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19

American Civil Liberties Union, 1939-1940.

Western Reserve Historical Society

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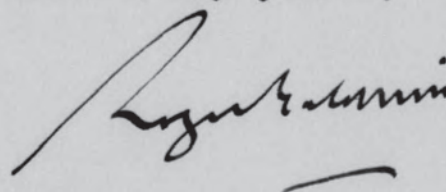
June 9, 1939

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

Dear Rabbi Silver:

We would appreciate ever so much having a
reply from you in regard to our request to have
you sponsor our religious liberty pamphlet which
we are ^{about} getting out.

Sincerely yours,



RNB:DG

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National Conference on Civil Liberties

HOTEL BILTMORE

New York City

October 13 and 14, 1939

WILLIAM ALLEN WHITE, *Chairman, Committee of Sponsors*

Auspices: American Civil Liberties Union

31 Union Square W., New York • GRamercy 7-4329

October 5, 1939

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

Dear Rabbi Silver:

As one of the sponsors of the National
Conference on Civil Liberties, we forward you the
attached program in the hope that you may either
be present at one or more of the sessions or may
send us a message of greeting.

On behalf of the committee in charge,
may I express our deep appreciation of your valued
sponsorship which is of great assistance in gaining
support for these meetings at this critical time?

Sincerely yours,

De Forest Ely

De Forest Ely
Conference Secretary

DFE: GB
enc.

You are invited to attend the meetings of a

National Conference on Civil Liberties in the Present Emergency

to be held at the

HOTEL BILTMORE

43rd St. and Madison Ave., New York City

on

Friday and Saturday

OCTOBER 13 AND 14, 1939

Under the auspices of a committee of distinguished sponsors headed by William Allen White, Emporia, Kansas; Colonel William J. Donovan of New York and Dr. Mary E. Woolley, former President of Mt. Holyoke College.

The Conference is organized through the American Civil Liberties Union in cooperation with many other organizations active for civil liberties.

Program

Friday Evening, October 13th, 7:00 P.M.

BANQUET

SPEAKERS:

HON. FRANK MURPHY, Attorney General of the United States.

HON. ROBERT F. WAGNER, United States Senator from New York.

William Allen White, presiding

It is the desire of the Conference to honor those men in public life who have rendered such signal service to the cause of civil rights—the Attorney General in creating the Civil Liberties Unit in the Department of Justice; Senator Wagner as author of the National Labor Relations Act; and Senator La Follette as chairman of the Senate Civil Liberties Committee, who may also be present.

Reservations may be made on the attached card. Informal dress.

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Program

Saturday, October 14th

10 A.M. to 12 Noon: Sessions

1. *On the Rights of the Negro.* Program in charge of the National Association for the Advancement of Colored People. The anti-lynching bill; the issues in the courts.
2. *On the Rights of Aliens.* The anti-alien bills in Congress; the status of aliens from warring countries; deportation and exclusion.
3. *Censorship of Communication.* In charge of the National Council on Freedom from Censorship. Government censorship in relation to radio, press, motion pictures, books and periodicals.

1:00 to 2:30 P.M. Luncheon Program

The Pressing Issues of Civil Liberty. Brief speeches by J. Warren Madden, Chairman, National Labor Relations Board; Neville Miller, President, National Association of Broadcasters; Arthur T. Robb, Editor, *Editor & Publisher*, and others.

3:00 to 5:00 P.M. Sessions

1. *On the Law and Civil Liberties.* Law in the "limited national emergency"; the issues in the courts and Congress.
2. *On Academic Freedom.* Program in charge of Committee on Academic Freedom. The present issues in schools and colleges.
3. *On Religious Liberty.* Freedom of conscience; anti-Semitism; the flag-saluting issue.
4. *On Labor and Employer Rights.* Issues in the courts; anti-picketing statutes; civil rights under industrial mobilization.

5:30 to 6:30 P.M. Final General Session

Brief reports from each of the conferences on resolutions adopted, with concluding remarks by one or more of the distinguished sponsors.

Dr. Harry F. Ward, presiding

Opportunity for discussion by the audience at all sessions.

Reservations should be made on the attached slip.

Full information in regard to the speakers at each conference session with other details as to program will be sent only to those who register in advance.

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National Conference on Civil Liberties

HOTEL BILTMORE

New York City

October 13 and 14, 1939

WILLIAM ALLEN WHITE, *Chairman, Committee of Sponsors*

Auspices: American Civil Liberties Union

31 Union Square W., New York • GRamercy 7-4329

October 19, 1939

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

Dear Rabbi Silver:

May I as chairman of the Committee which arranged the Conference here last Friday and Saturday, covered in the enclosed program, express appreciation for your sponsorship which helped greatly to give the Conference a representative national character?

It is expected that the essential portions of the addresses and discussion will be printed in a pamphlet which will be sent you later.

With appreciation,

Sincerely yours,

William Allen White

Chairman

WAW:EK
enc.

