in years, are set forth in a separate pamphlet, and are therefore not dealt with here.

The Post Office Department banned from the mails one number of Il Martello, Italian weekly anti-Fascist paper published in New York, which has often been in trouble with the Post Office Department because of its militant attitude. The reason for excluding this particular number was an attack on a representative of Fascist Italy at an aviation congress in Washington. When the paper was reprinted leaving blank the space where mention of the representative had appeared, it was accepted for mailing.
The issue of political censorship also arose in the threatened action of the Federal Radio Commission to refuse continuing the license of station WEVD in New York City, established in memory of Eugene V. Debs. A vigorous public protest participated in by the Union and many other organizations resulted in the Radio Commission's reversing its announced intention.

The censorship of the stage and of books, either by administrative action or by criminal prosecution, are issues which the Union has rarely been called upon to take up. But it should be noted that the prosecutions on grounds of obscenity have increased in recent years, particularly in New York and Boston, due doubtless to the growing freedom of discussion of sex problems, which clashes with entrenched prejudices. Boston continues to be the hub of censorship in all its forms. It is the only city in the country which maintains an official ban on advocacy of birth control in any licensed hall, though opponents are allowed to speak where they like.
WHEN this branch was organized in 1923 it was the I. W. W. whose civil rights were ruthlessly violated. Hundreds of them were arrested by the police for mere membership in the organization, thrown into jail, maltreated, tried and shunted off to San Quentin and Folsom prisons for from one to fourteen years each. Now they are at liberty again, the last two—Jack Beavert and Leo Ellis—having been freed in March and September 1928.

No longer do the California authorities attack the I. W. W. It is the Communists who have recently been the objects of official persecution. In October the local Red Squad pounced upon them right and left. Their headquarters was raided and the teacher of the Workers School together with another worker were jailed. A bookstore run in connection with the headquarters was stripped of most of its volumes. The same week the Co-operative Bakery and the Abraham Raisin School, neither of them Communist concerns but located in a building where the Communists hold many of their meetings, were invaded and turned topsy-turvy, supplies removed to police headquarters and several arrests made. Homes were entered, late at night in some instances, personal belongings were taken away and a number of people dragged to jail.

All of these things were done without search warrants or warrants for arrest. Moreover, the usual tactics of holding prisoners incommunicado and beating them up were pursued. One man was so badly abused that he had to be rushed to the City Receiving Hospital for emergency treatment.

Six aliens charged with “anarchy” under the federal statutes were held for deportation. At first their total bail was placed at the excessively high figure of $23,500, but that was later reduced to $7,500. Their local hearings have been held and the disposition of their cases now rests with the Department of Labor in Washington. If the decisions are adverse we shall appeal to the federal courts.

There have been no recent prosecutions under the criminal syndicalism law—none, in fact, since 1924. Occasionally someone is arrested and charged with “suspicion of criminal syndicalism”, (an illegal procedure) but nothing comes of it. District attorneys appear to have given up the idea of actually prosecuting under this measure. It proved too expensive and too uncertain. So the much-used criminal syndicalism law of California is now apparently a dead letter.
Mooney and Billings are still in prison, doing their thirteenth year. A California committee is being organized to co-operate with other agencies in carrying on a campaign to secure the release of these two victims of the most shameful frame-up in the history of the state.

We are still carrying on the Sunday night Open Forum meetings and are publishing "The Open Forum" each week as concrete illustrations of the value of freedom of expression.

Clinton J. Taft, director.
THE PROGRAM AHEAD

Strike Cases

In Western Pennsylvania where dozens of cases of assault and unlawful arrest arose during the coal strike, there are three suits pending in court against either state or private police and one against a post office inspector.

In Colorado as an aftermath of the coal strike of 1927-28, there are pending in the courts damage suits on behalf of the victims of the Columbine mine tragedy where six men were killed by state officers.

In New Bedford, Mass., one case against Albert Weisbord, one of the leaders of the left wing union during the strike, is still pending. The Union will handle it when it comes to trial. Suits against the police in New Bedford and Fall River are still in the courts as a result of brutalities during the 1928 textile strike.

Political Prisoners

The national campaign for the pardon of Mooney and Billings in California continues under the direction of a special National Mooney-Billings Committee organized by the Union.

We are aiding in the campaign for the release of the eight members of the I. W. W. in the state of Washington serving sentences of 25 to 40 years for defending their hall from an attack by armed members of the American Legion in 1919.

