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American Civil Liberties Union, 1937-1938.

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BULLETIN #789

RELEASED FOR PUBLICATION
Friday, November 5, 1937

REINSTATEMENT OF UNIV. OF MONTANA PROFESSOR AIDED

Supporting the legal battle of Prof. Philip O. Keeney, ousted University of Montana librarian, in his efforts to secure reinstatement, the American Civil Liberties Union this week filed a brief amicus curiae in his behalf in the District Court at Helena, Mont. The brief was prepared for the A.C.L.U. by A. Mark Levien of New York, who is also attorney for the New York Teachers Guild. The Civil Liberties Union is cooperating in the case with Wellington D. Rankin, counsel for Professor Keeney and the American Federation of Labor in Montana.

Professor Keeney, who was first appointed to his post at the University in 1931, was notified in April, 1937 that his appointment would not be renewed, allegedly because of "unsatisfactory" services. He charges that he was dismissed because of his efforts in organizing a local of the American Federation of Teachers at the University. The court suit is an application for a writ of mandamus directing the Board of Education to reinstate Professor Keeney as a professor at the University of Montana.

The brief filed by the Civil Liberties Union emphasizes three points: that the Board of Education cannot deprive a teacher of permanent tenure which he has acquired under a regulation of the Board; that a teacher should not be denied the right to join a teacher's union affiliated with the American Federation of Labor; and that a teacher cannot be ousted because his views do not accord with the views of university authorities.

UNION DEFENDS LONG ISLAND SCHOOLGIRL IN FLAG SALUTE CASE

Arthur Garfield Hays, counsel for the Civil Liberties Union, will appear on November 5 in behalf of the parents of Grace Sandstrom, 13-year-old schoolgirl dismissed from the Lake Ronkonkomo, Long Island, school for refusal on religious grounds to salute the flag, at the trial before Justice of Peace Harold C. Sorenson in Brookhaven, L.I. The girl's father, Charles Sandstrom, is charged with keeping her from attending school in violation of a state statute.

The Sandstroms are members of Jehovah's Witnesses, a religious sect, under whose tenets the saluting of the flag constitutes a violation of religious faith. Grace was sent home from school on six occasions when she refused to salute the flag or even to lift her hand with the others and repeat Psalm 20:5 in place of the pledge of allegiance. She is now attending the Kingdom School, conducted by the Jehovah's Witnesses in Paterson, N. J.

For refusing to salute the flag, members of Jehovah's Witnesses have been prosecuted in thirteen states. A test case is coming before the U. S. Supreme Court this session in which the Civil Liberties Union is aiding the defense.

NAZI RIGHT TO PARADE DEFENDED IN NEW YORK AND ST. LOUIS

Mayor La Guardia of New York was commended by the Civil Liberties Union last week for refusing to rescind a permit for a parade by the German-American Bund despite a shower of protests by anti-Nazi organizations which had threatened to interfere with the parade.

A statement issued by the Union declared:

"The parade in the Yorkville district is not an unusual event. Similar parades have been held periodically in the last few years and have passed off without trouble. However much people may dislike to see Nazi flags, or brown shirts, the legal right to parade must be protected for all groups without discrimination. Interference with one will encourage interference with others. The right to parade is not assured unless it is exercised equally by all. Any interference with this parade would only serve to advertise the Nazi cause and would bring public condemnation on the disturbers. Without interference the parade will pass off like others practically unnoticed".

(more)

Only four minor scuffles featured the parade, which was held last Saturday in the German district of the city under the watchful eye of 1,300 policemen, who guarded the 800 uniformed paraders.

In St. Louis, where Mayor Bernard F. Dickmann has been urged by anti-Nazi organizations to deny the Amerikadeutscher Volksbund permission to meet in municipal buildings or to parade during a convention this month, the St. Louis Civil Liberties Committee came to the defense of the Volksbund in a letter to the mayor.

"It is our belief," the Committee wrote, "that the Volksbund has the same right as any other group to the unmolested use of the channels of peaceful expression. While because of our faith in democracy and freedom we can have no sympathy with the views which the Volksbund seeks to promulgate, we feel that it would be inconsistent with the letter and spirit of the laws of our state and nation to place any restrictions on the rights of this group to hold meetings or parades."

