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American Civil Liberties Union, 1937.

1937

LAW OFFICE
of
HERBERT L. WRIGHT
810 CITIZENS BUILDING
850 EUCLID AVE. CLEVELAND

Dear Rabbi Silver

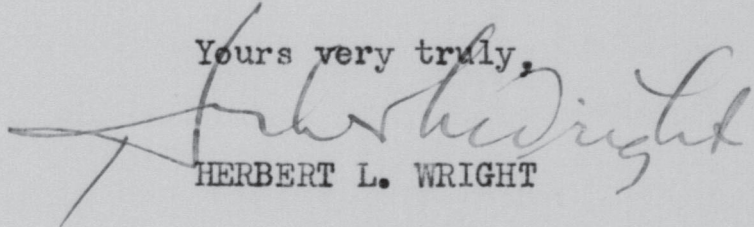
Enclosed please find copy of letter which we propose to send to the Governor under the auspices of the American Civil Liberties Union, copies going for release to the newspapers.

We feel that this is an issue which should not be ignored and requires concerted effort.

The signers so far are as follows:

Edgar S. Byers, Attorney
Martin McCormick, Attorney
Stephen M. Young, former Congressman - will call me Monday
Beryl Peppercorn, of the Amalgamated Clothing
Workers of America.

Yours very truly,

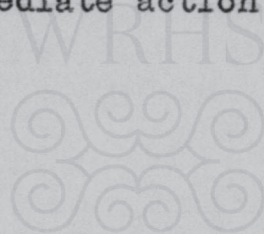

HERBERT L. WRIGHT

HLW:R

We protest the action of your Board of Censors in banning the motion picture "SPAIN IN FLAMES". To deny the people of Ohio the right to see this picture being shown in other States is a flagrant violation of civil liberty which should not be tolerated.

The film depicts the incidents and background of the struggle of the Spanish Government, legally and constitutionally elected, a sister Republic enjoying friendly relations with the Government of the United States of America, in its heroic efforts to resist an organized invasion of its country.

We, therefore, call upon you, as chief executive of the State, to take immediate action to rescind the order of your Board of Censors.



AMERICAN

CIVIL LIBERTIES UNION

31 UNION SQUARE WEST • NEW YORK CITY

Tompkins Sq. 6-4330



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MORRIS L. ERNST, *Counsel* • LUCILLE B. MILNER, *Secretary*

March 22, 1937.

Rabbi Abba Hillel Silver,
The Temple,
105th Street and Ansel Road,
Cleveland, Ohio.

Dear Rabbi Silver:

In response to numerous requests, we are asking a number of our friends throughout the country to consent to the use of their names for public speeches in their neighborhood on aspects of civil liberties. We feel confident that we can count on you and are therefore taking the liberty of using your name in this company. Of course, arrangements would be made with you in each case to as convenience, fee or lack of fee.

Sincerely yours,

RNB*WS.

March 26, 1937

Mr. Roger N. Baldwin, Director,
American Civil Liberties Union,
31 Union Square,
New York, N.Y.

My dear Mr. Baldwin:

Let me acknowledge receipt of your kind letter of March 22 in which you inform me that you have taken the liberty of using my name in connection with public speeches which are to be delivered under the auspices of the Civil Liberties Union. I would request that you withdraw my name from such a list. I have never permitted my name to be used in connection with any lecture bureau and I do not wish to make any exceptions.

With all good wishes, I remain

Very sincerely yours,

AHS:BK

STATEMENT ON THE ATTITUDE OF THE
AMERICAN CIVIL LIBERTIES UNION TO
CURRENT ISSUES OF CIVIL RIGHTS BY
THE BOARD OF DIRECTORS, MARCH, 1957

So many friends and critics have recently raised questions as to the purposes of the American Civil Liberties Union in relation to current issues that we desire to make it clear beyond debate that the Union has no purpose to serve other than the maintenance of democratic rights.

It is frequently charged that we directly or indirectly favor the political or economic purposes of some of those whose civil rights we protect. The personal political opinions of some of our officers are also identified with the Union's purposes.

It cannot be too strongly stated that the Union is a "united front" of persons of very varied political and economic views who could not possibly agree on any program except defense of civil rights. The Union has no political or economic direction whatever; no connection directly or indirectly with any political party or economic movement; and no bias except to protect orderly and peaceful progress through the exercise of traditional American civil rights.

