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MS-4787: Abba Hillel Silver Papers, 1902-1989.

Series I: General Correspondence, 1914-1969, undated.

Sub-series A: Alphabetical, 1914-1965, undated.

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American Civil Liberties Union, 1920-1934.

February 24th, 1920

Mr. Roger Baldwin,
138 West 13th Street,
New York City.

My dear Mr. Waldwin,

Your letter of the 19th was forwarded
to me from Wheeling.

I have been away from Wheeling for nearly
three years and am completely out of touch with con-
ditions there. I regret I am not in a position to
render you any assistance there.

Sincerely yours,

Care H. Austin Simons,
1541 Unity Building,
127 No. Dearborn St., Chicago.

February 11th, 1920

Mr. Samuel Goldhamer,
Federation of Jewish Charities,
Guardian Building, City.

My dear Mr. Goldhamer,

I am in receipt of the enclosed
letter from Dr. Viola J. Erlanger, to which
my reply is likewise enclosed. What do you
think about the matter which Dr. Erlanger sug-
gests?

Very sincerely yours,

JANE ADDAMS,
Chicago, Ill.
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Oakland, Cal.

Wheeling -

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American Civil Liberties Union

(Successor to the National Civil Liberties Bureau)

Temporary Headquarters:

138 West 13th Street, New York City

Chelsea 9300



February 28, 1920

Rabbi A. H. Silver,
The Temple, Cleveland,
East 55th St. & Central Avenue,
Cleveland, Ohio.

Dear Rabbi Silver:-

Thank you for yours of
the 24th. I learned when I was in Cleveland,
on my way west, (and before I went to Wheeling)
that you had been in Cleveland for several years,
and I therefore got in touch with Mr. Hilton,
who helped me greatly.

I am taking the liberty of putting
you on our mailing list for Cleveland, where I
know of your vigorous defense of the principles
for which we are fighting.

Sincerely yours,

Robert Baldwin

RNB, RB

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Labor Defense League,
230 Russ Bldg., San Francisco, Cal.
League for Democratic Control,
2 Park Square, Boston, Mass.

Attorneys and correspondents in
leading cities.

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New York City

Free Speech

Free Press

Free Assemblage

American Civil Liberties Union

100 Fifth Avenue, New York City

Chelsea 0340



AFFILIATED LOCAL ORGANIZATIONS

Cincinnati Civil Liberties Committee, 845 Dayton St., Cincinnati, O.
Connecticut League for Civil Liberties and Progressive Legislation,
99 Temple Street, New Haven, Conn.
Detroit Civil Liberties Committee, 616 Moffat Bldg., Detroit, Mich.
Labor Defense and Free Speech Council of Western Pennsylvania,
805 James St., N. S., Pittsburgh, Pa.
Maryland Civil Liberties Committee, 435 South Broadway, Baltimore, Md.
New England Civil Liberties Committee, 120 High St., Boston, Mass.
Philadelphia Civil Liberties Committee, 269 South 9th St., Philadelphia, Pa.
Providence Civil Liberties Union, 49 Hope Street, Providence, R. I.
Seattle Civil Liberties Committee, 508 Garfield St., Seattle, Wash.
Southern California Branch, A.C.L.U., 540 Wilcox Bldg., Los Angeles, Cal.
Virgin Islands Civil Liberties Committee, P. O. Box 66,
Frederiksted, St. Croix, V. I.
Youngstown Workers Defense League, 613 Falls Ave., Youngstown, O.

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Attorneys and correspondents in
leading cities.

November 22, 1924.

Rabbi Silver,
Abba Hotel,
Cleveland,
Ohio.

Dear Mr. Silver:

When I was in your city last week,
your name was given to me as interested in the
cause of tolerance and free speech throughout
the country. I regret not being able to see
you personally. But may I venture a request
for the privilege of your cooperation.

I enclose two descriptive leaflets
about our job and a card for your signature
and return, if you are interested. Only
through the cooperation of all who see the
issues as we do can we combat the forces of
intolerance and reaction so strong throughout
the country.

Sincerely yours,

Roger N. Baldwin

RNB/LR

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Free Speech

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American Civil Liberties Union

100 Fifth Avenue, New York City

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LUCILLE B. MILNER
Counsel
WOLCOTT H. PITKIN
Washington Correspondent
GILSON GARDNER
Attorneys and correspondents in leading cities.

Rabbi Abba Hiltel Silver,
Cleveland, O.

Dear Sir:

Your name has been given to us as a minister interested in the issues of freedom of opinion. We are engaged in a national campaign for tolerance by fighting for freedom of speech and assemblage wherever it is challenged.

We enclose a few of our descriptive leaflets to tell you about the work and our view of the issues. Your cooperation would be most warmly appreciated, if you see the issues as we do.

That cooperation can be given not only in public addresses or in articles in journals for which you may write, but also by actively getting into situations where civil rights are at stake. If you are willing to do that in emergencies within a reasonable distance of your home, we would appreciate knowing it.

Will you also send us the names of ministers in your locality who might be willing to render service to this cause?

Sincerely yours,

Roger N. Baldwin
Director.

RNB/IE

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LUCILLE B. MILNER
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WOLCOTT H. PITKIN
Washington Representative
ISABELLE KENDIG
Attorneys and correspondents in leading cities.

May 10, 1927.

Rabbi Abba Hillel Silver
105th Street at Ansel Road
Cleveland, Ohio.

Dear Rabbi Silver:

I take pleasure in informing you of your election to membership on our National Committee for a term of three years dating from April, 1927. I trust you will accept and will notify us at your early convenience.

Meetings of the National Committee occur twice a year-- one in the spring and one in the fall-- and are attended by New York members and others who find it convenient. The Executive Committee in New York looks to the National Committee for guidance in policy, welcomes suggestions from individual members, and submits special matters to the decision of a mail ballot. We all of us feel that your counsel would be valuable in the important work we are doing.

Sincerely yours,

Harry F. Ward
Chairman.

HFW:SB

C- 21
(American) Civil Liberties
Union

May 11, 1927.

Mr. Harry F. Ward,
American Civil Liberties Union,
100 Fifth Avenue,
New York City.

My dear Mr. Ward:

Permit me to thank you
for your kind letter of May 10th,
informing me of my election to
membership on the National Committee
of the American Civil Liberties Union.
I shall be pleased to serve.

I am

With kindest regards,

Very sincerely yours,

AHS:NEB

(AMERICAN) CIVIL LIBERTIES UNION

100 FIFTH AVENUE, NEW YORK CITY



June 15, 1927.

Rabbi Abba Hillel Silver,
The Temple,
East 105th St. at Ansel Road,
Cleveland, Ohio.

Dear Rabbi Silver:

Thank you for consenting to serve ~~as~~^a member
of our National Committee. Your name will mean a great deal.
Would you be interested in receiving the minutes of our Exec-
utive Committee meetings?

In order to bring the enclosed pamphlet up
to date, we would ask you to kindly fill out the questionnaire
and return to us by return mail, if possible.

Sincerely yours,

Isa Epstein

File-A
AMERICAN CIVIL LIBERTIES UNION

100 FIFTH AVENUE, NEW YORK CITY



June 20, 1927.

To the members of the
National Committee.

Dear Friends:

At our regular meeting on Monday, June 13th,
the Executive Committee adopted the following resolution:

Resolved that it is the sense of this meeting
that the American Civil Liberties Union ought to
incorporate, subject to the approval of the Nation-
al Committee, provided, that when the vote is taken
two-thirds of those voting shall vote affirmatively;
and provided, further, that such two-thirds vote
shall represent an actual majority of the National
Committee membership.

You are now asked to vote upon this proposal.

Objections raised hitherto to incorporation
were as follows:

- (1) That incorporation would in a measure restrict
the freedom and informality of our action as it
exists under our present loose form of organiza-
tion;
- (2) that the directors of the corporate entity would
be liable for debts of the organization;
- (3) that the Union has not hitherto recognized the
conditions which called it into being as permanent,
and that there may be no warrant for the assump-
tion of permanency that would be implied in incor-
poration.
- (4) that the corporate entity would be subject to
suits at law in the event of libel or other mis-
conduct.

The counter arguments on these points are as follows:

- (1) A subsidiary form of incorporation could be devised providing for but one annual meeting of the directors for reorganization and perfunctory business. This would leave the Union free to conduct its business as in the past with expeditious informality.
- (2) There would be no more probability of ~~suable~~ debts against the Union under corporate control than under the present form of organization. Our present financial system would continue, protected as it is by monthly statements and a complete annual report. The Union has never yet experienced an inability to pay its debts, and its financial condition is better at this time than it has ever been in the past.
- (3) Those of us who are in the work realize more that the need for the Union is likely to continue for an indefinite period. If it should be found at any time that the need has ceased to exist, the corporation could be easily dissolved. Testators and the founders of endowments would experience no difficulty in altering their plans to meet any changes in the situation.
- (4) It is not at all likely that suits for libel will develop in the future any more than they have in the past. All official statements by the Union are checked by counsel in advance if there is even the slightest possibility of an element of libel. If the organization should be guilty of misconduct, it ought to be liable.

The principal advantages of incorporation are two:

- (1) It would place the Union in a position to receive bequests. On a number of occasions the Union has failed to receive bequests because it was not incorporated.
- (2) If it were incorporated, the Union could itself bring action in the courts when it finds itself ~~unjustly~~ ^{injuriously} libelled.

It is highly important that we should have a register of opinion on this question as early as possible. Please vote on the card enclosed herewith and return in the addressed envelope.

Sincerely yours,

Henry D. Ward
Chairman

James C. Bailey
Director.

JANE ADDAMS
 HARRY ELMER BARNES
 HERBERT S. BIGELOW
 RICHARD C. CABOT
 JOSEPH D. CANNON
 JOHN S. CODMAN
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American Civil Liberties Union

100 Fifth Avenue, New York City

Chelsea 0340



AFFILIATED LOCAL COMMITTEES

Cincinnati Civil Liberties Committee, 845 Dayton St., Cincinnati, O.
 Detroit Civil Liberties Committee, 1438 Dime Savings Bank Building, Detroit, Mich.
 Labor Defense and Free speech Council of Western Pennsylvania, 805 James St., N. S., Pittsburgh, Pa.
 New England Civil Liberties Committee, 120 High St., Boston, Mass.
 Northern California Branch, A.C.L.U., 461 Phelan Bldg., San Francisco, Cal.
 Seattle Civil Liberties Committee, 508 Garfield St., Seattle, Wash.
 Southern California Branch, A.C.L.U., 1022 California Building, Los Angeles, Cal.
 Virgin Islands Civil Liberties Committee, P. O. Box 66, Frederiksted St. Croix, V. I.
 Youngstown Workers Defense League, 613 Falls Ave., Youngstown, O.

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Attorneys and correspondents in leading cities.

February 21st, 1928

Rabbi Abba Hillel Silver,
 The Temple; E 105 St. at Ansel Road,
 Cleveland, Ohio

Dear Rabbi:

As you are doubtless aware, the reversal by the Tennessee Supreme Court of the conviction of John Thomas Scopes was on technical grounds. There has been no ultimate adjudication on the constitutionality of the statute under which the conviction was found. It has been proposed that the American Civil Liberties Union should interest itself in getting a United States Supreme Court decision on this important question.

What makes this apparently a pertinent suggestion is the fact that numerous school boards have recently taken it upon themselves to ban the teaching of evolution as a matter of purely local option. It is possible that a Supreme Court decision against the constitutionality of existing statutes would tend to check this practice on the part of local school boards.