The campaign to restore the rights of citizenship to the 1,500 men and women convicted under the espionage act during the war is being pushed with the Hoover administration.

A campaign will be undertaken in Pennsylvania to secure the pardon of the four members of the Communist Party sentenced under the sedition act for distributing Party literature.

Lawless Mayors and Police

The case testing the right of the Philadelphia police to censor meetings in public halls is on appeal to the Supreme Court of the state.
A test of the similar control of public halls in Boston is being arranged by the Boston Committee.

A case brought by us enjoining the mayor of Lynn from interfering with meetings in private halls is pending in the Superior Court in Massachusetts.

Organized opposition to the tactics of the New York City Police Department in making raids, illegal arrests and arbitrary rulings controlling picketing in strikes will be pushed.

**Restrictions on Education**

Efforts are being made to get a test case of the Arkansas anti-evolution law in order to get a decision on such laws by the U. S. Supreme Court.

The Union is prepared to take to the U. S. Supreme Court the issue of compulsory Bible reading in public schools in a case which has long been in the Supreme Court of South Dakota without decision.

**Aliens**

The case of Madame Rosika Schwimmer, denied citizenship because of her pacifist views, has prompted a campaign in Congress to change the law, and may also result in another court case involving purely religious scruples.

The right of the government to revoke citizenship of naturalized citizens because of Communist views will be tested out in an appeal to the U. S. Supreme Court in the case of one Tapolczyani at Pittsburgh.

Co-operation with agencies attacking the efforts of the Fascist government to intimidate Italian-American citizens for anti-Fascist views is under way.

The Union will continue its efforts to oppose further restrictions on aliens by Congress, either by extending the grounds of deportation or requiring registration.

Efforts to reopen the case of Count and Countess Karolyi with the State Department will be undertaken in order to secure their entry into the United States from which they have been barred for some years.

[ 30 ]
Censorship

An appeal from the decision of the Federal Court at Brooklyn convicting Mrs. Mary Ware Dennett for sending through the mails her pamphlet “The Sex Side of Life” is in the hands of a special defense committee organized by the Union.

Plans to join in test cases in the courts to combat the censorship of talking movies are in the hands of our attorneys.

Censorship of books and plays by the Boston authorities will be fought in the next legislature by our Boston Committee.

Criminal Cases

We will aid in the defense of the miners indicted at Cheswick, Pa. for riot, incitement to riot and resisting officers.

Also in the appeal from the conviction of Harry Canter at Boston for criminal libel against former Governor Fuller of Massachusetts by carrying a sign on the streets “Fuller, Murderer of Sacco and Vanzetti”.

Injunctions

A special committee to work out a practical plan of legislative restrictions on the power of the courts to issue injunctions in industrial conflicts has been formed and a campaign will be undertaken when a satisfactory bill is drafted.

Bail Fund

The Union is administering a bail fund established by the American Fund for Public Service in co-operation with several agencies. The Union passes on cases for which bail is to be written.

Publications

Material for the following publications is in course of preparation to be gotten out as funds permit:

1. Civil Liberties in the Colonies.
2. The Gag on Teachers.
3. The Censorship of Books, Plays and Movies.
THE UNION’S ORGANIZATION, PUBLICATIONS AND FINANCES

Incorporation

Ever since the Union was organized in 1920 as a successor to the Civil Liberties Bureau, it has been a voluntary association. Proposals to incorporate were made at various times, but the advantages seemed too slight to justify it. But in the face of contemplated bequests, the advantages became apparent. The Union was therefore incorporated in New York State early in 1929. The form of control was somewhat changed to comply with the law. The Executive Committee became the Board of Directors, with larger powers than before, and the National Committee, which formerly controlled policies, became advisory. But a provision of the by-laws makes the advice of the National Committee binding on the Board, so that in fact the relation has not changed.

The active members of the corporation are the members of the National Committee. They elect the Board of Directors. All subscribers become associate members.

National and Executive Committees

Four new members were added during the past year to the National Committee, making the total sixty-six. They were Charles F. Amidon, retired judge of the U. S. District Court of North Dakota; Edwin M. Borchard, Professor of Law, Yale University; John Dewey, Professor of Philosophy, Columbia University, and Hubert C. Herring, Secretary of the Congregational Commission on Social Service.