The Union interprets the Bill of Rights as it was originally intended; namely, to cover all forms of agitation and propaganda not associated with acts of violence or direct incitements to violence. We draw the line where the courts drew it for a century - between word and deed. We do not, of course, include within the free speech protection personal libel or slander. Our purposes are solely to protect the agitation of public issues and the guarantees of personal liberty set forth in the Bill of Rights.

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We hear complaints that the personnel of the Civil Liberties Union is too radical for its purposes, and that the defense of American principles would be better carried on by persons none of whom are identified with any radical political philosophy. The obvious answer to that criticism is that an inclusive organization is bound to number among its active members those who have a radical economic outlook. But the Civil Liberties Union would not only welcome the more active cooperation of others who have a different outlook, but would at any time so reorganize its personnel as to put such persons into positions of official responsibility. Any examination of the public pronouncements of persons in behalf of unfettered democracy will show that very few, aside from those labeled "radicals" because of their liberalism, will take a stand. Indeed, it is becoming almost the fashion in the United States as elsewhere to label forthright defenders of democracy as "Communists". Reaction makes little distinction between Communism and a political democracy which may be used to promote the rights and power of the masses against privileged property interests.

The tests of the sincerity of an organization like the Civil Liberties Union are its willingness to defend those who do not espouse progressive causes. The Union has never failed to come to the aid, when requested, of those with conservative or reactionary purposes. It has defended the rights of the Ku Klux Klan to hold peaceful public meetings; it protested against a Senate Committee's seizure of private telegrams sent by utility companies and their agents and indeed by that arch-apologist for Fascism, William Randolph Hearst. It has on occasion protected the rights of rank and file trade union workers against tyrannical officials. It would protect, if occasion required, as it does not, the rights of

non-union workers. It does not protect or condone violence by organized labor nor intimidation of non-union workers.

The Civil Liberties Union is not organized to protect the rights of property. That protection has nothing to do with the maintenance of democratic processes. Even though the enjoyment of property is a constitutional right, the Civil Liberties Union does not protect all constitutional rights. It would be too large an order for any organization of citizens.

It is said that the defenders of civil liberty condemn Fascism but do not equally condemn Communism. When the term "Fascism" is used in such a sense, it is to describe the repressive measures characteristic of Fascism, and shared by forces everywhere sympathetic with its objectives. If Communists engaged in such repressive tactics in the United States, we would condemn them equally. The record shows that American Communists do not. We use the words "Fascism" and "Communism" only in reference to American conditions.

The Civil Liberties Union will welcome any criticism or comment tending to show that the national office or any of its local branches throughout the country have failed to adhere strictly to a neutral and dispassionate interpretation of the defense of civil rights. We recognize, as do most of the defenders of civil liberty, that strict adherence to impartial defense of all whose rights are attacked - without the slightest suspicion of favoritism - is the only basis on which any rights can genuinely be protected.

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AMERICAN CIVIL LIBERTIES UNION

STATEMENT OF THE BOARD OF DIRECTORS
ON THE PROPOSED REFORMS IN THE PERSONNEL
AND POWERS OF THE UNITED STATES SUPREME
COURT

March, 1937

In an effort to determine the effect on civil liberties of the various proposals made concerning the personnel and powers of the Supreme Court of the United States, the Board of Directors of the Union consulted a number of eminent lawyers and a few laymen qualified to speak.

The issues involving the court's powers were put in the following form prior to the announcement of the President's proposal, with the results indicated.

	<u>Not dangerous to civil liberties</u>	<u>Dangerous to civil liberties</u>
1 The court is to be deprived of all power to declare acts of Congress un-constitutional, but its power with regard to state legislation will remain unimpaired.....	1 Vote	5 Votes
2 The court is to be deprived of all power to declare unconstitutional any laws, whether of Congress or of the states.....	1 Vote	6 Votes
3 Any law of Congress shall be considered constitutional if at least two of the judges so find.....	3 Votes	3 Votes
4 Congress shall have the power by two-thirds votes to override specific decisions declaring laws to be unconstitutional...	2 Votes	4 Votes
5 The process of amendment shall be made easier by requiring approval by a majority of the votes cast at a referendum instead of approval by three-fourth of the states.....	5 Votes	2 Votes

(more)

- 6 The due process clause of both
the Fifth and Fourteenth
Amendments shall be re-written
so as to restrict their appli-
cation to procedural matters, at
the same time making expressly
binding on the states basic civil
rights, such as freedom of speech,
etc..... 5 Votes 1 Vote

Some of the replies on the votes above were qualified. In the vote on No. 6, the consultant who thought there was some danger to civil liberties said "Somewhat, unless extremely carefully phrased," thus leaving a practically unanimous vote on that proposition.