If we should sponsor an action with this end in view, it would be conducted quietly and inexpensively by a direct approach to a federal court.

We are writing to you and a few others to ask for any comments or suggestions on this general subject. We shall be deeply appreciative of your opinion if you will let us have it.

Sincerely yours,

Forrest Bailey
 Director

FB:SB

Feb. 24th, 1928.

Forrest Bailey, Director,
American Civil Liberties Union,
100 Fifth Ave.,
New York, N. Y.

My dear Mr. Bailey:-

Permit me to acknowledge receipt
of your letter of February 21st.

I believe that it would be a wise
thing to have the United States Supreme Court
pass on the question of whether school authorities
have the power to proscribe the teaching of
evolution, and you would be rendering the cause
of academic freedom a distinct service, if you
could achieve that result.

With kindest regards, permit me
to remain

Very sincerely yours,

AHS/IR

JANE ADDAMS
 HARRY ELMER BARNES
 HERBERT S. BIGELOW
 RICHARD C. CABOT
 JOSEPH D. CANNON
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American Civil Liberties Union

100 Fifth Avenue, New York City

Chelsea 0340



April 6, 1928.

To members of the
National Committee.

Friends:

The regular spring meeting of the National Committee will take place on Monday, April 23rd at the Civic Club, 18 East 10th Street, at luncheon, 1 P.M. Reports covering the past year's work will be made and our plans for the year will be discussed. We urge all members of the Committee living in New York to be present.

The following are members of the National Committee whose terms expire this April: Jane Addams, Clarence Darrow, Robert W. Dunn, Elizabeth G. Flynn, Kate Crane Gartz, Arthur G. Hays, Frederic C. Howe, James Weldon Johnson, Agnes Brown Leach, Mary E. McDowell, A. J. Muste, Scott Nearing, Walter Nelles, William Pickens, John A. Ryan, Joseph Schlossberg, John F. Sinclair, Edward D. Tittmann, Oswald Garrison Villard, David Wallerstein, George P. West and L. Hollingsworth Wood. Their places will be filled either by reelection or by new nominations. Please send in the names of any persons you wish to propose as new members. Please express any opinion you have in regard to the election or reelection of members of the committee to reach us in time for the meeting on the 23rd.

Sincerely yours,

Harry F. Ward
Chairman.

Forrest Bailey
Roger N. Baldwin
Directors.

SB

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American Civil Liberties Union

100 Fifth Avenue, New York City

Chelsea 0340



December 21, 1928,

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 Washington Representative
 CLAYTON S. SPEAR

Attorneys and correspondents in leading cities.

Members of the National Committee

Friends:

The elections of last June resulted in the choice of the following persons who may be added to the National Committee as vacancies occur:

Charles F. Amidon
 Edwin M. Borchard
 Zechariah Chafee, Jr.
 Edward P. Costigan
 John Dewey
 Hubert C. Herring

All nominations received from committee members were carefully considered. The names finally submitted for the ballot were only those of persons to whom no marked objection was raised. Of those finally declared elected there was none opposed by more than one vote.

Under Article 3 of the By-Laws, which provides for the election to the Executive Committee of a limited number of persons not members of the National Committee, Miss Anna Rochester has been made a member of the Executive Committee, subject to confirmation by the National Committee at the next election.

Sincerely yours,

Harry F. Ward
 Chairman

Forrest Bailey
 Director.

American Civil Liberties Union

100 Fifth Avenue
New York City

Monthly Bulletin for Action

Date, April, 1930.

NOTE:

We ask the prompt cooperation of all to whom this Bulletin comes. Our national campaigns are effective to the degree in which they are backed up by groups and individuals all over the country, acting at the same time. Remember that letters to public officials and to newspapers are our best means of propaganda. Everyone of them counts. Please advise us of the action you take.

MAY 1ST DEMONSTRATIONS

There is danger of more serious disorder on May Day than occurred in the March 6th unemployed demonstrations unless our friends act at once to prevent attacks by the police on the Communist-led meetings and parades.

We urge our friends in every city, whatever happened on March 6th, to find out now where the Communist Party proposes to hold its street meeting or parade on May Day, and then to see the officials, urging them to grant permits where required. Even where the Communists refuse to ask for permits the officials can waive that technicality if they wish. Urge officials not to make any display of force. Have them instruct the police only to make arrests in case of violations of law.

If these negotiations with the authorities fail, announce that disinterested witnesses will attend the meetings to get evidence for civil and criminal actions against police lawlessness. Offer publicly in advance to take any case which may arise.

In some cities it appears that veterans' organizations are going to hold counter-demonstrations on May Day. This is provocative of disorder and violence. If such plans are being made in your city, steps ought to be taken to see that their demonstration is as far removed as possible in hour and place from the Communist demonstration.

Wire the national office collect if you need cooperation or instructions. Please act immediately!

CITIZENSHIP FOR PACIFISTS

The House Immigration Committee continues to hold up a hearing on the issue of admitting to citizenship conscientious objectors to war. A bill introduced by Representative Anthony J. Griffin of New York is pending, H.R. 3547. While this bill does not directly admit alien objectors to citizenship it can easily be amended to do so.

Letters or telegrams should be sent at once to Albert Johnson, chairman, House Immigration Committee, Washington, urging a hearing on H.R. 3547.

KEEP UP THE FIGHT ON ALIEN REGISTRATION

Senator Blease's bill providing for a voluntary system of registration of aliens has just been reported favorably to the Senate. It can be killed by a vigorous campaign of protest against any and all forms of registering aliens. Write or wire your Senators protesting against the passage of S. 1278. Send letters to your local papers. See the editors. Get resolutions adopted by organizations and report them to the press. Act now.

BEAT THE UNIVERSAL DRAFT

A bill providing for a commission to study the "universal draft" for the next war has passed the House of Representatives and is before the Senate. It is backed by the American Legion and allied organizations.

While the bill had some of its teeth knocked out by an amendment prohibiting the commission from considering the conscription of labor, it is nevertheless dangerous to take any step toward a "universal draft". Write your senators opposing HJ Res. 251 & SJ Res. 145. Tell them what you think about war preparations, and particularly conscription.

STOP THE LABOR DEPARTMENT'S ANTI-RED STUFF!

The United States Department of Labor apparently sanctions the activities of one Charles G. Wood, an agent of the Bureau of Conciliation, who has for months been using his official position to attack radicals.

He hounded Miss Ellen Dawson, left-wing strike leader, trying to get her citizenship revoked because of her activities; he testified in court in Brooklyn that he advised an employer to break a contract with a left-wing union; he appeared publicly in Commissioner of Police Whalen's office to endorse his strong-arm methods against Communists; and he has just published a book recounting his exploits in attacking the "menace of the reds".

The Civil Liberties Union has demanded that Wood be removed. Back up the Union by writing to James J. Davis, Secretary of Labor, Washington, asking Wood's removal and scoring his activities as improper. Write your own senators asking them to take up the matter.

AMERICAN CIVIL LIBERTIES UNION
100 Fifth Avenue
New York City

MINUTES of the meeting of the Board of Directors held Monday, April 21, 1930, 1 P.M. at the Civic Club, 18 East 10th Street, New York City. Present: Messrs. Ward, Bailey, Baldwin, Barnes, Frank, Hays, Linville, Schlossberg, Thomas, Mrs. Milner and Miss. Flynn. By Invitation: Aldrich Blake, Travis Clements and Leon Araton.

1. The minutes of the previous meeting were approved and sent out.

2. Annual meeting.

(a) The following members of the National Committee, whose terms expire at this time, were re-elected for three years: Harry Elmer Barnes, Herbert S. Bigelow, Richard C. Cabot, Ernst Freund, Morris Hillquit, George W. Kirchwey, Julia C. Lathrop, Arthur LeSeuer, Henry R. Linville, Alexander Meiklejohn, Julia O'Connor Parker, Jeannette Rankin, Vida D. Scudder, Abba Hillel Silver, Albert M. Todd.

The question of re-electing William Z. Foster was laid on the table, pending conference with him to determine his wishes, the understanding being meanwhile that he is still a member of the Committee.

Amos Pinchot was elected to the Committee for three years.

Monday, May 5, was designated for the consideration by the Board of additional nominees for the Committee.

(b) Present members of the Board of Directors were declared re-elected for terms according to their classification as members of the National Committee. They are the following: Forrest Bailey, Roger Baldwin, Harry Elmer Barnes-1933, Robert Dunn-1931, Morris Ernst-1932, Walter Frank-1932, Arthur Garfield Hays-1931, B.W. Huebsch-1932, Hubert C. Herring-1932, John Haynes Holmes-1932, Henry R. Linville-1933, Robert Morris Lovett-1932, Lucille B. Milner, William Nunn-1932, Joseph Schlossberg-1931, Norman Thomas-1932, Harry F. Ward-1932, Amos Pinchot-1933.

(c) The annual meeting adjourned in order that the Board of Directors might proceed immediately to the election of officers of the corporation.

3. The Board of Directors re-elected the present officers of the corporation, as follows: Harry F. Ward, Chairman; Helen Phelps Stokes, James H. Maurer and Fremont Older, Vice-Chairmen; Ben W. Huebsch, Treasurer; Roger N. Baldwin, Director; Forrest Bailey, Director and Secretary.

4. (a) The Board noted that agreement has been reached between the Communists and the Police under which the May Day demonstrators will be permitted to assemble first at Rutgers Square to hold a meeting then to parade to Union Square under police protection to hold their demonstration at 3 o'clock.

(b) Mr. Hays reported completion of preparations to petition the Appellate Division for the ouster of Chief City Magistrate McAdoo.

(c) The Board noted that it had become necessary to abandon the prosecution of charges against individual police officers in whose cases hearings were held April 10, owing to the failure of complainants and witnesses to identify the officers complained against.

5. The Board noted that the Blease bill for the certification of aliens had been passed April 18 by the Senate without roll-call, but that the measure had been ordered for re-consideration and placed on the calendar.

6. The Board authorized the sending of a delegation to the President to urge his further consideration of the matter of restoring civil rights to persons convicted under the war-time espionage acts.

7. The Board noted the affirmance by the United States Circuit Court in Philadelphia of the order vacating the citizenship of John Tapolcsanyi and recorded itself as favoring an appeal to the United States Supreme Court.

8. On recommendation of the directors, supported by a presentation by Mr. Valenti and Mr. Giovanitti, the Board authorized the formation of an independent committee for the purpose of advocating legislation to establish the principle of the "right of asylum" for political exiles of other countries in the United States. The directors were instructed to confer with Messrs. Giovanitti, Valenti and Muste to this end.

9. The issuance of a statement on the severe sentences imposed on William Z. Foster and three of his four associates under the conviction found against them in connection with the events of March 6th.

10. Norman Thomas reported on the Good Will Radio Station of Detroit and the radio lectures of Father Coughlin attacking liberals and radicals. The Board agreed with Mr. Thomas that legislation to enforce the principle of fair play in the broadcasting of controversial matter seems to be desirable, and referred the matter to Mr. Ernst for recommendation.

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AMERICAN CIVIL LIBERTIES UNION

100 FIFTH AVENUE, NEW YORK CITY



Rabbi Abba H. Silver,
Ansel Rd.
Cleveland, Ohio

June 18, 1930

My dear Rabbi Silver:

Many of the most serious violations of the guarantees of civil liberty during the past ten years have grown out of increased use of injunctions. A judge can declare practically any act illegal, cite for contempt a person violating his order and then pass sentence, acting as prosecutor, judge and jury.