By expiration of terms six members retired from the National Committee: Joseph D. Cannon, Lincoln Colcord, James A. Duncan, Edward W. Evans, William H. Johnston and Seymour Stedman. Two members resigned for personal reasons, Jane Addams and Frank P. Walsh.

The Executive Committee, meeting weekly in active charge of the Union's affairs, is composed of Harry F. Ward, chairman; Robert W. Dunn, Morris L. Ernst, Walter Frank, Arthur Garfield Hays, Hubert C. Herring, John Haynes Holmes, Ben W. Huebsch, Henry R. Linville, Anna Rochester, Joseph Schlossberg, Norman Thomas, and the office staff, Roger N. Baldwin, Forrest Bailey and Lucille B. Milner. Elizabeth Gurley Flynn and Helen Phelps Stokes were granted leaves of absence on account of illness.

[ 32 ]
Only one change has been made in the officers of the Union. Wolcott H. Pitkin was obliged by pressure of other work, to resign as general counsel and was succeeded by Arthur Garfield Hays.

**Local Committees**

Although we have had it in mind for some time to increase the effectiveness of our work by encouraging the formation of local committees all over the country, the plan waits on more time and money than the national office can spare with the constant demands on it. The Southern California Branch has continued its active work, as its report on page 27 shows. The Northern California Committee has continued its existence, but with little activity. A vigorous new branch was started in Pittsburgh in response to the attacks on strikers by state and private police. A new committee in Philadelphia with a part time secretary started up work early in 1929 to handle issues there, and to help in the state-wide work against the coal and iron police.

**Publications**

The following pamphlets and leaflets were published in 1928:

**The Fight for Free Speech 1927-28.** A summary of the work of the American Civil Liberties Union. (72 pages.)

**The Shame of Pennsylvania.** The story of how Pennsylvania leads the states in police brutality, prosecutions for opinion and war on strikers and radicals. (24 pages.)

**The War on the Colorado Miners.** The story of the recent struggle of the striking miners in Colorado for civil rights. (12 pages.)

**Restore the Rights of Citizenship to the 1,500 Espionage Act Victims!** A plain statement of the facts concerning the civil disabilities of men and women convicted for their utterances during the war-time espionage act, with concrete proposals for a remedy. (12 pages.)

**The Victory in New Jersey.** An account of the unlawful assembly case against Roger N. Baldwin and Paterson silk strikers with the court decisions and editorial comment. (20 pages.)

We either reprinted or advertised in our list of publications the following new pamphlets:

THE FIGHT FOR CIVIL LIBERTY


THE COAL STRIKE IN WESTERN PENNSYLVANIA. A report on conditions by the Federal Council of Churches, New York City.

We helped promote the sales of the following new books by sending out advertising circulars or listing them in our leaflet of publications:

AMERICAN INQUISITORS, by Walter Lippmann; lectures on the issue of the evolution case in Tennessee and the censorship of history text books in Chicago.

DON'T TREAD ON ME! By Clement Wood, McAlister Coleman and Arthur Garfield Hays. A study of aggressive legal tactics for labor's civil rights.

THE INQUIRING MIND, by Zechariah Chafee, Jr. Collection of articles on recent free speech issues in the courts.

LET FREEDOM RING, by Arthur Garfield Hays, a dramatic account of recent civil liberty trials.

TO THE PURE, by Morris L. Ernst and William Seagle. A study of obscenity and the censor.

Law Bulletins and Legal Studies

Ten law bulletins were issued during the year, going to a list of about 600 lawyers who ask for them. They interpret current decisions of the highest courts on civil liberty issues. The subjects covered were:

Injunctions Against Interference with Interstate Commerce; six cases against trade unions in State and Federal Courts.

New York Courts Refuse Protection to "Yellow Dog" Contracts; The Interborough Rapid Transit Co. loses in cases against the A. F. of L. unions.

Summary Punishment for Contempt of State Courts; Cases involving contempt of the Oklahoma Supreme Court, and one in Indiana,—all concerning publications reflecting on the courts.

[ 34 ]
Constitutional Guarantees Reestablished in Colorado; Federal Court decision voiding declaration of a “state of insurrection,” and setting aside old State decision.

Right of Assembly Reestablished in New Jersey in Reversal of Baldwin’s Conviction for Unlawful Assembly.

What has Become of the Constitutional Guarantees Against Illegal Search and Seizure and Against Self-incrimination? The U. S. Supreme Court decision upholding wire-tapping to obtain evidence. Two New York decisions reversing convictions obtained by forced confessions.

