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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, 1938-1939.

Central Synagogue of Nassau County

RABBI ROLAND B. GITTELSON
301 EARLE AVENUE
LYNBROOK, LONG ISLAND, N. Y.

Nov. 29, 1938

Dr. Abba Hillel Silver
The Temple
Cleveland, Ohio

Dear Dr. Silver:

I am writing to you because so far as I know you are the only Rabbi who is a member of the National Committee of the American Civil Liberties Union.

You may or may not know that an attempt has been made here recently for the German American Bund to hold a meeting in the Nassau County Police Auditorium in Mineola, Long Island. Fortunately, through the efforts of local American Legion Posts permission to use the Auditorium for that purpose was withdrawn. Officials of the American Civil Liberties Union then addressed the County Police Commissioner insisting upon the right of the Bund to hold its meeting in the Police Auditorium.

At the scheduled meeting, several pro-German propagandists were to speak on the Jewish problem and an Arab was to present the Arab side of the Palestine question.

I do not know whether you agree with me but it seems to me that the use of the American Civil Liberties Union to protect the rights of the Bund to meet in a public government building is to say the least a perversion and a defeating of its own purpose. I have already written to the A.C.L.U. but feel that if you agree, a protest from you as a National Committee member would carry ever so much more weight.

I shall be interested to hear your reaction to this and in the meantime, send my kindest personal regards.

Very sincerely yours,

Roland B. Gittelsohn

Rabbi Roland B. Gittelsohn

/wb

December 2, 1938

Rabbi Roland B. Gittelsohn
Central Synagogue of Nassau County
301 Earle Avenue,
Lynbrook, Long Island, N.Y.

Dear Rabbi Gittelsohn:

Mr. Britchey has referred your letter of November 29 to me because you question a matter of policy on which, I have no doubt, many of our friends feel profoundly.

We would welcome from you or any one a suggestion as to how you could sufficiently accomplish the result you aim at without endangering everybody's rights. For if the precedent you propose is laid down, any administrative officer or prosecutor can determine for himself what is racial or religious prejudice and act to deny any minority its liberties.

Further as regards the Mineola meeting of the Bund, may I say that you are adopting exactly the argument used by Mayor Hague in denying to the CIO and Civil Liberties Union their rights to meet and speak in Jersey City. The same argument is commonly used against the Communists.

As to the use of public buildings, that is a slightly different matter, yet one on which any discrimination because of doctrines would eventually create the precedents by which any unpopular group could be denied the use of a school building or a public auditorium. In general practice, it would strike far harder at the liberties of Communists, CIO and others unpopular with the authorities.

The enclosures may be of some interest to you.

Sincerely yours,

RNB:DG
Encl.

December 2, 1938

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

My dear Mr. Baldwin:

I am enclosing herewith a copy of a letter which I received from Rabbi Roland B. Gittelsohn of the Central Synagogue of Nassau County. I have been receiving similar letters from other sources.

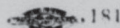
I should like to have your reaction to this letter.

Very cordially yours,

AHS:BK
Enc.

AMERICAN CIVIL LIBERTIES UNION

31 UNION SQUARE WEST
NEW YORK CITY



January 18, 1939

Rabbi Abba Hillel Silver
The Temple
Cleveland, Ohio

Dear Rabbi Silver:

On March 4th next the American Civil Liberties Union and associated organizations will hold in New York a Sesquicentennial Celebration of the Bill of Rights. March 4th is the date of the opening of the Congress in 1789 which submitted the Bill of Rights to the states. The object of the Celebration is to arouse a greater national interest in the practical aspects of the Bill of Rights today. Similar celebrations will be held in the leading cities.

We are inviting a group of national sponsors to endorse the general purpose of the Celebration through use of their names. We cordially invite you to be one of them. We trust that we may have the privilege of your acceptance either by air mail or wire collect.

We are on behalf of the Organizing Committee,

Sincerely yours,

Mary E. Woolley
Mary E. Woolley

W. A. White
William Allen White

William J. Donovan
Col. William J. Donovan

January 27, 1939

American Civil Liberties Union
31 Union Square West
New York, N.Y.

Gentlemen:

In reply to your letter of
January 18, requesting me to serve as a
sponsor for the Sesquicentennial Celebration
of the Bill of Rights, permit me to say that I
shall be very happy to serve in that capacity.

With best wishes, I remain

Very cordially yours,

AHS:BK



AMERICAN CIVIL LIBERTIES UNION

31 Union Square West • New York City

GRamercy 7-4330

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March 2, 1939.