While the chief abuse of this power of the courts has occurred in labor disputes, it has been used to jail editors criticizing court orders and decisions. In the enforcement of prohibition, too, these summary processes are invoked in place of ordinary criminal prosecutions with trial by jury.

To help curtail these growing powers of the courts, the Civil Liberties Union has constituted two committees, -- one dealing with injunctions in labor disputes only, the other with contempt of court in relation to the press and the enforcement of judge-made law.

We are asking several hundred people throughout the country interested in these issues, or in one or the other of them, to join these committees. The only obligation will be to pass on matters of policy by mail. We need your help by serving on both committees but we shall be glad to have you serve on one or the other. The work of both committees will be in charge of a small group of lawyers here in New York, responsible to the executive committee of the Union, and directed by Dr. Alexander Fleisher, who has volunteered his services to do this job.

The practical tasks ahead are: (1st) the organization of a nation-wide campaign to support the general principles of the anti-injunction bill now before the Senate, and to advocate similar state legislation; (2nd) to draft both federal and state statutes aimed at limiting the power of judges to sentence for contempts not committed in the presence of the court.

Would you be good enough to reply at your early convenience on the enclosed card? If you prefer to defer decision until you see the list of acceptances, we will be glad to send it.

Very truly yours,

Harry S. Brand
Morris H. Ernst
Arthur Garfield Hays

AMERICAN CIVIL LIBERTIES UNION

100 FIFTH AVENUE, NEW YORK CITY



July 16, 1930,

To those who accepted on the committees
on Injunctions, or Contempt of Court,
or both.

Friends:

You will be as gratified as we are with the response to our letters inviting service on committees to help revise the law relating to injunctions and contempt of court.

To date we have received almost three hundred and eighty acceptances as you will note by the enclosed list. We will be happy to have from any of you further suggestions of persons interested in these issues whose names would add weight to the list already obtained.

You are doubtless aware that the Senate bill aiming to restrict injunctions was reported unfavorably to the Senate by the Judiciary Committee on a divided vote of 11 to 7. It will come up again in December. In the meanwhile efforts should be made to change the views of certain of the senators who voted against the bill and to reach all senators while they are at home.

We ask all those who have accepted on this committee to be good enough to get in touch with their own senators by letter or personal call to sound out their views in regard to this proposed legislation. We would appreciate your advising us what you learn.

With appreciation,

Sincerely yours,

Alexander Fleisher
Secretary.

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 CHARLES F. AMIDON
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American Civil Liberties Union

100 Fifth Avenue, New York City

Tompkins Square 6-4330



June 22, 1931.

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Washington Counsel
 EDMUND D. CAMPBELL
 —
Attorneys and correspondents in leading cities

To Our Friends in Ohio:

It is somewhat late to be approaching you in this matter, but we believe you will still be effective if you will act on our suggestion. We propose that you send, each of you, your individual protest against the summary dismissal of Dr. Herbert A. Miller from the faculty of Ohio State University.

You are probably familiar with the circumstances. Dr. Miller has a long and honorable record as a sociologist and an educator. His standing in his field is one of eminence. But because of complaints alleged to have been made four years ago by parents against his teachings on interracial and domestic relations, and because of a speech he made in Bombay in 1930 expressing sympathy with Mahatma Gandhi, Dr. Miller has been notified by the Board of Trustees that his contract is not to be renewed. Absolutely no other reasons than these were given.

It would be difficult to point to a more flagrant violation of academic freedom.

We hope every friend of the American Civil Liberties Union will add his protest to the great numbers that have already been sent. Address your letter to --

The Board of Trustees and
 The President of Ohio State University,
 Columbus, Ohio.

Sincerely yours,

Forrest Bailey
 Director.

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CHAIRMAN OF LEGAL COMMITTEE

AMERICAN CIVIL LIBERTIES UNION

[DETROIT BRANCH]

1620 WEST HANCOCK AVENUE

1438 Dime Bank Bldg.

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FRED J. SCHUMANN

Detroit, Mich.,
Dec. 14, 1931.

Rabbi Hillel Silver,
Cleveland, Ohio.

My dear Dr. Silver:

On account of your well known interest in safeguarding and extension of the rights of free speech, I am calling to your attention a signal victory in this cause which was won in Detroit recently and which we are now defending against possible reconsideration.

If, after reading the enclosed circular, you wish to express your opinion on the matter directly to the Board of Education, it might have considerable weight in influencing them to withstand the very active forces of reaction which are now mobilizing on this question, and to reaffirm their present position which completely upholds the right of a teacher to free speech outside of the class room.

Without doubt this case will serve as a precedent for many other parts of the country. If we are successful in maintaining our present regulation, freedom of speech will be greatly encouraged, but a defeat now would be a disheartening blow to the cause in which we both so strongly believe.

Yours sincerely,

Walter M. Nelson
Chairman,
AMERICAN CIVIL LIBERTIES UNION
(Detroit Branch)

WMN/reg

You are undoubtedly aware of the conflict that has been stirred up by a speech of Professor Walter Bergman of Detroit Teachers' College, which he was asked to make before a student chapter of the League for Industrial Democracy, in which Dr. Bergman opposed the establishment of military training in the schools and supported the movement for national disarmament. This speech evoked the wrath of Dr. Burt R. Shurly, a member of the School Board, and an effort was made at the next meeting of the School Board to dismiss Bergman from his professorship. This resolution was introduced by Dr. Shurly, who labelled Bergman's views as "seditious". The opposition, led by School Inspector Edward H. Williams, successfully defeated this action, and, in fact, passed a substitute motion, allowing Detroit teachers absolute freedom of speech outside the classroom.

This action of the School Board has excited nation wide approval. It is a liberal victory without precedent--the recognition of the rights of teachers--but this victory is being threatened.

Dr. Shurly is now attempting to have the resolution reconsidered and to revive action against Bergman for his "pacifism". This question will again be brought up at a School Board meeting on December 22. You can help both the cause of free speech and the fight against militarism by send^{ing} an expression of your opinion on the matter (by telegram, if possible) to School Inspector Edward H. Williams, 1436 Majestic Building, Detroit.

NATIONAL COMMITTEE

CHARLES F. AMIDON
HARRY ELMER BARNES
HERBERT S. BIGELOW
EDWIN M. BORCHARD
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American Civil Liberties Union

100 Fifth Avenue, New York City

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January 16, 1932

To the members of the
National Committee,

Friends:

This is our first direct communication to you for some time for the simple reason that there was no matter of policy on which we needed the vote of members of the committee. Two matters of policy now come before you, on which we ask an expression of your opinion:

1. Subsidiary organizations

For some time it has been the policy of the Union, when a special piece of work needed to be done, to organize subsidiary committees theoretically independent of Union direction. The work has been done in our office, but the committees have made their own decisions and have appealed for public support on the basis of their own special work. The theory in setting up these independent organizations was that they would enlist support which the Civil Liberties Union itself could not enlist and which freed from identification with our other work the job they had in hand.

But a feeling has been growing in our board that with the growth of these subsidiary organizations, the Union's activities have become too much diffused and have left the main organization too exclusively in the field of defense in the courts and therefore too much identified with defense of radical cases. The Board of Directors has therefore resolved, subject to your approval

"1. To change the relation between our present subsidiary organizations and ourselves so that ultimate control will lie in the Board of Directors of the Civil Liberties Union, referring to these subsidiary organizations cases, policies and other issues as they come up.

"This applies to the Committee on Labor Injunctions, the National Council on Freedom from Censorship, the National Mooney-Billings Committee and the Committee on Academic Freedom.

"2. To see to it that these subsidiary organizations described as directly connected with the American Civil Liberties Union as parts of it, and that in publicity of any sort the connection of the Civil Liberties Union be made clear."

Will you be good enough to indicate on the enclosed card whether or not you are in agreement with this new policy?

2. Religious and educational freedom

Last spring we got out a pamphlet entitled "The Gag on Teaching" which covered all the legislative restrictions on schools and colleges during the past decade. That pamphlet aroused considerable criticism on the ground that certain of the issues were not our concern and that others did not involve minority or individual rights, but educational policy.

Our board, canvassing these objections, has agreed

(1) That we have no concern with Bible-reading in the schools excepting when it is compulsory, and that its interest for us in that situation depends upon a clear showing in specific instances that a denial of religious freedom has occurred;

(2) That sectarian religious instruction under the "school time release" system (under which pupils are excused from schools to take religious instruction under private auspices) does not per se raise civil liberties issues.

Our Committee on Academic Freedom, wrestling with some of these border-line issues, has proposed that in all instances a consideration of the educational principles involved should precede the intervention of the Union in defense of religious freedom or **free speech** in schools.

May we also have an expression of your views on this declaration of policy? If it is not clear, further information will be sent.

3. Personnel

Just to report to you the present personnel of the Union's directing committees, let us say that the only changes in the members of the National Committee since our annual report sent you last June are the resignation of former U.S. Senator Thomas W. Hardwick of Georgia, and the death of A.M. Todd of Kalamazoo, Mich. Senator Hardwick resigned because of differences with us over the civil rights of Negroes, as set forth in our recent pamphlet "Black Justice."

The Board of Directors, which meets weekly in immediate charge of the Union's affairs, has suffered the loss of Dr. Henry R. Linville and Joseph Schlossberg, who felt obliged to resign but who remain on the National Committee. Our chairman, Dr. Ward, is spending his sabbatical year in Russia gathering material for a book. During his absence until next fall, Dr. John Haynes Holmes is acting chairman.

We shall be glad to entertain any proposals of new members for the National Committee to be voted on at the annual meeting in the spring. We will be glad also to get the benefit of any criticisms or comments you have on any matter affecting the Union's business or policies.

Sincerely yours,

IE

James Bailey
Roger Baldwin

AMERICAN CIVIL LIBERTIES UNION

100 FIFTH AVENUE

Tompkins Square 6-4330

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July 12, 1933.

Rabbi Abba Hillel Silver,
The Temple,
East 105th St. at Ansel Rd.,
Cleveland, Ohio.

Dear Rabbi Silver:

The Board of Directors at a meeting
on July 10, reelected you for a term of three
years as a member of the National Committee.
Your term on the committee expired this spring.

If we do not hear from you to the
contrary, we assume that we have the privilege
of your acceptance.

Sincerely yours,

Lucille B. Milner
Secretary.

LBM:IE

August 8, 1933.

Mr. N.K. Simpson
Deputy Administrator
National Recovery Administration
Washington, D.C.

Dear Sir:

The American Civil Liberties Union, an organization formed to protect civil rights, has been frequently involved in issues in the coal industry affecting the freedom of miners to organize, strike and picket. We have served various unions in the industry without distinction. We have no concern with the beliefs or programs of those whose rights we champion.

Because of this interest the Civil Liberties Union offers the following amendments to Section 5.

(1) In paragraph C referring to deductions from pay we urge the elimination of the phrase "dues to the labor organization of employees". That phrase contemplates deductions from the pay of employees by the employer for the maintenance of a union. The phrase "the labor organization" is used indicating that only one union is to be recognized or dealt with by each employer.

We urge the abolition of the so-called check-off system of collecting union dues because it gives a monopoly to one union and thus coerces workers into joining that union without regard to their possible desire to join some other union. The several minority unions in the mining industry should have an equal opportunity to enlist members and bargain collectively.