State Courts on the Constitutional Guarantees of Free Press and Free Speech; Minnesota Supreme Court decision holding unconstitutional the law permitting a publication to be enjoined. New Jersey decision refusing injunction to protect street meetings.

Negroes Challenge the White Primaries in the South; the Texas and Florida primary cases.

Obscenity and Political Opinions; Anti-Imperialist League stickers on envelopes, “Protest Against Marine Rule in Nicaragua”, barred by Post Office Department. Prosecution of David Gordon for a poem in the “Daily Worker”.

The Development of the Law of “Yellow Dog Contracts”; Seattle teachers denied right to join union.

Bail Fund

The National Bail Fund, started in 1922 by the Union, and administered by independent trustees, continued to liquidate its outstanding bail. The total was reduced from $55,000 to $34,000. The amounts recovered were returned to the depositors.

In emergencies the Union has guaranteed bail bonds to the surety companies, and has occasionally put up cash from the Loan Fund. But the need for bail is far greater than we can meet. The American Fund for Public Service has therefore worked out a plan to use a part of its securities as collateral for bail written all over the country by the National Surety Co. The new plan will be in operation in the summer of 1929.
Our financial condition is good and remains almost unchanged in the budget receipts and expenditures for the maintenance of our regular work. The special funds to meet expenses of particular cases of course vary.

The total financial transactions of the fiscal year ending January 31, 1929 showed an income of $35,500 and expenditures of $34,500. Of the total receipts $12,000 were for special purposes; $23,500 for our operating expenses. This is about the same total and the same amounts for special and operating expenses as in the previous year. The total amount spent for special purposes was $1,000 more than the receipts. The deficit was taken from the funds received for operating expenses.

No large special gifts were received. The largest amount was from the American Fund for Public Service, $4,000, for the Emergency Case Fund, which the Union administers in behalf of the Fund, to avoid its handling many small appeals for aid in special cases. Our largest single contribution is from Mrs. Margaret DeSilver, who generously continues her husband's subscription of $1,200 a year.

Otherwise the funds of the Union all came from individual contributors in sums ranging from one dollar to $1,000. We have 7 contributors of $500 to $1,000 each, 8 between $200 and $500, 25 between $100 and $200, 47 between 50 and $100, 101 between $25 and $50. The other 2,000 contributors were from $1 to $10.
TREASURER’S REPORT

Operating Fund

Receipts:

Balance on hand, Feb. 1, 1928 .................. $3,401.41
From contributors ............................ 23,002.95
From case report, news service, profit on book sales and bank interest .................. 386.37

$26,790.73

Expenditures:

Executive salaries ........................... $4,000.00
Office salaries .............................. 6,402.09
Technical and professional services ............ 1,796.72
Printing of literature ........................ 1,664.92
Printing and stationery ....................... 1,371.74
Congressional work at Washington ............ 502.51
Office rent and care .......................... 1,727.30
Office supplies and repairs ................... 407.38
Depreciation of furniture and equipment ...... 43.33
Telephone .................................... 447.00
Telegrams, messengers, etc. .................. 504.68
Postage and expressage ....................... 1,853.12
Traveling ..................................... 238.92
Newspaper subscriptions and clippings .......... 158.11
Books and pamphlets purchased ............... 25.80
Advertising and publicity .................... 16.75
Dinners, luncheons and meeting ............... 71.75
Special campaign work ....................... 333.76
Bank collection charges ...................... 1.36

$21,567.24

Balance ...................................... $5,223.49
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 to January 31, 1929.

1. Special Funds Closed During the Year

**Paterson, N. J. Unlawful Assembly Case**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deficit, 1927</td>
<td>$135.15</td>
</tr>
<tr>
<td>Receipts:</td>
<td></td>
</tr>
<tr>
<td>From contributors</td>
<td>$230.00</td>
</tr>
<tr>
<td>Expenditures:</td>
<td></td>
</tr>
<tr>
<td>Attorney’s fees and expenses</td>
<td>$358.00</td>
</tr>
<tr>
<td>Printing</td>
<td>8.00</td>
</tr>
<tr>
<td></td>
<td>$366.80</td>
</tr>
<tr>
<td>Deficit, 1928</td>
<td>136.80</td>
</tr>
<tr>
<td>Total Deficit</td>
<td>$271.95</td>
</tr>
</tbody>
</table>

Deficit met by transfer of amount from undesignated special fund receipts.