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

Dear Rabbi Silver:

It gives me pleasure to inform you that at the Annual Meeting of the Union in February you were reelected a member of the National Committee for a term of three years. We shall assume that you accept unless we are advised to the contrary.

Sincerely yours,

Lucille B. Milner
Secretary

LBM:DG

N.Y. Civil Liberties Comm.

1939

ANTI-NAZI BILL

Memorandum on Senate Bill #163 (int.160)
Schwartzwald -
To amend the Penal Law in relation to
hostility against people by reason of
race, color or religion.

Senator Schwartzwald's bill is a duplicate of a measure enacted in the State of New Jersey last year, and is the most comprehensive of the so-called anti-Nazi bills. If enacted it would add some half dozen new offenses to our Penal Law carrying penalties up to three years in prison. The new crimes would be:

1. To write anything which incites, counsels, promotes, or advocates hatred or violence or hostility against a group of persons in this state by reason of their race, color or religion; to have such provision in the by-laws of an organization; to produce a picture, photograph or emblem, etc. having such effect.
2. To possess literature, a constitution and by-laws above described or a picture, emblem, etc. having such effect.
3. To display an emblem, picture, etc. having such effect.
4. To make a speech having such effect.
5. To permit the use of a building for a meeting where any of the above provisions are violated.
6. To speak over the radio or to permit a radio station to be used for a speech where these provisions are violated.

I. The bill violates our constitutional right of freedom of speech. It is well settled that freedom of speech means more than freedom from censorship and speech may not be punished or interdicted except under limited circumstances. The principle has been established that the test in all cases is whether there is "a clear and present danger" to the existing order. In the language of Justice Oliver Wendell Holmes:

"While that experiment (the Constitution) is part of our system I think that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country."

The present measure entirely ignores this test in its sweeping limitations on free discussion of matters affecting race and religion.

(more)

2. The bill establishes no definite test of guilt. What constitutes advocacy of hatred or violence or hostility is so vague that any outspoken criticism could be construed to fall within its terms. The borderline between hostility and hatred is ephemeral. Even prediction of a future revolution has been held to be the **advocacy** of violence. Such lack of a definite criterion of guilt is fatal to penal legislation and for this reason the present bill would be unconstitutional.

3. The bill constitutes a potent danger to its proponents. There is no question that this bill has been sponsored in an attempt to curb Nazi activities in this State. It is not surprising that organizations, fearful of the growth of Nazi propaganda in this country, should support laws aimed at suppressing it. Even under normal conditions it is natural to desire the muzzling of one's enemies. Nevertheless, the bill is objectionable. Not only does it violate the American tradition of freedom of speech and of the press but it will, beyond question, accomplish a result directly opposite to that for which it was intended.

The only prosecutions to date under such laws has borne out this prediction. Under the New Jersey law the first person arrested was not a Nazi but a member of the sect of Jehovah's Witnesses. This man was prosecuted for circulating tracts attacking Roman Catholics. The sponsors of this law realizing that the law had failed in its purpose, were prompt to quash the proceedings.

The same effect would undoubtedly follow in this State and would create a weapon more dangerous in the hands of the minority that it seeks to suppress, than in the hands of its sponsors.

NEW YORK CITY CIVIL LIBERTIES
COMMITTEE

31 Union Square West

New York City

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CLEVELAND, O.

June 14, 1939

Rabbi Abba Hillel Silver
10311 Lake Shore Blvd.
Cleveland, Ohio

Dear Rabbi Silver:

Do you know about the meeting which we are holding next Tuesday night, June 20, at the City Club to re-establish the local chapter of the American Civil Liberties Union?

We're bringing Roger Baldwin on from New York and among those who will be there are such liberals as Ed Byers, Marvin Harrison, Elizabeth McGee, Russell Chase, Alfred Benesch, Reverend Dillworth Lupton, and others.

Since the group is interested in civil and religious liberties, you will no doubt be keenly interested and may want to attend. If so, will you please let me know? The dinner charge is \$1.00 per plate and both men and women will be there.

Sincerely yours,

Joe Newman

JSN:dd

*N.B. Would you be willing to
say a few words to the
meeting?*



NEWMAN-STERN BUILDING

June 16, 1939

Mr. Joe Newman
The Newman-Stern Co.
East 12th St. at Walnut Ave.
Cleveland, Ohio

My dear Mr. Newman:

Thank you so much for your kind letter of June 14th. I am leaving the city Sunday evening with my family for New York and I will therefore not be able to attend the meeting on Tuesday, June 20th.

I wish you every success.

Most cordially yours,

AHS:BK