(2) No provision should be made in the Code which contemplates the recognition of only one union with the inevitable consequence of establishing a closed union shop under which members of that particular union will be employed exclusively. Workers in a particular locality may not care to join this union. Workers in each mine should determine their own affiliations. In some cases, an employer might be required to deal with

Mr. N.K. Simpson
National Recovery Administration -2- Aug. 8, 1933.

the representatives of more than one union. This suggestion is in entire harmony with the provision of Section (A) (1) that "employees should have the right to organize and bargain collectively with representatives of their own choosing."

(3) We suggest the addition to Section 5, paragraph A, of the following clauses:

"No worker is to be discharged for activities in connection with any labor organization and all discharges in which complaints of such discrimination are made shall be referred to the authority charged with the enforcement of this code. No strike or boycott conducted by any trade union shall be considered a violation of this code."

We submit that the purposes of collective bargaining contemplated by the Recovery Act cannot be successfully fulfilled without a provision protecting from discharge those active in trade unions and without a provision assuring workers that the right to strike or boycott is unimpaired by the Code.

Very truly yours,

AMERICAN CIVIL LIBERTIES UNION

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August 10, 1933.

To members of the National Committee
and other friends.

Friends:

The enclosed letter addressed to the Recovery Administration deals with some critical issues of labor's rights in the soft coal code. Similar points are affected in other codes.

We are taking a stand:

- (1) Against the check-off system of employers collecting union dues;
- (2) For the recognition of minority unions;
- (3) For the maintenance of the right to strike and boycott;
- (4) For protecting workers active in unions.

We intend to give this position wider publicity and, if necessary, to address the President and all of the members of the Recovery Administration directly. In doing so, may we have the privilege of using your name as one of those expressing this position in behalf of the Union? Your prompt reply on the enclosed card will be appreciated.

Sincerely yours,

Roger N. Baldwin

RNB:RW
Enc. 3

August 14, 1933.

Mr. Roger N. Baldwin, Chairman,
American Civil Liberties Union,
100 Fifth Ave.,
New York, N.Y.

My dear Mr. Baldwin:

In reply to your kind letter of August 10, permit me to say that I am not in favor of the letter which you plan to send to Mr. N. K. Simpson, Deputy Administrator of the National Recovery Administration, as I am not in sympathy with the encouragement of minority unions in the mining industry. I believe that the cause of the miners has suffered a great deal in the past and will suffer even more in the future through these intra-union conflicts.

Very sincerely yours,

AHS:BK

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May 19, 1934

Rabbi Abba Hillel Silver
The Temple
Cleveland, Ohio

Dear Rabbi Silver:

We are all deeply grateful
for your response to our appeal for membership.
This is doubly appreciated in view of your
contribution to the work in other ways. We
should like to be able to exempt you from finan-
cial support, but we can not afford to let off
a single friend who can contribute.

With appreciation,

Sincerely yours,

B. W. Huebsch

Treasurer

BWH:LB
ENC.

The Principles of Academic Freedom

*A Statement prepared as a basis for discussion and
action by the Committee on Academic Freedom
of the American Civil Liberties Union*

100 Fifth Avenue
New York City
May, 1934

The Principles of Academic Freedom

The Issue of Freedom in Teaching.

AT NO TIME in the past has the question of academic freedom been of greater concern to American educators than today. With the increasing complexity of social life there has emerged a class of specialists in knowledge whose service to the community depends upon the absolute confidence which the community reposes in their intellectual integrity. Any attempt to abridge the right of research, teaching, and publication is therefore a fundamental challenge to the teachers' professional status, for where the presumption of freedom and disinterestedness is lacking, his work is rightly suspect.

In addition to his vocation as a scholar, the educator, by virtue of historic tradition as well as membership in a democratic community, is called upon to furnish leadership both in moulding the characters of the young and influencing public policies. The exercise of such leadership carries with it the necessity of critically evaluating contemporary culture. The imposition of arbitrary checks upon freedom of teaching, criticism, and public propagation of belief makes it impossible for teachers to develop the traits of leadership— independence, insight, and initiative—for which the community looks to them today.

Nor can any teacher win the respect of his students and properly perform his educational function, so long as his students believe that he is not free to say what he thinks. The American Association of University Professors well says:

"In order to exert a high degree of beneficial influence upon his students, the college teacher must first induce their confidence in his sincerity. He must convince them that he is intellectually free and concerned with nothing but eternal verities. If, therefore, the students in any college classroom reach the conclusion that their teacher is afraid to speak his whole mind or give his conscientious beliefs, the day of his influence over them is done.

"Hence college presidents and governing boards ought to realize that nothing would more surely impair the whole morale of college instruction than a feeling among the students that those who lead them are themselves being led, in other words, that their instructors are free to say what they think only so long as it coincides with the opinions of those in authority."—Bulletin of the American Association of University Professors, Vol. XIX, May, 1933, No. 5, P. 83.

The quest for truth and the exercise of leadership are rendered particularly difficult in a period of economic crises and of sharpened social antagonisms. The range of controversial topics is extended; the issues are more momentous; the passions of self-interest are more easily aroused. Vested interests of one sort or another seek to cripple instruction which they regard as untrue or harmful. Self-appointed custodians of the public welfare set themselves up as educational censors; attempts are made to impose narrow and sectarian political programs upon schools and teachers in order to exploit their professional reputation for disinterestedness. *It is therefore imperative in the present era of social transition to define, extend, and defend the rights and responsibility of all participants in the educational process.*

The Committee is well aware that no absolute principles can be laid down. Every specific case must be judged as it arises in the light of relevant factors. But in order to indicate what factors are to be judged relevant in reaching a conclusion and formulating a plan of action, and in order to prevent discriminatory action against teachers on camouflaged grounds of incompetence, economy, violation of good taste, etc., *the following guiding principles are proposed:*

Administrative Control

1. In public "adult education" and in all institutions of higher education, teaching should be quite free of all interference except for the re-

quirements of standards of scholarship and effective teaching.

While teachers should not take advantage of their positions to carry on in the classroom partisan or sectarian propaganda, no serious opinions on questions relevant to the subjects which they teach should be excluded from consideration, nor should teachers be expected to conceal their personal opinions on such questions.

If need should arise for an objective interpretation of these limiting requirements as enforced by the administration, such interpretation should be made by a jury chosen by some permanent organization of instructors, such as the American Association of University Professors. At the hearing before such juries, students who have been taught by the instructor should have the right to be heard. (This provision, however, should not affect the right of administrators to determine whether teachers are fit to continue after a preliminary teaching period — if so specified in the contract; unless of course an issue of freedom of opinion is raised.)

2. *In the elementary and secondary schools* like freedom and like requirements should hold, allowance being made for differences arising from the age and maturity of the students.

If questions should arise concerning the administration's interpretations of these limitations, then a composite jury representing school authorities, community opinion, and professional opinion should investigate and make public report of their findings to the school board with recommendation as to appropriate action. If the educational members of the jury do not concur in the majority report, they should make public a minority report setting forth the reasons for their dissent.

3. *In the out-of-school expression of opinion and participation in public affairs*, teachers should enjoy the same freedom as other citizens and professional groups without being called upon to give an accounting of their views and activities to their superiors. Rather than permit fear of antagonizing authorities to silence teachers, their participation in public affairs should be encouraged and counted in their favor so long as it does not adversely influence the effectiveness of their classroom teaching and quality of their research. It is to be understood that classroom discussion should be relevant to the subject the instructor is employed to teach.

4. The same provisions hold correspondingly for the executives of schools and colleges as for the teachers in those schools.

5. Because the effectual educative process itself is at stake, the teaching profession at all levels is vitally concerned with the matter of freedom of teaching and should organize itself appropriately to see that the rights of teachers in this regard are properly respected.

Legislative Control of the Curriculum of Tax-Supported Schools

1. The Committee recognizes the legal *power* of the legislature under existing constitutions to control the curriculum, but challenges any unreasonable application of that power. Laws prohibiting teaching the theory of evolution, for instance, seem to the Committee unreasonable.

2. In the case of public institutions of higher education, the same principles already stated should apply as in other institutions of this character.

3. The control of the school curriculum should be vested within the educative function. The legislature should delegate authority in this matter to the State Department of Education which may set up minimum requirements, but leave the making of the curriculum, so far as it can be made in advance, to the school personnel (officials and teachers) working under the local boards of education.

Religion in the Schools

1. The separation of church and state is a fundamental consideration in determining the issues involving religious practices in the public schools.

2. Compulsory Bible-reading, except in educational courses such as comparative religion and comparative literature, violates civil liberties principles by compelling minorities among students to listen to the teaching of religious beliefs which they do not share.

Rights of Students in High Schools and Colleges

Students should be permitted to examine and openly discuss ideas in a search for truth. This is essential if they are to learn to judge for themselves. Granted freedom of expression, abuses would seldom occur. Checks, if necessary, should come

not from censorship by the faculty but rather from pressure by student opinion.

No disciplinary action should be taken against students on account of their religious, social or political convictions or activity. Student organizations and publications should be entirely free to engage in the discussion of public affairs and educational policy. "Discussion" should be interpreted to include various forms of participation in social and political movements. Such participation should be regarded as a genuinely educational function.

Teachers' Oaths of Loyalty

The laws requiring special oaths of loyalty from teachers place them in a position where their critical evaluation of our political and economic institutions can be interpreted as disloyalty, especially where such criticism runs counter to the beliefs of legislators or administrators. Experience has shown that such oaths are often used as instruments of intimidation against teachers who express unpopular views. In the interest of free educational discussion of the problems of Amer-

ican life, such special oaths should be eliminated from the statute books wherever they are in force, and every movement to extend legislation of this character should be vigorously opposed.

Teachers' Organizations

The enforcement of the foregoing provisions to protect for teachers their academic freedom and tenure rights is largely contingent upon the existence of strong teachers' organizations able to conduct a militant defense in behalf of their members. Any attempt therefore on the part of legislative or administrative authorities to restrict the freedom of the teachers to organize and control their associations and unions constitutes a serious infringement of the letter and spirit of this statement. In order to prevent unwarranted attacks upon their tenure rights, teachers organizations should strive to have tenure laws enacted protecting them against unjust dismissal. Committees on academic freedom and national organizations of teachers can perform a useful service in striving to prevent the nullification of tenure laws in states where they have been enacted.

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For further information on cases and issues address

American Civil Liberties Union

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May 22, 1934

Rabbi Abba Hillel Silver
The Temple, East 105th St. at Ansel Rd.
Cleveland, Ohio

Dear Rabbi Silver:

May I call your attention
to the fact that you have not filled in the
enclosed questionnaire which was sent you
twice? The pamphlet is being held up until
we hear from you and one or two others who
have not yet responded. Won't you please
fill this in and return it today? Thanks.

Sincerely yours,

RNB:RW

Roger N. Baldwin

February 11th, 1920

Mr. Samuel Goldhamer,
Federation of Jewish Charities,
Guardian Building, City.

My dear Mr. Goldhamer,

I am in receipt of the enclosed
letter from Dr. Viola J. Erlanger, to which
my reply is likewise enclosed. What do you
think about the matter which Dr. Erlanger sug-
gests?

Very sincerely yours,

February 24th, 1920

Mr. Roger Baldwin,
138 West 13th Street,
New York City.

My dear Mr. Baldwin,

Your letter of the 19th was forwarded
to me from Wheeling.

I have been away from Wheeling for nearly
three years and am completely out of touch with con-
ditions there. I regret I am not in a position to
render you any assistance there.

Sincerely yours,

Very sincerely yours,

Care H. Austin Simons,
1541 Unity Building,
127 No. Dearborn St., Chicago.