The American Civil Liberties Union
Cleveland Chapter
875 Union Commerce Building
Cleveland, Ohio

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

November 14, 1939

Dear Rabbi Silver,

The Cleveland Chapter of the American Civil Liberties Union is in the process of preparing a letterhead and inasmuch as you are a member of the National Committee we are writing to ask if you would be willing to serve on the Advisory Committee of the local chapter.

We would appreciate hearing from you on this matter as soon as possible as we are anxious to have our stationery printed.

Very sincerely yours,

Eleanor Bayer
Eleanor Bayer
Secretary

Cleveland Civil Liberties Union

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I am to call Eleanor Rosenfeld Byer
Wa. 6513

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AMERICAN CIVIL LIBERTIES UNION

31 Union Square West • New York City

GRamercy 7-4330

December 6, 1939

Members of the National Committee

Friends:

You should be advised that the Board of Directors has considered complaints from members in regard to some confusion caused by Dr. Ward's dual chairmanship of the Union and the American League for Peace and Democracy. The whole matter was very fully discussed by our Board at a meeting on December 4th and the following resolution adopted:

"Members of the Union differ sharply in their economic and political views, and all are free to express them without involving the Union. The Board of Directors, taking note of objections to Dr. Ward's dual chairmanship of the Union and of the League for Peace and Democracy, expresses its regret that the Union's policies and program should be carelessly confused with those of the League, which deals with many issues entirely foreign to the ACLU. The Board regards that confusion, in the light of public controversy over the League's personnel and policies, as unfortunate, but sees no reason for taking any action at this time."

This resolution also covers pretty clearly complaints that have been made against the political connections of certain members of our Board.

Another complaint involving alleged bias on the part of the Board in selecting and handling cases was referred to a special committee which will review the whole matter and report to the Board and to you at a later date.

If there is any comment which any of you have, we shall be glad to hear it.

Sincerely yours,

Roger N. Baldwin

RNB:GB

December 8, 1939

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

My dear Mr. Baldwin:

Permit me to acknowledge the receipt of the circular letter of December 6 with reference to the action of the Board of Directors on the complaints from members in regard to the confusion caused by Dr. Ward's dual chairmanship of the Union and of the League for Peace and Democracy. Technically, of course, the action of the Board was correct. Nevertheless, I feel that the interests of the American Civil Liberties Union would be greatly served if someone else were chairman of the Union.

Very cordially yours,

AHS:BK

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The American Civil Liberties Union

CLEVELAND CHAPTER

875 Union Commerce Building
Cleveland, Ohio

December 9, 1939

Dear Rabbi Silver:

Roger Baldwin, National Director of the American Civil Liberties Union will be in Cleveland, Friday, December 15th.

He will speak at a luncheon meeting of The Cleveland Chapter, to be held at Fischer Rohrs Restaurant, 1111 Chester Ave., at 12:15.

All members and friends of Civil Liberties are invited to attend to learn from Mr. Baldwin of the dangers to civil liberties resulting from the war hysteria developing in this country.

Please return the enclosed post card for reservations promptly. We must guarantee a certain number to Fischer-Rohr's so an immediate reply from you is important. The price of the luncheon will be \$.75.

Sincerely yours,

Russell N. Chase
Chairman

AMERICAN CIVIL LIBERTIES UNION

31 UNION SQUARE WEST
NEW YORK CITY

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January 15, 1940

To the members of the
National Committee.

Friends:

The undersigned, acting as a committee to nominate members of the Board of Directors, serving upon request of the Board, submits to you a resolution to express what we believe should be the policy of the Union in regard to the membership of its governing committees and staff.

The occasion for this resolution is criticism both within our governing committees and among our members of the presence on our Board of one Communist Party member and some others who are said in principle to support Communist Party policies. The effect of the resolution, if adopted, should be to disassociate such persons from the Union's governing committees and to fix a definite policy for future elections and appointments. The only opposition to such a resolution of which we are aware is that it appears to set up a test of doctrine and belief which we do not require of our membership and of which we take no account in the defense of cases. But this resolution raises only a question of propriety as to the personnel of our governing and administrative set-up.

It is important that we should have the judgment of every member of the National Committee expressed on the enclosed postcard, or by letter if you wish to amplify your views. The resolution follows --

"The National Committee of the American Civil Liberties Union regards it as inappropriate for any person to serve on the governing committees of the Union, of its affiliated bodies, or on its staff, who is a member of any organization which supports totalitarian dictatorship in any country, or who by his public declarations and connections indicates his support of such a principle. Within this category we include organizations in the United States supporting the totalitarian governments of the Soviet Union and of the Fascist and Nazi countries, such as the Communist Party, the German-American Bund and others; and native organizations with obvious anti-democratic objectives or practices, such as the Ku Klux Klan, the Silver Shirts, Christian Front and others.

"While the American Civil Liberties Union does not make any test of opinion on political or economic questions a

(more)

condition of membership, and makes no distinction in defending the right to hold and utter any opinions, the personnel of its governing committees and staff is properly subject to the test of consistency in the defense of civil liberties in all aspects and all places."

The nominating committee recommends to you the re-nomination to the Board of the eight members whose terms expire in February -- Carl Carmer, Richard S. Childs, Walter Frank, Nathan Greene, Florina Lasker, Eliot Pratt, Roger William Riis and William B. Spofford. A few more nominations to fill vacancies will be sent you later.