**West Virginia Miners Cases**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipts:</td>
<td></td>
</tr>
<tr>
<td>From Emergency Case Fund</td>
<td>$200.00</td>
</tr>
<tr>
<td>Expenditures:</td>
<td></td>
</tr>
<tr>
<td>Attorney’s fees and expenses</td>
<td>$394.31</td>
</tr>
<tr>
<td>Traveling expenses</td>
<td>13.43</td>
</tr>
<tr>
<td>Stenographer</td>
<td>10.00</td>
</tr>
<tr>
<td></td>
<td>$417.74</td>
</tr>
<tr>
<td>Deficit</td>
<td>$217.74</td>
</tr>
</tbody>
</table>

Met by transfer from undesignated special fund receipts.
2. Special Funds Still Open

Freedom in Education Fund

This fund was started with the balance left over from the Tennessee evolution case, and is used for cases involving attacks on freedom in education.

BALANCE from 1927 ........................................ $756.75

RECEIPTS:

From Emergency Case Fund for Clifford case, Lynn, Mass. ....................... $199.22

Tennessee case balance; checks returned to donors, not deposited ................. 15.00

Expenses:

N. Y. Board of Education case, attorney's expenses $145.24
Oliphant case, New Mexico ......................... 50.00
Arkansas evolution law inquiry ..................... 15.00
Bank charge ........................................ 2.00

$212.24

BALANCE .................................................. 758.73

New Bedford and Fall River Strike Cases

RECEIPTS:

From Emergency Case Fund ....................... $232.00
From theatre benefit ................................ 692.85

$924.85
### The Fight for Civil Liberty

<table>
<thead>
<tr>
<th><strong>Expenditures:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fall River,</strong> attorney's fees</td>
<td>$252.00</td>
</tr>
<tr>
<td>Traveling expenses</td>
<td>56.41</td>
</tr>
<tr>
<td><strong>New Bedford,</strong> attorney's fees</td>
<td>470.00</td>
</tr>
<tr>
<td>Traveling expenses</td>
<td>12.00</td>
</tr>
<tr>
<td>Publicity</td>
<td>100.00</td>
</tr>
<tr>
<td><strong>Balance</strong></td>
<td>890.41</td>
</tr>
<tr>
<td><strong>Pennsylvania Fund</strong></td>
<td>34.44</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Receipts:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>From contributors</td>
<td>$481.65</td>
</tr>
<tr>
<td>From Emergency Case Fund</td>
<td>325.00</td>
</tr>
<tr>
<td><strong>Balance</strong></td>
<td>$806.65</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Expenditures:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Powers Hapgood's case at Pittston:</td>
<td></td>
</tr>
<tr>
<td>legal services</td>
<td>$450.00</td>
</tr>
<tr>
<td>traveling expenses</td>
<td>228.20</td>
</tr>
<tr>
<td>court costs</td>
<td>272.65</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$950.85</td>
</tr>
<tr>
<td>Suits against police for breaking up meeting at Avella</td>
<td>117.95</td>
</tr>
<tr>
<td>Suit against police for assault and battery at Bentleyville</td>
<td>50.00</td>
</tr>
<tr>
<td>Court costs in DiPiazza case</td>
<td>63.38</td>
</tr>
<tr>
<td>Brophy and Toohey case at Renton</td>
<td>520.61</td>
</tr>
<tr>
<td>Tapolczyani, cancellation of citizenship, legal services and court costs</td>
<td>161.00</td>
</tr>
<tr>
<td>National Miners Relief Committee, raid by postal authorities</td>
<td>100.00</td>
</tr>
<tr>
<td>Minich case, charged with attempt to dynamite church at Pittston</td>
<td>115.00</td>
</tr>
<tr>
<td>Injunction to restrain interference with meetings of the National Miners Union in Washington County</td>
<td>125.00</td>
</tr>
<tr>
<td>Expenses of Union representatives</td>
<td>56.97</td>
</tr>
<tr>
<td>Miscellaneous, postage, printing and mailing</td>
<td>134.05</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$2,394.81</td>
</tr>
<tr>
<td><strong>Deficit</strong></td>
<td>$1,588.16</td>
</tr>
</tbody>
</table>
### Colorado Coal Strike Fund