JANE ADDAMS,
Chicago, Ill.
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Cincinnati, O.
SOPHONISBA P. BRECKINRIDGE,
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Baltimore, Md.
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St. Louis, Mo.
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New York City
GEORGE P. WEST,
Oakland, Cal.

(Successor to the National Civil Liberties Bureau)

Temporary Headquarters:
138 West 13th Street, New York City

Chelsea 9300



February 19, 1920

Rabbi Abba H. Silver,
Wheeling, W. Va.

Dear Rabbi Silver:-

Scott Nearing has suggested that you might be interested in getting together some of the folks in Wheeling interested in the fight for civil liberty. I expect to be in Wheeling next Thursday morning February 26th. I would like to meet a little group of liberal and labor folks, preferably at lunch to talk about the whole West Virginia situation. I understand that Walter B. Hilton, c/o The Wheeling Majority, ~~Wheeling, W. Va.~~ might be interested and I want to see him.

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American Civil Liberties Union

(Successor to the National Civil Liberties Bureau)

Temporary Headquarters:

138 West 13th Street, New York City

Chelsea 9300



February 28, 1920

Rabbi A. H. Silver,
The Temple, Cleveland,
East 55th St. & Central Avenue,
Cleveland, Ohio.

Dear rabbi Silver:-

Thank you for yours of
the 24th. I learned when I was in Cleveland,
on my way west, (and before I went to Wheeling)
that you had been in Cleveland for several years,
and I therefore got in touch with Mr. Hilton,
who helped me greatly.

I am taking the liberty of putting
you on our mailing list for Cleveland, where I
know of your vigorous defense of the principles
for which we are fighting.

Sincerely yours,

Robert M. Muste

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American Freedom Foundation,
1541 Unity Bldg., Chicago, Ill.
Labor Defense League,
230 Russ Bldg., San Francisco, Cal.
League for Democratic Control,
2 Park Square, Boston, Mass.

Attorneys and correspondents in
leading cities.

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Free Speech

Free Press

Free Assemblage

American Civil Liberties Union

100 Fifth Avenue, New York City

Chelsea 0340



AFFILIATED LOCAL ORGANIZATIONS

Cincinnati Civil Liberties Committee, 845 Dayton St., Cincinnati, O.
Connecticut League for Civil Liberties and Progressive Legislation,
99 Temple Street, New Haven, Conn.
Detroit Civil Liberties Committee, 616 Moffat Bldg., Detroit, Mich.
Labor Defense and Free Speech Council of Western Pennsylvania,
805 James St., N. S., Pittsburgh, Pa.
Maryland Civil Liberties Committee, 435 South Broadway, Baltimore, Md.
New England Civil Liberties Committee, 120 High St., Boston, Mass.
Philadelphia Civil Liberties Committee, 269 South 9th St., Philadelphia, Pa.
Providence Civil Liberties Union, 49 Hope Street, Providence, R. I.
Seattle Civil Liberties Committee, 508 Garfield St., Seattle, Wash.
Southern California Branch, A.C.L.U., 540 Wilcox Bldg., Los Angeles, Cal.
Virgin Islands Civil Liberties Committee, P. O. Box 66,
Frederiksted, St. Croix, V. I.
Youngstown Workers Defense League, 613 Falls Ave., Youngstown, O.

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Washington Correspondent
GILSON GARDNER
Attorneys and correspondents in
leading cities.

November 22, 1924.

Rabbi Silver,
Abba Hotel,
Cleveland,
Ohio.

Dear Mr. Silver:

When I was in your city last week,
your name was given to me as interested in the
cause of tolerance and free speech throughout
the country. I regret not being able to see
you personally. But may I venture a request
for the privilege of your cooperation.

I enclose two descriptive leaflets
about our job and a card for your signature
and return, if you are interested. Only
through the cooperation of all who see the
issues as we do can we combat the forces of
intolerance and reaction so strong throughout
the country.

Sincerely yours,

Roger N. Baldwin

RNB/LR

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Free Speech

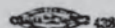
Free Press

Free Assemblage

American Civil Liberties Union

100 Fifth Avenue, New York City

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Youngstown Workers Defense League, 613 Falls Ave., Youngstown, O.

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Washington Correspondent
GILSON GARDNER
Attorneys and correspondents in
leading cities.

Rabbi Abba Hirtel Silver,
Cleveland, O.

Dear Sir:

Your name has been given to us as a minister interested in the issues of freedom of opinion. We are engaged in a national campaign for tolerance by fighting for freedom of speech and assemblage wherever it is challenged.

We enclose a few of our descriptive leaflets to tell you about the work and our view of the issues. Your cooperation would be most warmly appreciated, if you see the issues as we do.

That cooperation can be given not only in public addresses or in articles in journals for which you may write, but also by actively getting into situations where civil rights are at stake. If you are willing to do that in emergencies within a reasonable distance of your home, we would appreciate knowing it.

Will you also send us the names of ministers in your locality who might be willing to render service to this cause?

Sincerely yours,

Roger N. Baldwin
Director.

RNB/IE

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American Civil Liberties Union

100 Fifth Avenue, New York City

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Maryland Civil Liberties Committee, 2308 Mondawmin Ave., Baltimore, Md.
New England Civil Liberties Committee, 120 High St., Boston, Mass.
Northern California Branch, A.C.L.U., 473 Mills Bldg., San Francisco, Cal.
Philadelphia Civil Liberties Committee, 269 South 9th St., Philadelphia, Pa.
Seattle Civil Liberties Committee, 508 Garfield St., Seattle, Wash.
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WOLCOTT H. PITKIN

Washington Representative
ISABELLE KENDIG

Attorneys and correspondents in
leading cities.

May 10, 1927.

Rabbi Abba Hillel Silver
105th Street at Ansel Road
Cleveland, Ohio.

Dear Rabbi Silver:

I take pleasure in informing you
of your election to membership on our National Committee
for a term of three years dating from April, 1927. I
trust you will accept and will notify us at your early
convenience.

Meetings of the National Committee
occur twice a year-- one in the spring and one in the
fall-- and are attended by New York members and others
who find it convenient. The Executive Committee in New
York looks to the National Committee for guidance in policy,
welcomes suggestions from individual members, and submits
special matters to the decision of a mail ballot. We all
of us feel that your counsel would be valuable in the
important work we are doing.

Sincerely yours,

Harry F. Ward
Chairman.

HFW:SB

C-
(American) Civil Liberties
Union

May 11, 1927.

Mr. Harry F. Ward,
American Civil Liberties Union,
100 Fifth Avenue,
New York City.

My dear Mr. Ward:

Permit me to thank you
for your kind letter of May 10th,
informing me of my election to
membership on the National Committee
of the American Civil Liberties Union.
I shall be pleased to serve.

With kindest regards,

I am

Very sincerely yours,

AHS:NEB

(AMERICAN) CIVIL LIBERTIES UNION

100 FIFTH AVENUE, NEW YORK CITY



June 15, 1927.

Rabbi Abba Hillel Silver,
The Temple,
East 105th St. at Ansel Road,
Cleveland, Ohio.

Dear Rabbi Silver:

Thank you for consenting to serve as a member of our National Committee. Your name will mean a great deal. Would you be interested in receiving the minutes of our Executive Committee meetings?

In order to bring the enclosed pamphlet up to date, we would ask you to kindly fill out the questionnaire and return to us by return mail, if possible.

Sincerely yours,

Isa Epstein

File-A

AMERICAN CIVIL LIBERTIES UNION

100 FIFTH AVENUE, NEW YORK CITY



June 20, 1927.

To the members of the
National Committee.

Dear Friends:

At our regular meeting on Monday, June 13th,
the Executive Committee adopted the following resolution:

Resolved that it is the sense of this meeting
that the American Civil Liberties Union ought to
incorporate, subject to the approval of the Nation-
al Committee, provided, that when the vote is taken
two-thirds of those voting shall vote affirmatively;
and provided, further, that such two-thirds vote
shall represent an actual majority of the National
Committee membership.

You are now asked to vote upon this proposal.

Objections raised hitherto to incorporation
were as follows:

- (1) That incorporation would in a measure restrict
the freedom and informality of our action as it
exists under our present loose form of organiza-
tion;
- (2) that the directors of the corporate entity would
be liable for debts of the organization;
- (3) that the Union has not hitherto recognized the
conditions which called it into being as permanent,
and that there may be no warrant for the assump-
tion of permanency that would be implied in incor-
poration.
- (4) that the corporate entity would be subject to
suits at law in the event of libel or other mis-
conduct.

The counter arguments on these points are as follows:

- (1) A subsidiary form of incorporation could be devised providing for but one annual meeting of the directors for reorganization and perfunctory business. This would leave the Union free to conduct its business as in the past with expeditious informality.
- (2) There would be no more probability of ~~stable~~ debts against the Union under corporate control than under the present form of organization. Our present financial system would continue, protected as it is by monthly statements and a complete annual report. The Union has never yet experienced an inability to pay its debts, and its financial condition is better at this time than it has ever been in the past.
- (3) Those of us who are in the work realize more that the need for the Union is likely to continue for an indefinite period. If it should be found at any time that the need has ceased to exist, the corporation could be easily dissolved. Testators and the founders of endowments would experience no difficulty in altering their plans to meet any changes in the situation.
- (4) It is not at all likely that suits for libel will develop in the future any more than they have in the past. All official statements by the Union are checked by counsel in advance if there is even the slightest possibility of an element of libel. If the organization should be guilty of misconduct, it ought to be liable.

The principal advantages of incorporation are two:

- (1) It would place the Union in a position to receive bequests. On a number of occasions the Union has failed to receive bequests because it was not incorporated.
- (2) If it were incorporated, the Union could itself bring action in the courts when it finds itself ~~unjustly~~ *injuriously* libelled.

It is highly important that we should have a register of opinion on this question as early as possible. Please vote on the card enclosed herewith and return in the addressed envelope.

Sincerely yours,

Charles J. Ward
Chairman

JANE ADDAMS
 HARRY ELMER BARNES
 HERBERT S. BIGELOW
 RICHARD C. CABOT
 JOSEPH D. CANNON
 JOHN S. CODMAN
 LINCOLN COLCORD
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 L. HOLLINGSWORTH WOOD

American Civil Liberties Union

100 Fifth Avenue, New York City

Chelsea 0340



AFFILIATED LOCAL COMMITTEES

Cincinnati Civil Liberties Committee, 845 Dayton St., Cincinnati, O.
 Detroit Civil Liberties Committee, 1438 Dime Savings Bank Building, Detroit, Mich.
 Labor Defense and Free speech Council of Western Pennsylvania, 805 James St., N. S., Pittsburgh, Pa.
 New England Civil Liberties Committee, 120 High St., Boston, Mass.
 Northern California Branch, A.C.L.U., 461 Phelan Bldg., San Francisco, Cal.
 Seattle Civil Liberties Committee, 508 Garfield St., Seattle, Wash.
 Southern California Branch, A.C.L.U., 1022 California Building, Los Angeles, Cal.
 Virgin Islands Civil Liberties Committee, P. O. Box 66, Frederiksted St. Croix, V. I.
 Youngstown Workers Defense League, 613 Falls Ave., Youngstown, O.

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Counsel
 WOLCOTT H. PITKIN
Attorneys and correspondents in leading cities.

February 21st, 1923

Rabbi Abba Hillel Silver,
 The Temple; E 105 St. at Ansel Road,
 Cleveland, Ohio

Dear Rabbi:

As you are doubtless aware, the reversal by the Tennessee Supreme Court of the conviction of John Thomas Scopes was on technical grounds. There has been no ultimate adjudication on the constitutionality of the statute under which the conviction was found. It has been proposed that the American Civil Liberties Union should interest itself in getting a United States Supreme Court decision on this important question.