LOS ANGELES POLICE SUED IN BRUTALITY CASE

A damage suit for \$50,000 in behalf of Harry Mahoney, victim of police brutality, has been filed by the Southern California branch of the Civil Liberties Union. The suit names ~~two~~ officers and 23 "John Does," and asks \$15,000 actual damages and \$35,000 exemplary damages to halt the violence of police against other victims. Attorney A.L. Wirin is handling the case.

Young Mahoney, arrested on a charge of drunkenness, was taken from the Lincoln Heights Jail to the Queen of Angels Hospital where x-ray photographs revealed an eight-inch frontal fracture in his head. Several witnesses testified that he was dragged, kicked, hammered with heavy "tank" keys and beaten unconscious. A police inquiry is expected to result in a whitewash. Efforts to secure criminal complaints against offending officers have thus far proved ineffective.

CALIFORNIA SUPREME COURT REJECTS MOONEY'S PLEA

With the California Supreme Court's rejection of Tom Mooney's plea for a writ of habeas corpus last week, counsel for the labor leader convicted of the 1916 Preparedness Day parade bombing prepared to appeal to the U. S. Supreme Court. A writ of certiorari and a review of the case, or a writ of habeas corpus based on the contention that Mooney was deprived of "due process" in his original conviction, will be requested of the high tribunal.

In a five to one decision, the state court denied Mooney's contention that he had been convicted on perjured testimony with the knowledge of prosecuting authorities and held that he had been given a fair trial. Mooney is appealing for funds to carry the case up, at an estimated cost of \$1500. Contributions may be sent through the American Civil Liberties Union.

INDIANA SEDITION CASE DISMISSED

Refusal of the Indiana Supreme Court to grant the Steuben County Prosecutor a rehearing in the sedition case against Paul Butash, and the final dismissal of the case, has brought an end to the frame-up by American Legionnaires of the magazine subscription solicitor on a charge of "advocating overthrow of the government by force and violence." Butash's conviction was reversed last July by the state supreme court. The case was the first and only prosecution under the Indian sedition law of 1919. The Civil Liberties Union and the International Labor Defense cooperated in defending Butash.

BOOKS ON CIVIL LIBERTIES

"Let Freedom Ring" by Arthur Garfield Hays (Liveright, 475 pages, \$2.50)

Mr. Hays has recently revised his book, first published in 1928, and it now appears with much additional material covering the cases in which he has acted as counsel for the Civil Liberties Union in the years since. The book is a vivid running record of the important civil liberties issues of the past fifteen years. It covers the stories of the Sacco-Vanzetti case, the Mooney case, the Scopes evolution trial, the Puerto Rican investigation into the Ponce massacre, the deportation of John Strachey, and other issues of outstanding interest.

The book may be obtained through the Civil Liberties Union at a discount of 20%. (\$2.00)

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American Civil Liberties Union

Southern California Branch

"THE OPEN FORUM"

Official Publication

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Upton Sinclair

November 12
1937

Dear Mr. Silver:

Liberals throughout the United States and friends of freedom of the press should be vitally concerned about the continued harassment by the Labor Dept. officials of the magazine, "Man", and the persistent persecution of its editor, Marcus Graham.

In April 1934, readers of "Man" in various parts of the country were haled before the Immigration officials, questioned and warned to desist from reading "Man". Protests by the A.C. L.U. brought a stop to this intimidation. In the same month, the Labor Dept. instituted deportation proceedings against Vincenzo Ferrero and Dominick Sallitto for renting office space to "Man". Now, on October 6, 1937, Dept. of Labor agents jailed Marcus Graham without any warrant and later illegally raided the offices of "Man", which he edits, seizing manuscripts and correspondence belonging to this publication, under pretense of reopening the case of his order to be deported to Canada dated November 18, 1919.