In the light of these returns, which represent the best available opinion of representative authorities on civil liberties, the Civil Liberties Union can obviously take no official position. It is evident that no formulation of opinion would express anything but the speculations of those consulted as to the probable effect of one reform or another.

Concerning the proposal of President Roosevelt to add to the personnel of the court in the event that judges reaching 70 do not retire, equally varied opinions were expressed by these and others who were consulted. There was disagreement both as to whether this proposal would have any effects on the protection of civil liberties by the court, and as to what such effects might be.

In view of these conflicting opinions from competent authorities, the Civil Liberties Union will take no position whatever on any of the issues. A factual statement in regard to the court's record in the protection of civil rights will be prepared for the use of our friends who may care to express themselves personally.

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UNITED PALESTINE APPEAL OF GREATER NEW YORK

TO: Mr. Henry Montor
 From: Mr. Samuel Blitz

REPORT OF CAMPAIGN ACTIVITIES* ESTIMATED INCOME FROM SECTIONS ORGANIZEDMANHATTAN

Inwood	\$2,000
Washington Heights	4,000
West Side	35,000
Yorkville	15,000
East Side	<u>3,000</u>

TOTAL	\$59,000
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BRONX

30,000

BROOKLYN

Brownsville & East New York	\$10,000
Eastern Parkway	15,000
Williamsberg	3,000
Bensonhurst	15,000
Borough Park	10,000
Ocean Front & Sea Gate	5,000
Flatbush	20,000
Manhattan Beach	3,000
South Brooklyn & Bay Ridge	<u>2,000</u>

TOTAL	83,000
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LONG ISLAND

50,000

RICHMOND

1,000

WESTCHESTER

Mamaroneck	\$ 500
Mount Vernon	10,000
New Rochelle	8,500
Ossining	300
Peekskill	350
Port Chester	1,200
Tarrytown	500
White Plains	6,500
Yonkers	<u>3,000</u>

TOTAL	30,850
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\$ 253,850

ESTIMATED INCOME FROM TRADES ORGANIZED

Accountants	\$5,000.
Advertising	7,500
Amusements	25,000
Associations	3,000
Bankers & Brokers	50,000
Book Publishers	2,000
Children's & Infant's Wear	10,000
Cleaners & Dyers	2,000
Cloaks, Suits & Dresses	50,000
Coal & Fuel	3,000
Communal Workers	2,000
Corsets	4,000
Dental Supplies	1,500
Dentists	5,000
Diamonds & Jewelry	6,000
Educators	10,000
Food	30,000
Florists	1,000
Forwarding & Shipping	2,500
Furniture	25,000
Furs	25,000
Governmental & Civil Service	3,500
Hardware & Housefurnishings	1,000
Insurance	2,000
Interior Decorators	500
Hosiery & Knit Goods	10,000
Ladies Underwear	5,000
Laundries	5,000
Lawyers	25,000
Leather Goods	12,000
Lamps & Lighting Fixtures	4,000
Liquor	50,000
Men's Clothing	25,000
Men's Wear	15,000
Millinery	7,500
Morticians & Funeral Parlors	1,000
Notions & Novelties	10,000
Organizations	10,000
Paints, Oils & Chemicals	15,000
Paper, Twine, Paper Boxes & Supplies	8,000
Pawnbrokers	1,500
Photographers	2,000
Physicians	12,000
Printers, Binders & Stationers	2,500
Real Estate	20,000
Scrap Metal	4,000
Second Hand Apparel	500
Shoes & Boots	3,000
Signs	1,000
Sporting Goods, Radios & Refrigerators	5,000
Surgical Supplies	1,000
Textiles	20,000
Theatrical Costumes & Supplies	500
Umbrellas & Canes	500
Waste	1,500
TOTAL	\$ 551,000

ESTIMATED INCOME FROM SPECIAL GIFTS

\$100,000

ESTIMATED INCOME FROM WOMEN'S DIVISION

50,000

ESTIMATED INCOME FROM JUNIOR DIVISION

5,000

* ESTIMATED INCOME FROM JEWISH NATIONAL FUND

\$ 100,000

ESTIMATED INCOME FROM "NIGHT OF STARS"

50,000

ESTIMATED TOTAL INCOME

\$ 1,109,850.00

- * The estimated incomes in this report are based on preliminary reports received from sections and trades that have been organized to date.