What makes this apparently a pertinent suggestion is the fact that numerous school boards have recently taken it upon themselves to ban the teaching of evolution as a matter of purely local option. It is possible that a Supreme Court decision against the constitutionality of existing statutes would tend to check this practice on the part of local school boards.

If we should sponsor an action with this end in view, it would be conducted quietly and inexpensively by a direct approach to a federal court.

We are writing to you and a few others to ask for any comments or suggestions on this general subject. We shall be deeply appreciative of your opinion if you will let us have it.

Sincerely yours,

Forrest Bailey
 Director

FB:SB

Feb. 24th, 1928.

Forrest Bailey, Director,
American Civil Liberties Union,
100 Fifth Ave.,
New York, N. Y.

My dear Mr. Bailey:-

Permit me to acknowledge receipt
of your letter of February 21st.

I believe that it would be a wise
thing to have the United States Supreme Court
pass on the question of whether school authorities
have the power to proscribe the teaching of
evolution, and you would be rendering the cause
of academic freedom a distinct service, if you
could achieve that result.

With kindest regards, permit me
to remain

Very sincerely yours,

AHS/IR

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JOHN S. CODMAN
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American Civil Liberties Union

100 Fifth Avenue, New York City

Chelsea 0340



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CLAYTON S. SPEAR
Washington Correspondent

Attorneys and correspondents in leading cities.

April 6, 1928.

To members of the
National Committee.

Friends:

The regular spring meeting of the National Committee will take place on Monday, April 23rd at the Civic Club, 18 East 10th Street, at luncheon, 1 P.M. Reports covering the past year's work will be made and our plans for the year will be discussed. We urge all members of the Committee living in New York to be present.

The following are members of the National Committee whose terms expire this April: Jane Addams, Clarence Darrow, Robert W. Dunn, Elizabeth G. Flynn, Kate Crane Gartz, Arthur G. Hays, Frederic C. Howe, James Weldon Johnson, Agnes Brown Leach, Mary E. McDowell, A. J. Muste, Scott Nearing, Walter Nelles, William Pickens, John A. Ryan, Joseph Schlossberg, John F. Sinclair, Edward D. Tittmann, Oswald Garrison Villard, David Wallerstein, George P. West and L. Hollingsworth Wood. Their places will be filled either by reelection or by new nominations. Please send in the names of any persons you wish to propose as new members. Please express any opinion you have in regard to the election or reelection of members of the committee to reach us in time for the meeting on the 23rd.

Sincerely yours,

Harry F. Ward
Chairman.

Forrest Bailey
Roger N. Baldwin
Directors.

SB

NATIONAL COMMITTEE

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HERBERT S. BIGELOW
RICHARD C. CABOT
JOHN S. CODMAN
CLARENCE DARROW
JAMES H. DILLARD
ROBERT W. DUNN
JOHN LOVEJOY ELLIOTT
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JOHN NEVIN SAYRE
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American Civil Liberties Union

100 Fifth Avenue, New York City

Chelsea 0340



December 21, 1928.

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LUCILLE B. MILNER

Counsel

ARTHUR GARFIELD HAYS

Washington Representative

CLAYTON S. SPEAR

Attorneys and correspondents in leading cities.

Members of the National Committee

Friends:

The elections of last June resulted in the choice of the following persons who may be added to the National Committee as vacancies occur:

Charles F. Amidon
Edwin M. Borchard
Zechariah Chafee, Jr.
Edward P. Costigan
John Dewey
Hubert C. Herring

All nominations received from committee members were carefully considered. The names finally submitted for the ballot were only those of persons to whom no marked objection was raised. Of those finally declared elected there was none opposed by more than one vote.

Under Article 3 of the By-Laws, which provides for the election to the Executive Committee of a limited number of persons not members of the National Committee, Miss Anna Rochester has been made a member of the Executive Committee, subject to confirmation by the National Committee at the next election.

Sincerely yours,

Harry F. Ward

Chairman

Forrest Bailey

Director

American Civil Liberties Union

100 Fifth Avenue
New York City

Monthly Bulletin for Action

Date, April, 1930.

NOTE:

We ask the prompt cooperation of all to whom this Bulletin comes. Our national campaigns are effective to the degree in which they are backed up by groups and individuals all over the country, acting at the same time. Remember that letters to public officials and to newspapers are our best means of propaganda. Everyone of them counts. Please advise us of the action you take.

MAY 1ST DEMONSTRATIONS

There is danger of more serious disorder on May Day than occurred in the March 6th unemployed demonstrations unless our friends act at once to prevent attacks by the police on the Communist-led meetings and parades.

We urge our friends in every city, whatever happened on March 6th, to find out now where the Communist Party proposes to hold its street meeting or parade on May Day, and then to see the officials, urging them to grant permits where required. Even where the Communists refuse to ask for permits the officials can waive that technicality if they wish. Urge officials not to make any display of force. Have them instruct the police only to make arrests in case of violations of law.

If these negotiations with the authorities fail, announce that disinterested witnesses will attend the meetings to get evidence for civil and criminal actions against police lawlessness. Offer publicly in advance to take any case which may arise.

In some cities it appears that veterans' organizations are going to hold counter-demonstrations on May Day. This is provocative of disorder and violence. If such plans are being made in your city, steps ought to be taken to see that their demonstration is as far removed as possible in hour and place from the Communist demonstration.

Wire the national office collect if you need cooperation or instructions. Please act immediately!

CITIZENSHIP FOR PACIFISTS

The House Immigration Committee continues to hold up a hearing on the issue of admitting to citizenship conscientious objectors to war. A bill introduced by Representative Anthony J. Griffin of New York is pending, H.R. 3547. While this bill does not directly admit alien objectors to citizenship it can easily be amended to do so.

Letters or telegrams should be sent at once to Albert Johnson, chairman, House Immigration Committee, Washington, urging a hearing on H.R. 3547.

KEEP UP THE FIGHT ON ALIEN REGISTRATION

Senator Blease's bill providing for a voluntary system of registration of aliens has just been reported favorably to the Senate. It can be killed by a vigorous campaign of protest against any and all forms of registering aliens. Write or wire your Senators protesting against the passage of S. 1278. Send letters to your local papers. See the editors. Get resolutions adopted by organizations and report them to the press. Act now.

BEAT THE UNIVERSAL DRAFT

A bill providing for a commission to study the "universal draft" for the next war has passed the House of Representatives and is before the Senate. It is backed by the American Legion and allied organizations.

While the bill had some of its teeth knocked out by an amendment prohibiting the commission from considering the conscription of labor, it is nevertheless dangerous to take any step toward a "universal draft". Write your senators opposing HJ Res. 251 & SJ Res. 145. Tell them what you think about war preparations, and particularly conscription.

STOP THE LABOR DEPARTMENT'S ANTI-RED STUFF!

The United States Department of Labor apparently sanctions the activities of one Charles G. Wood, an agent of the Bureau of Conciliation, who has for months been using his official position to attack radicals.

He hounded Miss Ellen Dawson, left-wing strike leader, trying to get her citizenship revoked because of her activities; he testified in court in Brooklyn that he advised an employer to break a contract with a left-wing union; he appeared publicly in Commissioner of Police Whalen's office to endorse his strong-arm methods against Communists; and he has just published a book recounting his exploits in attacking the "menace of the reds".

The Civil Liberties Union has demanded that Wood be removed. Back up the Union by writing to James J. Davis, Secretary of Labor, Washington, asking Wood's removal and scoring his activities as improper. Write your own senators asking them to take up the matter.

AMERICAN CIVIL LIBERTIES UNION
100 Fifth Avenue
New York City

MINUTES of the meeting of the Board of Directors held Monday, April 21, 1930, 1 P.M. at the Civic Club, 18 East 10th Street, New York City. Present: Messrs. Ward, Bailey, Baldwin, Barnes, Frank, Hays, Linville, Schlossberg, Thomas, Mrs. Milner and Miss Flynn. By Invitation: Aldrich Blake, Travis Clements and Leon Araton.

1. The minutes of the previous meeting were approved and sent out.

2. Annual meeting.

(a) The following members of the National Committee, whose terms expire at this time, were re-elected for three years: Harry Elmer Barnes, Herbert S. Bigelow, Richard C. Cabot, Ernst Freund, Morris Hillquit, George W. Kirchwey, Julia C. Lathrop, Arthur LeSeuer, Henry R. Linville, Alexander Meiklejohn, Julia C' Connor Parker, Jeannette Rankin, Vida D. Scudder, Abba Hillel Silver, Albert M. Todd.

The question of re-electing William Z. Foster was laid on the table, pending conference with him to determine his wishes, the understanding being meanwhile that he is still a member of the Committee.

Amos Pinchot was elected to the Committee for three years.

Monday, May 5, was designated for the consideration by the Board of additional nominees for the Committee.

(b) Present members of the Board of Directors were declared re-elected for terms according to their classification as members of the National Committee. They are the following: Forrest Bailey, Roger Baldwin, Harry Elmer Barnes-1933, Robert Dunn-1931, Morris Ernst-1932, Walter Frank-1932, Arthur Garfield Hays-1931, E.W. Huetsch-1932, Hubert C. Herring-1932, John Haynes Holmes-1932, Henry R. Linville-1933, Robert Morris Lovett-1932, Lucille B. Milner, William Nunn-1932, Joseph Schlossberg-1931, Norman Thomas-1932, Harry F. Ward-1932, Amos Pinchot-1933.

(c) The annual meeting adjourned in order that the Board of Directors might proceed immediately to the election of officers of the corporation.

3. The Board of Directors re-elected the present officers of the corporation, as follows: Harry F. Ward, Chairman; Helen Phelps Stokes, James H. Maurer and Fremont Older, Vice-Chairmen; Ben W. Huetsch, Treasurer; Roger N. Baldwin, Director; Forrest Bailey, Director and Secretary.

4. (a) The Board noted that agreement has been reached between the Communists and the Police under which the May Day demonstrators will be permitted to assemble first at Rutgers Square to hold a meeting then to parade to Union Square under police protection to hold their demonstration at 3 o'clock.

April 21, 1930.

(b) Mr. Hays reported completion of preparations to petition the Appellate Division for the ouster of Chief City Magistrate McAdoo.

(c) The Board noted that it had become necessary to abandon the prosecution of charges against individual police officers in whose cases hearings were held April 10, owing to the failure of ~~complainants~~ and witnesses to identify the officers complained against.

5. The Board noted that the Bloase bill for the certification of aliens had been passed April 18 by the Senate without roll-call, but that the measure had been ordered for re-consideration and placed on the calendar.

6. The Board authorized the sending of a delegation to the President to urge his further consideration of the matter of restoring civil rights to persons convicted under the war-time espionage acts.

7. The Board noted the affirmance by the United States Circuit Court in Philadelphia of the order vacating the citizenship of John Tapolcsanyi and recorded itself as favoring an appeal to the United States Supreme Court.

8. On recommendation of the directors, supported by a presentation by Mr. Valenti and Mr. Giovanitti, the Board authorized the formation of an independent committee for the purpose of advocating legislation to establish the principle of the "right of asylum" for political exiles of other countries in the United States. The directors were instructed to confer with Messrs. Giovanitti, Valenti and Muste to this end.

9. The issuance of a statement on the severe sentences imposed on William Z. Foster and three of his four associates under the conviction found against them in connection with the events of March 6th.