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEFICIT, 1927</td>
<td>$21.62</td>
</tr>
<tr>
<td>RECEIPTS:</td>
<td></td>
</tr>
<tr>
<td>From contributors</td>
<td>$252.77</td>
</tr>
<tr>
<td>From Emergency Case Fund</td>
<td>1,348.25</td>
</tr>
<tr>
<td>From undesignated special funds</td>
<td>300.00</td>
</tr>
<tr>
<td><strong>Total RECEIPTS</strong></td>
<td>$1,901.02</td>
</tr>
<tr>
<td>EXPENDITURES:</td>
<td></td>
</tr>
<tr>
<td>Damage suits, attorneys' fees and filing costs</td>
<td>$558.25</td>
</tr>
<tr>
<td>Palmer case, attorney's fee, court costs and traveling expenses</td>
<td>551.52</td>
</tr>
<tr>
<td>Strike cases; attorneys' fees and expenses</td>
<td>671.73</td>
</tr>
<tr>
<td>Stenographic work</td>
<td>76.00</td>
</tr>
<tr>
<td>Telegrams</td>
<td>38.65</td>
</tr>
<tr>
<td><strong>Total EXPENDITURES</strong></td>
<td>$1,896.15</td>
</tr>
<tr>
<td>BALANCE</td>
<td>4.87</td>
</tr>
<tr>
<td>DEFICIT</td>
<td>16.75</td>
</tr>
</tbody>
</table>

### Roger Baldwin Fund

This fund was established in 1927 to put Roger Baldwin back on the staff upon his return from a year's leave of absence abroad. It was then impossible to carry two directors on our regular budget, and two were necessary to lift the load on one. The fund was subscribed by about fifty of our friends for two years. Provisions will be made in the 1930 budget for Mr. Baldwin's salary.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>BALANCE, 1927</td>
<td>$2,254.61</td>
</tr>
<tr>
<td>RECEIPTS:</td>
<td></td>
</tr>
<tr>
<td>From contributors</td>
<td>$2,435.00</td>
</tr>
<tr>
<td>Interest on deposit</td>
<td>67.53</td>
</tr>
<tr>
<td><strong>Total RECEIPTS</strong></td>
<td>$2,502.53</td>
</tr>
<tr>
<td>EXPENDITURES:</td>
<td></td>
</tr>
<tr>
<td>Salary</td>
<td>$2,400.00</td>
</tr>
<tr>
<td>Traveling expenses</td>
<td>107.79</td>
</tr>
<tr>
<td><strong>Total EXPENDITURES</strong></td>
<td>$2,507.79</td>
</tr>
<tr>
<td>DEFICIT, 1928</td>
<td>$5.26</td>
</tr>
<tr>
<td>BALANCE</td>
<td>2,249.35</td>
</tr>
</tbody>
</table>
**Book Fund**

The Book Fund covers the cost of preparing and distributing books on civil liberty, and the profit from sales.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deficit, 1927</td>
<td>$796.58</td>
</tr>
<tr>
<td><strong>Receipts:</strong></td>
<td></td>
</tr>
<tr>
<td>From sales</td>
<td>$807.14</td>
</tr>
<tr>
<td><strong>Expenditures:</strong></td>
<td></td>
</tr>
<tr>
<td>For books purchased</td>
<td>462.39</td>
</tr>
<tr>
<td>Profit on year's sales</td>
<td>344.75</td>
</tr>
<tr>
<td>Deficit at close of year</td>
<td>451.83</td>
</tr>
</tbody>
</table>

**National Mooney-Billings Committee**

This committee was established by the Union in the fall of 1928. Its work and financial affairs are handled in the Union's office. As it makes no appeals for funds, by arrangement with the Mooney Committee in California, its receipts are chiefly from the American Fund for Public Service.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Receipts:</strong></td>
<td></td>
</tr>
<tr>
<td>From contributors</td>
<td>$67.00</td>
</tr>
<tr>
<td>From American Fund for Public Service</td>
<td>200.00</td>
</tr>
<tr>
<td><strong>Expenditures:</strong></td>
<td></td>
</tr>
<tr>
<td>Secretarial work</td>
<td>$205.00</td>
</tr>
<tr>
<td>Preparing publicity matter</td>
<td>30.00</td>
</tr>
<tr>
<td>Printing, stationery, telegrams</td>
<td>37.60</td>
</tr>
<tr>
<td>Deficit on meeting</td>
<td>16.80</td>
</tr>
<tr>
<td><strong>Deficit</strong></td>
<td>22.40</td>
</tr>
</tbody>
</table>