The increase over last year's receipts in the estimated income from the Jewish National Fund is based on plans for a special Bazaar and Tag Day, which the New York U.F.A. staff is now formulating.

STATEMENT ON SO-CALLED SIT-DOWN
AND STAY-IN STRIKES

ADOPTED BY

THE NATIONAL COMMITTEE OF THE
AMERICAN CIVIL LIBERTIES UNION

April, 1937.

The new tactic followed by both strikers and the unemployed in occupying places of employment and public offices as a form of protest and pressure raises questions on which the champions of civil rights are sharply divided. The various arguments are here set forth in order to indicate the complex character of the issue and to define the relation of the American Civil Liberties Union to it.

Many of our friends dismiss all these sit-down and stay-in strikes as a simple issue of trespass, involving only property rights with which the American Civil Liberties Union is not concerned. But a contrary view is expressed by many that other issues than trespass are involved. They point out that when the unemployed occupy public relief offices or legislative halls, they are exercising what seem to them to be rights of access to a public place with which their interests are vitally concerned. They point out further that when sit-down strikers have occupied plants only during their working hours, repeating the tactic on subsequent days, no issue of trespass has been raised and no process of law has yet been invoked.

The main issue arises, of course, when strikers continue to occupy plants after working hours. Injunctions have been issued against them. Arrests have been made for trespass. Legislative proposals attempt to make such forms of trespass felonies or go further by making failure to give several days' notice to strike a crime. Threats are frequently made of the use of private violence, or of the military power of the state to eject such strikers. Issues
(more)

of civil liberty are obviously involved in some of these methods of dealing with the problem.

Occupation of company property by striking workers raises highly debatable questions in a field in which public policy is obviously yet to be determined. Sit-down strikers usually maintain that they are "not sitting on company property, they are sitting on their jobs," and assert a "property interest" in their jobs. They liken the procedure to a form of picketing, maintaining that the law once held both picketing and trade unions to be illegal, and arguing that the law may come around to the recognition under given circumstances of their right to remain peacefully at their places of work. How far the law may hold that labor relations are subject to public regulation and therefore whether such a tactic might be recognized in any circumstances is still, of course, a matter of speculation.

Contrary arguments are commonly advanced against the tactic on grounds which in principle have some relation to the democratic process. It is pointed out that the sit-down tactic enables a minority of workers to deny rights to a majority and that in a public service industry a small minority may cripple service essential to a whole community. They point out further that the tactic may be used by irresponsible elements against trade unions themselves.

The chief concern of the Civil Liberties Union in relation to industrial conflict is to keep open the processes of discussion and negotiation as against coercion and violence. That is the heart of the civil liberties doctrine. The Civil Liberties Union has always opposed use of force or violence in industrial conflict on the side of employers or strikers and the use of excessive force by public authorities in making arrests. It is not always easy to draw the line between reasonable and unreasonable use of the power of the
(more)

police, and each set of circumstances must therefore be judged separately. Ordinarily ways can be found to enforce the law without paying the price of bloodshed for such tactics as the peaceful occupation of places of employment.

It is obviously in the public interest to have the conflict between labor and capital handled by the process of discussion and negotiation rather than complicated by the hasty and ill-advised use of the power of the police.

The Civil Liberties Union will act only to keep open the channels of organization and negotiation, to maintain intact the right to strike and in particular cases to protest and take action against unnecessary force or violence, by whomever employed.



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AMERICAN CIVIL LIBERTIES UNION

31 Union Square West
NEW YORK CITY



July 24, 1937

Friends:

The Senate Committee on Civil Liberties has exhausted the \$40,000 appropriated last winter for the continuance of the committee's work. On a total of \$55,000 the committee has done the most significant job ever done in exposing violations of civil liberties in industrial conflict.

Their work is only partially done. The committee is asking for \$50,000 more to continue its job. The request for the appropriation is before the Committee of Audit and Control headed by Senator James F. Byrnes of South Carolina.

May we request that you write promptly to Senator Byrnes, and if possible to your own senators, urging that the work of this committee be supported by a new appropriation?

Sincerely yours,

RNB:MH