10. Norman Thomas reported on the Good Will Radio Station of Detroit and the radio lectures of Father Coughlin attacking liberals and radicals. The Board agreed with Mr. Thomas that legislation to enforce the principle of fair play in the broadcasting of controversial matter seems to be desirable, and referred the matter to Mr. Ernst for recommendation.

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AMERICAN CIVIL LIBERTIES UNION

100 FIFTH AVENUE, NEW YORK CITY



Rabbi Abba H. Silver,
Ansel Rd.
Cleveland, Ohio

June 18, 1930

My dear Rabbi Silver:

Many of the most serious violations of the guarantees of civil liberty during the past ten years have grown out of increased use of injunctions. A judge can declare practically any act illegal, cite for contempt a person violating his order and then pass sentence, acting as prosecutor, judge and jury.

While the chief abuse of this power of the courts has occurred in labor disputes, it has been used to jail editors criticizing court orders and decisions. In the enforcement of prohibition, too, these summary processes are invoked in place of ordinary criminal prosecutions with trial by jury.

To help curtail these growing powers of the courts, the Civil Liberties Union has constituted two committees, -- one dealing with injunctions in labor disputes only, the other with contempt of court in relation to the press and the enforcement of judge-made law.

We are asking several hundred people throughout the country interested in these issues, or in one or the other of them, to join these committees. The only obligation will be to pass on matters of policy by mail. We need your help by serving on both committees but we shall be glad to have you serve on one or the other. The work of both committees will be in charge of a small group of lawyers here in New York, responsible to the executive committee of the Union, and directed by Dr. Alexander Fleisher, who has volunteered his services to do this job.

The practical tasks ahead are: (1st) the organization of a nation-wide campaign to support the general principles of the anti-injunction bill now before the Senate, and to advocate similar state legislation; (2nd) to draft both federal and state statutes aimed at limiting the power of judges to sentence for contempts not committed in the presence of the court.

Would you be good enough to reply at your early convenience on the enclosed card? If you prefer to defer decision until you see the list of acceptances, we will be glad to send it.

Very truly yours,

Harry D. Brand
Morris H. Ernst
Arthur Garfield Hays

AMERICAN CIVIL LIBERTIES UNION

100 FIFTH AVENUE, NEW YORK CITY



July 16, 1930,

To those who accepted on the committees
on Injunctions, or Contempt of Court,
or both.

Friends:

You will be as gratified as we are with the response to our letters inviting service on committees to help revise the law relating to injunctions and contempt of court.

To date we have received almost three hundred and eighty acceptances as you will note by the enclosed list. We will be happy to have from any of you further suggestions of persons interested in these issues whose names would add weight to the list already obtained.

You are doubtless aware that the Senate bill aiming to restrict injunctions was reported unfavorably to the Senate by the Judiciary Committee on a divided vote of 11 to 7. It will come up again in December. In the meanwhile efforts should be made to change the views of certain of the senators who voted against the bill and to reach all senators while they are at home.

We ask all those who have accepted on this committee to be good enough to get in touch with their own senators by letter or personal call to sound out their views in regard to this proposed legislation. We would appreciate your advising us what you learn.

With appreciation,

Sincerely yours,

Alexander Fleisher

Secretary.

NATIONAL COMMITTEE

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CHARLES F. AMIDON
HARRY ELMER BARNES
HERBERT S. BIGELOW
EDWIN M. BORCHARD
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American Civil Liberties Union

100 Fifth Avenue, New York City

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Washington Counsel
EDMUND D. CAMPBELL

Attorneys and correspondents in leading cities

June 22, 1931.

To Our Friends in Ohio:

It is somewhat late to be approaching you in this matter, but we believe you will still be effective if you will act on our suggestion. We propose that you send, each of you, your individual protest against the summary dismissal of Dr. Herbert A. Miller from the faculty of Ohio State University.

You are probably familiar with the circumstances. Dr. Miller has a long and honorable record as a sociologist and an educator. His standing in his field is one of eminence. But because of complaints alleged to have been made four years ago by parents against his teachings on interracial and domestic relations, and because of a speech he made in Bombay in 1930 expressing sympathy with Mahatma Gandhi, Dr. Miller has been notified by the Board of Trustees that his contract is not to be renewed. Absolutely no other reasons than these were given.

It would be difficult to point to a more flagrant violation of academic freedom.

We hope every friend of the American Civil Liberties Union will add his protest to the great numbers that have already been sent. Address your letter to --

The Board of Trustees and
The President of Ohio State University,
Columbus, Ohio.

Sincerely yours,

Forrest Bailey
Director.

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HON. JAMES I. ELLMANN
VICE-CHAIRMAN
MARY ROSENTHAL
TREASURER AND CORRESPONDING SECRETARY
FRED J. SCHUMANN
RECORDING SECRETARY
HON. PATRICK H. O'BRIEN
CHAIRMAN OF LEGAL COMMITTEE

AMERICAN CIVIL LIBERTIES UNION

[DETROIT BRANCH]

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Detroit, Mich.,
Dec. 14, 1931.

Rabbi Hillel Silver,
Cleveland, Ohio.

My dear Dr. Silver:

On account of your well known interest in safeguarding and extension of the rights of free speech, I am calling to your attention a signal victory in this cause which was won in Detroit recently and which we are now defending against possible reconsideration.

If, after reading the enclosed circular, you wish to express your opinion on the matter directly to the Board of Education, it might have considerable weight in influencing them to withstand the very active forces of reaction which are now mobilizing on this question, and to reaffirm their present position which completely upholds the right of a teacher to free speech outside of the class room.

Without doubt this case will serve as a precedent for many other parts of the country. If we are successful in maintaining our present regulation, freedom of speech will be greatly encouraged, but a defeat now would be a disheartening blow to the cause in which we both so strongly believe.

Yours sincerely,

Walter M. Nelson
Chairman,
AMERICAN CIVIL LIBERTIES UNION
(Detroit Branch)

WMN/reg

Many dupes

You are undoubtedly aware of the conflict that has been stirred up by a speech of Professor Walter Bergman of Detroit Teachers' College, which he was asked to make before a student chapter of the League for Industrial Democracy, in which Dr. Bergman opposed the establishment of military training in the schools and supported the movement for national disarmament. This speech evoked the wrath of Dr. Burt R. Shurly, a member of the School Board, and an effort was made at the next meeting of the School Board to dismiss Bergman from his professorship. This resolution was introduced by Dr. Shurly, who labelled Bergman's views as "seditious". The opposition, led by School Inspector Edward H. Williams, successfully defeated this action, and, in fact, passed a substitute motion, allowing Detroit teachers absolute freedom of speech outside the classroom.

This action of the School Board has excited nation wide approval. It is a liberal victory without precedent-- the recognition of the rights of teachers-- but this victory is being threatened.

Dr. Shurly is now attempting to have the resolution reconsidered and to revive action against Bergman for his "pacifism". This question will again be brought up at a School Board meeting on December 22. You can help both the cause of free speech and the fight against militarism by sendⁱ⁻⁶ an expression of your opinion on the matter (by telegram, if possible) to School Inspector Edward H. Williams, 1436 Majestic Building, Detroit.

American Civil Liberties Union

100 Fifth Avenue, New York City

Tompkins Square 8-4330



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January 16, 1932

To the members of the
National Committee,

Friends:

This is our first direct communication to you for some time for the simple reason that there was no matter of policy on which we needed the vote of members of the committee. Two matters of policy now come before you, on which we ask an expression of your opinion:

1. Subsidiary organizations

For some time it has been the policy of the Union, when a special piece of work needed to be done, to organize subsidiary committees theoretically independent of Union direction. The work has been done in our office, but the committees have made their own decisions and have appealed for public support on the basis of their own special work. The theory in setting up these independent organizations was that they would enlist support which the Civil Liberties Union itself could not enlist and which freed from identification with our other work the job they had in hand.

But a feeling has been growing in our board that with the growth of these subsidiary organizations, the Union's activities have become too much diffused and have left the main organization too exclusively in the field of defense in the courts and therefore too much identified with defense of radical cases. The Board of Directors has therefore resolved, subject to your approval

"1. To change the relation between our present subsidiary organizations and ourselves so that ultimate control will lie in the Board of Directors of the Civil Liberties Union, referring to these subsidiary organizations cases, policies and other issues as they come up.

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"This applies to the Committee on Labor Injunctions, the National Council on Freedom from Censorship, the National Mooney-Billings Committee and the Committee on Academic Freedom.

"2. To see to it that these subsidiary organizations described as directly connected with the American Civil Liberties Union as parts of it, and that in publicity of any sort the connection of the Civil Liberties Union be made clear."

Will you be good enough to indicate on the enclosed card whether or not you are in agreement with this new policy?

2. Religious and educational freedom

Last spring we got out a pamphlet entitled "The Gag on Teaching" which covered all the legislative restrictions on schools and colleges during the past decade. That pamphlet aroused considerable criticism on the ground that certain of the issues were not our concern and that others did not involve minority or individual rights, but educational policy.

Our board, canvassing these objections, has agreed

(1) That we have no concern with Bible-reading in the schools excepting when it is compulsory, and that its interest for us in that situation depends upon a clear showing in specific instances that a denial of religious freedom has occurred;

(2) That sectarian religious instruction under the "school time release" system (under which pupils are excused from schools to take religious instruction under private auspices) does not per se raise civil liberties issues.

Our Committee on Academic Freedom, wrestling with some of these border-line issues, has proposed that in all instances a consideration of the educational principles involved should precede the intervention of the Union in defense of religious freedom or free speech in schools.

May we also have an expression of your views on this declaration of policy? If it is not clear, further information will be sent.

3. Personnel

Just to report to you the present personnel of the Union's directing committees, let us say that the only changes in the members of the National Committee since our annual report sent you last June are the resignation of former U.S. Senator Thomas W. Hardwick of Georgia, and the death of A.M. Todd of Kalamazoo, Mich. Senator Hardwick resigned because of differences with us over the civil rights of Negroes, as set forth in our recent pamphlet "Black Justice."

The Board of Directors, which meets weekly in immediate charge of the Union's affairs, has suffered the loss of Dr. Henry R. Linville and Joseph Schlossberg, who felt obliged to resign but who remain on the National Committee. Our chairman, Dr. Ward, is spending his sabbatical year in Russia gathering material for a book. During his absence until next fall, Dr. John Haynes Holmes is acting chairman.

We shall be glad to entertain any proposals of new members for the National Committee to be voted on at the annual meeting in the spring. We will be glad also to get the benefit of any criticisms or comments you have on any matter affecting the Union's business or policies.

Sincerely yours,

IE

James Bailey
Roger Saltsman

AMERICAN CIVIL LIBERTIES UNION

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July 12, 1933.

Rabbi Abba Hillel Silver,
The Temple,
East 105th St. at Ansel Rd.,
Cleveland, Ohio.

Dear Rabbi Silver:

The Board of Directors at a meeting
on July 10, reelected you for a term of three
years as a member of the National Committee.
Your term on the committee expired this spring.

If we do not hear from you to the
contrary, we assume that we have the privilege
of your acceptance.

Sincerely yours,

Lucille B. Milner
Secretary.

LBM:IE

August 8, 1933.

Mr. N.K. Simpson
Deputy Administrator
National Recovery Administration
Washington, D.C.

Dear Sir:

The American Civil Liberties Union, an organization formed to protect civil rights, has been frequently involved in issues in the coal industry affecting the freedom of miners to organize, strike and picket. We have served various unions in the industry without distinction. We have no concern with the beliefs or programs of those whose rights we champion.