Graham has undergone persecution at the hands of the Labor Dept. for eighteen years, this being the fourth arrest and attempt to deport him to Canada. It began in 1919. In 1921 the New York Bomb Squad inflicted upon him a brutal third degree and the Immigration authorities imprisoned him for six months. In 1930 he was seized by the Immigration officials for having in his possession copies of "An Anthology of Revolutionary Poetry" that he had edited. He is charged with being an Anarchist.

In order to halt this continued persecution, the Southern California Branch of the Civil Liberties Union is issuing this call for the formation of a nation-wide Marcus Graham Freedom of the Press Committee and asks you to join as an honorary member of this Committee of educators, editors, artists and authors.

Your immediate reply on the enclosed postcard will be appreciated.

SPONSORING COMMITTEE

Lewis Browne Konrad Bercovici
Kate Crane-Gartz Jim Tully
Vici Baum Frank Scully
Donald Ogden Stewart

Yours for freedom,

Clinton J. Taft

Director.

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WRHS

AMERICAN JEWISH
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AMERICAN CIVIL LIBERTIES UNION

SO. CALIF. BRANCH

624 American Bank Bldg.

Los Angeles, - - California

American Civil Liberties Union,
Southern California Branch,
Los Angeles, California.

Gentlemen:

I will _____ accept membership
on the Marcus Graham Freedom of the Press
Committee.

(signed) _____

Address _____

Date _____



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May 17, 1938

Rabbi Abba Hillel Silver
The Temple
East 105th & Ansel Road
Cleveland, Ohio

Dear Rabbi Silver:

You will note by the enclosed letter, which we propose to send out to about one hundred Jewish leaders, the difficulties in which Rabbi Benjamin Plotkin finds himself in Jersey City.

Rabbi Plotkin would appreciate it greatly if you, as a member of our National Committee and a leader in the Jewish community, would send him an air mail letter or telegram to be used publicly and to be released this Friday evening when Sherwood Eddy will speak to his congregation.

With regards,

Sincerely yours,

RNB/hh

his address:
604 Bergen Ave
Jersey City, N.J.

AMERICAN CIVIL LIBERTIES UNION
METROPOLIS BUILDING, 31 UNION SQUARE WEST
NEW YORK CITY



May 18, 1938

Dear :

The fight against the denial of civil rights by the Hague machine in Jersey City has just produced another casualty in the refusal of the Board of the Jewish Community Center to permit the Congregation Emanu El under Rabbi Benjamin Plotkin to longer occupy its premises.

On May 2nd the Community Center's committee notified the Congregation that it would have to vacate its quarters by June 30th giving as the reason that the Congregation under Rabbi Plotkin's leadership was a financial liability because it alienates contributors to the Center. The Chairman of the Board of Trustees of the Jewish Community Center, Judge Morris Bar/ison, is close to the Hague political machine, under which he has held appointments.

The attack on Rabbi Plotkin is due to his forthright condemnation of the suppression of civil rights in Jersey City. On that account he has been dubbed a Communist, the term used by the Hague machine to describe all defenders of civil liberties.

We are suggesting to a number of Jewish leaders that strong disapproval of the action of the Board of the Community Center might cause them to reverse their stand. May we suggest that letters should be promptly sent to Judge Morris Bar/ison, President of the Board, at 604 Bergen Avenue, Jersey City? We would appreciate it if you would send us a carbon copy of any letter you may write.

Sincerely yours,

Chairman



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June 1, 1938

Rabbi Abba Hillel Silver
The Temple
Cleveland, Ohio

Dear Rabbi Silver:

We appreciate the membership in
the Union of members of our National Committee,
although it is not obligatory.

I enclose notice of your dues last
paid a year ago.

With warm regards from your
associates,

Sincerely yours,

BWH/hh
Encl.

Treasurer



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June 15, 1938

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

Dear Rabbi Silver:

We have not had the privilege of your response to recent circular inquiries sent to the members of the National Committee for their consideration and vote.

The policies of the Union are in the last analysis made by the collective views of the members of our National Committee. For that reason may I ask you to be good enough to read the material, though it is in mimeographed circular form, and let us have your vote on the postal cards which are always enclosed?

A communication of that character was put in the mail to you on June 8th.

With appreciation,

Sincerely yours,

Chairman

HFW:LB