**Undesignated Special Funds**

Receipts from our friends for special needs, and which were not designated for any particular case, were used to meet deficits as needed:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance, 1927</td>
<td>$109.54</td>
</tr>
<tr>
<td><strong>Receipts:</strong></td>
<td></td>
</tr>
<tr>
<td>From contributors</td>
<td>$1,145.00</td>
</tr>
</tbody>
</table>
THE FIGHT FOR CIVIL LIBERTY

EXPENDITURES:
- Cancellation of deportees bonds: $165.00
- Paterson, N. J. case to wipe out deficit: $271.95
- Colorado Miners' defense toward deficit: $300.00
- West Virginia Miners' defense to wipe out deficit: $217.74
- Gonzales deportation case: $175.00
- Toward cost of contempt pamphlet: $6.50

**Total:** $1,136.19

**Balance on 1928 expenditures:** $8.81

**Balance at close of year:** $118.35

3. Trust Funds:

*Revolving Loan Fund*

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

**Principal, Feb. 1, 1928:** $4,500.00

Interest on loans and bank deposits: $178.06

**Total:** $4,678.06

Loan cancelled, Cornish case, Michigan: $500.00

**Principal, Jan. 31, 1929:** $4,178.06

- Loans outstanding: $1,700.00
- Bank balance: $2,478.06

*Old loans repaid in 1928:*
- On bail bond for Fiske, Kansas ($400): $200.00
- Bail for Warner Williams, Mass.: $250.00
- On Philadelphia Branch, Int'l. Labor Defense ($500): $50.00

**Total:** $500.00

[ 43 ]
New loans made and repaid in 1928:

- Int'l. Labor Defense, national office ............. $1,500.00
- Int'l. Labor Defense, Boston branch (total $300) ........ 100.00
- DiPiazza case, Pennsylvania ......................... 63.38

Total: $1,663.38

Loans outstanding, Jan. 31, 1929:

- Int'l. Labor Defense, national office (1928) ........ $750.00
- Int'l. Labor Defense, Boston branch (1928) ........ 200.00
- Int'l. Labor Defense, Phila. branch (1927) ......... 450.00
- Pittsburgh branch, Civil Liberties Union (1928) .... 100.00
- Bail bond, Fiske case, Kansas (1925) ................. 200.00

Total: $1,700.00

Emergency Case Fund

This fund is put at our disposal by the American Fund for Public Service in order to avoid the Fund's having to handle many appeals for small sums in civil liberty cases. The amount appropriated has been gradually reduced as the Fund's resources have decreased. It will be discontinued entirely in another year or two. The appropriation for the fiscal year 1928 was $3,200, and $1,000 more was granted on a showing of additional needs. Not all of it was used.

Receipts:
- From American Fund for Public Service .............. $3,971.68

Expenditures:
- Colorado miners' defense work, attorneys' fees and expenses .............................................. $1,348.25
- Pennsylvania cases:
  - Cheswick miners' cases, 1927 deficit ............ $122.13
  - Suits against the police for breaking up meeting at Avella ............. 100.00
  - Brophy-Toohey cases .............................. 125.00
  - National Miners Relief Committee, raid by postal authorities ........ 100.00

Total: 447.13
1927 New Jersey strike and free-speech cases: Paterson, Passaic and Newark ................ $338.00
Minerich injunction case, Ohio ................ 250.00
Campaign to release Centralia I. W. W. prisoners 250.00
Fall River, Mass. strike cases ................ 232.00
West Virginia miners' cases, attorney's fee ........ 200.00
Reinstatement case of teacher, Lynn, Mass. ..... 199.22
Defense of Chinese cases; organization work .... 189.08
Lynn, Mass. free-speech case, attorney's fee .... 145.00
Chinese deportation case, California .......... 139.00
Rosika Schwimmer naturalization case, attorney's fee and court costs .................. 120.00
Release of I. W. W. prisoner, Kansas .......... 64.00
Blasphemy case, Mass. attorney's fee .......... 50.00

Total ................................................ $3,971.68

In addition the American Fund contributed $260 for the publication of a pamphlet on "Contempt of Court", and $250 for a study of injunctions against public officials to secure civil rights.