Because of this interest the Civil Liberties Union offers the following amendments to Section 5.

(1) In paragraph C referring to deductions from pay we urge the elimination of the phrase "dues to the labor organization of employees". That phrase contemplates deductions from the pay of employees by the employer for the maintenance of a union. The phrase "the labor organization" is used indicating that only one union is to be recognized or dealt with by each employer.

We urge the abolition of the so-called check-off system of collecting union dues because it gives a monopoly to one union and thus coerces workers into joining that union without regard to their possible desire to join some other union. The several minority unions in the mining industry should have an equal opportunity to enlist members and bargain collectively.

(2) No provision should be made in the Code which contemplates the recognition of only one union with the inevitable consequence of establishing a closed union shop under which members of that particular union will be employed exclusively. Workers in a particular locality may not care to join this union. Workers in each mine should determine their own affiliations. In some cases, an employer might be required to deal with

Mr. N.K. Simpson
National Recovery Administration -2- Aug. 8, 1933.

the representatives of more than one union. This suggestion is in entire harmony with the provision of Section (A) (1) that "employees should have the right to organize and bargain collectively with representatives of their own choosing."

(3) We suggest the addition to Section 5, paragraph A, of the following clauses:

"No worker is to be discharged for activities in connection with any labor organization and all discharges in which complaints of such discrimination are made shall be referred to the authority charged with the enforcement of this code. No strike or boycott conducted by any trade union shall be considered a violation of this code."

We submit that the purposes of collective bargaining contemplated by the Recovery Act cannot be successfully fulfilled without a provision protecting from discharge those active in trade unions and without a provision assuring workers that the right to strike or boycott is unimpaired by the Code.

Very truly yours,

AMERICAN CIVIL LIBERTIES UNION

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August 10, 1933.

To members of the National Committee
and other friends.

Friends:

The enclosed letter addressed to the Recovery Administration deals with some critical issues of labor's rights in the soft coal code. Similar points are affected in other codes.

We are taking a stand:

- (1) Against the check-off system of employers collecting union dues;
- (2) For the recognition of minority unions;
- (3) For the maintenance of the right to strike and boycott;
- (4) For protecting workers active in unions.

We intend to give this position wider publicity and, if necessary, to address the President and all of the members of the Recovery Administration directly. In doing so, may we have the privilege of using your name as one of those expressing this position in behalf of the Union? Your prompt reply on the enclosed card will be appreciated.

Sincerely yours,

Roger N. Baldwin

RNB:RW
Enc. 3

August 14, 1933.

Mr. Roger N. Baldwin, Chairman,
American Civil Liberties Union,
100 Fifth Ave.,
New York, N.Y.

My dear Mr. Baldwin:

In reply to your kind letter of August 10, permit me to say that I am not in favor of the letter which you plan to send to Mr. N. K. Simpson, Deputy Administrator of the National Recovery Administration, as I am not in sympathy with the encouragement of minority unions in the mining industry. I believe that the cause of the miners has suffered a great deal in the past and will suffer even more in the future through these intra-union conflicts.

Very sincerely yours,

AHS:BX

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May 19, 1934

Rabbi Abba Hillel Silver
The Temple
Cleveland, Ohio

Dear Rabbi Silver:

We are all deeply grateful
for your response to our appeal for membership.
This is doubly appreciated in view of your
contribution to the work in other ways. We
should like to be able to exempt you from finan-
cial support, but we can not afford to let off
a single friend who can contribute.

With appreciation,

Sincerely yours,

B. W. Huebsch

Treasurer

BWH:LB
ENC.

*The Principles
of
Academic Freedom*

*A Statement prepared as a basis for discussion and
action by the Committee on Academic Freedom
of the American Civil Liberties Union*

100 Fifth Avenue
New York City
May, 1934

The Principles of Academic Freedom

The Issue of Freedom in Teaching.

AT NO TIME in the past has the question of academic freedom been of greater concern to American educators than today. With the increasing complexity of social life there has emerged a class of specialists in knowledge whose service to the community depends upon the absolute confidence which the community reposes in their intellectual integrity. Any attempt to abridge the right of research, teaching, and publication is therefore a fundamental challenge to the teachers' professional status, for where the presumption of freedom and disinterestedness is lacking, his work is rightly suspect.

In addition to his vocation as a scholar, the educator, by virtue of historic tradition as well as membership in a democratic community, is called upon to furnish leadership both in moulding the characters of the young and influencing public policies. The exercise of such leadership carries with it the necessity of critically evaluating contemporary culture. The imposition of arbitrary checks upon freedom of teaching, criticism, and public propagation of belief makes it impossible for teachers to develop the traits of leadership— independence, insight, and initiative—for which the community looks to them today.

Nor can any teacher win the respect of his students and properly perform his educational function, so long as his students believe that he is not free to say what he thinks. The American Association of University Professors well says:

"In order to exert a high degree of beneficial influence upon his students, the college teacher must first induce their confidence in his sincerity. He must convince them that he is intellectually free and concerned with nothing but eternal verities. If, therefore, the students in any college classroom reach the conclusion that their teacher is afraid to speak his whole mind or give his conscientious beliefs, the day of his influence over them is done.

"Hence college presidents and governing boards ought to realize that nothing would more surely impair the whole morale of college instruction than a feeling among the students that those who lead them are themselves being led, in other words, that their instructors are free to say what they think only so long as it coincides with the opinions of those in authority."—Bulletin of the American Association of University Professors, Vol. XIX, May, 1933, No. 5, P. 83.

The quest for truth and the exercise of leadership are rendered particularly difficult in a period of economic crises and of sharpened social antagonisms. The range of controversial topics is extended; the issues are more momentous; the passions of self-interest are more easily aroused. Vested interests of one sort or another seek to cripple instruction which they regard as untrue or harmful. Self-appointed custodians of the public welfare set themselves up as educational censors; attempts are made to impose narrow and sectarian political programs upon schools and teachers in order to exploit their professional reputation for disinterestedness. *It is therefore imperative in the present era of social transition to define, extend, and defend the rights and responsibility of all participants in the educational process.*

The Committee is well aware that no absolute principles can be laid down. Every specific case must be judged as it arises in the light of relevant factors. But in order to indicate what factors are to be judged relevant in reaching a conclusion and formulating a plan of action, and in order to prevent discriminatory action against teachers on camouflaged grounds of incompetence, economy, violation of good taste, etc., the following guiding principles are proposed:

Administrative Control

1. In public "adult education" and in all institutions of higher education, teaching should be quite free of all interference except for the re-

quirements of standards of scholarship and effective teaching.

While teachers should not take advantage of their positions to carry on in the classroom partisan or sectarian propaganda, no serious opinions on questions relevant to the subjects which they teach should be excluded from consideration, nor should teachers be expected to conceal their personal opinions on such questions.

If need should arise for an objective interpretation of these limiting requirements as enforced by the administration, such interpretation should be made by a jury chosen by some permanent organization of instructors, such as the American Association of University Professors. At the hearing before such juries, students who have been taught by the instructor should have the right to be heard. (This provision, however, should not affect the right of administrators to determine whether teachers are fit to continue after a preliminary teaching period — if so specified in the contract; unless of course an issue of freedom of opinion is raised.)

2. *In the elementary and secondary schools* like freedom and like requirements should hold, allowance being made for differences arising from the age and maturity of the students.

If questions should arise concerning the administration's interpretations of these limitations, then a composite jury representing school authorities, community opinion, and professional opinion should investigate and make public report of their findings to the school board with recommendation as to appropriate action. If the educational members of the jury do not concur in the majority report, they should make public a minority report setting forth the reasons for their dissent.

3. *In the out-of-school expression of opinion and participation in public affairs*, teachers should enjoy the same freedom as other citizens and professional groups without being called upon to give an accounting of their views and activities to their superiors. Rather than permit fear of antagonizing authorities to silence teachers, their participation in public affairs should be encouraged and counted in their favor so long as it does not adversely influence the effectiveness of their classroom teaching and quality of their research. It is to be understood that classroom discussion should be relevant to the subject the instructor is employed to teach.

4. The same provisions hold correspondingly for the executives of schools and colleges as for the teachers in those schools.

5. Because the effectual educative process itself is at stake, the teaching profession at all levels is vitally concerned with the matter of freedom of teaching and should organize itself appropriately to see that the rights of teachers in this regard are properly respected.

Legislative Control of the Curriculum of Tax-Supported Schools

1. The Committee recognizes the legal *power* of the legislature under existing constitutions to control the curriculum, but challenges any unreasonable application of that power. Laws prohibiting teaching the theory of evolution, for instance, seem to the Committee unreasonable.

2. In the case of public institutions of higher education, the same principles already stated should apply as in other institutions of this character.

3. The control of the school curriculum should be vested within the educative function. The legislature should delegate authority in this matter to the State Department of Education which may set up minimum requirements, but leave the making of the curriculum, so far as it can be made in advance, to the school personnel (officials and teachers) working under the local boards of education.

Religion in the Schools

1. The separation of church and state is a fundamental consideration in determining the issues involving religious practices in the public schools.

2. Compulsory Bible-reading, except in educational courses such as comparative religion and comparative literature, violates civil liberties principles by compelling minorities among students to listen to the teaching of religious beliefs which they do not share.

Rights of Students in High Schools and Colleges

Students should be permitted to examine and openly discuss ideas in a search for truth. This is essential if they are to learn to judge for themselves. Granted freedom of expression, abuses would seldom occur. Checks, if necessary, should come

not from censorship by the faculty but rather from pressure by student opinion.

No disciplinary action should be taken against students on account of their religious, social or political convictions or activity. Student organizations and publications should be entirely free to engage in the discussion of public affairs and educational policy. "Discussion" should be interpreted to include various forms of participation in social and political movements. Such participation should be regarded as a genuinely educational function.

Teachers' Oaths of Loyalty

The laws requiring special oaths of loyalty from teachers place them in a position where their critical evaluation of our political and economic institutions can be interpreted as disloyalty, especially where such criticism runs counter to the beliefs of legislators or administrators. Experience has shown that such oaths are often used as instruments of intimidation against teachers who express unpopular views. In the interest of free educational discussion of the problems of Amer-

ican life, such special oaths should be eliminated from the statute books wherever they are in force, and every movement to extend legislation of this character should be vigorously opposed.

Teachers' Organizations

The enforcement of the foregoing provisions to protect for teachers their academic freedom and tenure rights is largely contingent upon the existence of strong teachers' organizations able to conduct a militant defense in behalf of their members. Any attempt therefore on the part of legislative or administrative authorities to restrict the freedom of the teachers to organize and control their associations and unions constitutes a serious infringement of the letter and spirit of this statement. In order to prevent unwarranted attacks upon their tenure rights, teachers organizations should strive to have tenure laws enacted protecting them against unjust dismissal. Committees on academic freedom and national organizations of teachers can perform a useful service in striving to prevent the nullification of tenure laws in states where they have been enacted.

COMMITTEE ON ACADEMIC FREEDOM

American Civil Liberties Union

PROF. WILLIAM C. BAGLEY
PROF. JOHN L. CHILDS
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May 22, 1934

Rabbi Abba Hillel Silver
The Temple, East 105th St. at Ansel Rd.
Cleveland, Ohio

Dear Rabbi Silver:

May I call your attention
to the fact that you have not filled in the
enclosed questionnaire which was sent you
twice? The pamphlet is being held up until
we hear from you and one or two others who
have not yet responded. Won't you please
fill this in and return it today? Thanks.

Sincerely yours,

RNB:RW

Roger N. Baldwin