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, 1929
Exhibit "C" from auditor's report

ASSETS

EXPENDABLE FUNDS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash in Banks:</td>
<td></td>
</tr>
<tr>
<td>Operating Fund</td>
<td>$3,131.50</td>
</tr>
<tr>
<td>Roger Baldwin Fund</td>
<td>2,249.35</td>
</tr>
<tr>
<td>Other Special Funds</td>
<td>1,259.26</td>
</tr>
<tr>
<td>Petty Cash</td>
<td>20.00</td>
</tr>
<tr>
<td>Investments — General Reserve Fund</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Furniture and Equipment</td>
<td>268.78</td>
</tr>
<tr>
<td>Total Assets</td>
<td>$11,928.89</td>
</tr>
</tbody>
</table>

NON-EXPENDABLE FUNDS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash in Bank — Revolving Loan Fund</td>
<td>2,478.06</td>
</tr>
<tr>
<td>Loans Receivable — Revolving Loan Fund</td>
<td>1,700.00</td>
</tr>
<tr>
<td>Securities held in Trust under Deed of Gift</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Total Assets</td>
<td>$17,106.95</td>
</tr>
</tbody>
</table>

LIABILITIES

EXPENDABLE FUNDS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts Payable</td>
<td>$623.67</td>
</tr>
<tr>
<td>Surplus Accounts:</td>
<td></td>
</tr>
<tr>
<td>Operating Fund</td>
<td>$5,223.49</td>
</tr>
<tr>
<td>Less: Deficit Accounts — Other Special Funds</td>
<td>2,079.14</td>
</tr>
<tr>
<td></td>
<td>3,144.35</td>
</tr>
<tr>
<td>General Reserve Fund</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Roger Baldwin Fund</td>
<td>2,249.35</td>
</tr>
<tr>
<td>Other Special Funds</td>
<td>911.52</td>
</tr>
<tr>
<td></td>
<td>11,305.22</td>
</tr>
<tr>
<td></td>
<td>11,928.89</td>
</tr>
</tbody>
</table>

[46]
NON-EXPENDABLE FUNDS:

Surplus Accounts:

Revolving Loan Fund:

Principal Sum ........................................ $4,000.00
Income Account ...................................... 178.06
Trust Fund under Deed of Gift .................. 1,000.00 5,178.06

Total Liabilities ................................. $17,106.95

AUDITOR'S CERTIFICATE

I have examined the accounts of the American Civil Liberties Union for the fiscal year ended January 31, 1929. 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 a true and correct view 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
Member, American Society of Certified Public Accountants

12 East Forty-first Street,
New York, N. Y.
February 11, 1929.

*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 funds accounts given here are all taken from the auditor's report.
OFFICERS

Chairman
HARRY F. WARD

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

Treasurer
R. W. HUEBCH

Directors
ROGER N. BALDWIN
FORREST BAILEY

Field Secretary
LUCILLE B. MILNER

Counsel
ARTHUR GARFIELD HAYS

Washington Correspondent
CLAYTON S. SPEAR

NATIONAL COMMITTEE

Charles F. Amidon
Harry Elmer Barnes
Herbert S. Bigelow
Edwin M. Borchard
Richard C. Cabot
John S. Codman
Clarence Darrow
John Dewey
James H. Dillard
Robert W. Dunn
John Lovejoy Elliott
Elizabeth Glendower Evans
Elizabeth Gurley Flynn
William Z. Foster
Felix Frankfurter
Ernst Freund
Kate Crane Gartz
Norman Hapgood
Hubert C. Herring
Morris Hillquit
John Haynes Holmes
Frederic C. Howe
James Weldon Johnson
Helen Keller
George W. Kirchwey
Julia C. Lathrop
Agnes Brown Leach
Arthur LeSueur
Henry R. Linnville
Robert Mores Lovett
Mary E. McDowell
Anne Martin
Alexander Melkejohn
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
Norman M. Thomas
Edw. D. Tittmann
Albert M. Todd
William S. U'Ren
Oswald Garrison Villard
B. Charney Viadeck
David Wallerstein
George P. West
L. Hollingsworth Wood

☐ Subscription to pamphlet service for one year—one dollar.
☐ Monthly reports on civil liberty cases in the U. S., fifty cents a year.
☐ Law bulletin service—Free to co-operating attorneys and to law libraries.
☐ Publicity service—Free to interested periodicals and writers. To others—one dollar and fifty cents a year.

☐ The services of lawyers, correspondents, writers, speakers and investigators are invited anywhere in the United States. Contributions in any amount always welcomed and needed.