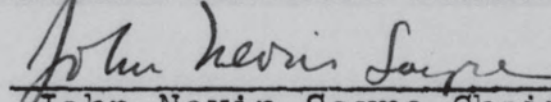
The annual election will be held on Monday, February 5th, and all members of the National Committee who cannot be present in New York on that date are requested to send in a proxy to one of the undersigned.

Your prompt reply will be appreciated.

Sincerely yours,

(Signed)

John S. Codman
Sherwood Eddy
Agnes Brown Leach
A. J. Muste
William Pickens
Amos Pinchot
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AMERICAN CIVIL LIBERTIES UNION

31 Union Square West • New York City

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January 18, 1940

To the Members of the Board, the National Committee and other friends of Dr. Ward:

Dr. Harry Ward who has been our chairman for twenty years since the Union's origin in 1920, is completing his service this month, declining to accept nomination for another year. He is departing early in February for a sabbatical leave in Mexico, to be gone until the fall.

Before he goes we wish to express to him our recognition of these many years of devoted service to our common cause. We hope to arrange an occasion at which his old friends can express appreciation and wish him God-speed on his journey and present him with a suitable token.

We are raising for this purpose the small sum of fifty dollars to which we ask those who so wish to contribute the sum of one dollar. We would like to present to Dr. Ward at the time a list of the contributors as a token of their regard and appreciation, and hope to count your name among them.

Your prompt reply in the enclosed envelope will be appreciated.

Sincerely yours,

RNB:GB
encl.

Roger N. Baldwin

AMERICAN CIVIL LIBERTIES UNION

31 UNION SQUARE WEST
NEW YORK CITY



January 24, 1940

To the Members of the National Committee:

We address you in regard to the resolution submitted for your vote by the Nominating Committee, in our recent letter of January 15, and urge your prompt consideration and reply on the enclosed card or by letter or wire collect to John Nevin Sayre, c/o American Civil Liberties Union, 31 Union Square, New York City.

The Nominating Committee's resolution was as follows:

"The National Committee of the American Civil Liberties Union, regards it as inappropriate for any person to serve on the governing committees of the Union, of its affiliated bodies, or on its staff, who is a member of any organization which supports totalitarian dictatorship in any country, or who by his public declarations and connections indicates his support of such a principle. Within this category we include organizations in the United States supporting the totalitarian governments of the Soviet Union and of the Fascist and Nazi countries, such as the Communist Party, the German-American Bund and others; and native organizations with obvious anti-democratic objectives or practices, such as the Ku Klux Klan, the Silver Shirts, Christian Front and others.

"While the American Civil Liberties Union does not make any test of opinion on political or economic questions a condition of membership, and makes no distinction in defending the right to hold and utter any opinions, the personnel of its governing committees and staff is properly subject to the test of consistency in the defense of civil liberties in all aspects and all places."

By a margin of one vote, a special meeting of the Board of Directors on January 18 voted a resolution running counter to the Nominating Committee's resolution, above quoted. This meeting held that the Nominating Committee had exceeded its authority under the by-laws in submitting to you a resolution not previously acted upon by the Board of Directors. The counter motion of the Directors, adopted by a vote of 10 to 9, was as follows:

"It is the sense of the Board that there is no occasion to adopt a resolution setting up standards of qualifications for membership on the National Committee or Board of Directors, and the National Committee should be so notified."

Now, under the Union's by-laws any five or more members of the National Committee may appeal to you concerning any action of the Board. We now invoke that power and request your vote on this matter which is urgent. In our judgment the original resolution proposed

To the Members of the National Committee

January 24, 1940

PAGE 2

to you by the Nominating Committee should be adopted, not only as a guide in future elections and appointments but in relation to the present personnel of the Union. The very close division in the Board and the fact that only a third of the Board voted in favor of the Board's resolution indicates the desirability of the National Committee's expressing its opinion plainly.

Will you kindly return at once your vote on the enclosed card or by a letter amplifying your views.

Very truly yours,

John Nevin Sayre
John S. Codman
Sherwood Eddy
Agnes Brown Leach
A. J. Muste
William Pickens
Amos Pinchot
Oswald Garrison Villard
L. Hollingsworth Wood



AMERICAN CIVIL LIBERTIES UNION

31 UNION SQUARE WEST
NEW YORK CITY



January 24, 1940

To the Members of the National Committee

Friends:

Under date of January 15, 1940, a letter was sent to you by the National Nominating Committee, recommending the adoption of a resolution concerning the personnel of the governing committees and staff of the Union.

This letter was discussed at a special meeting of the Board of Directors held January 18th, and the Board voted that the sending of this letter was contrary to the by-laws, since all questions concerning general policies must be approved by the Board in advance of submission to the National Committee.

The Board discussed the issues raised in the letter and passed the following resolution:*

"It is the sense of the Board that there is no occasion to adopt a resolution setting up standards of qualification for membership on the National Committee or Board of Directors, and the National Committee should be so notified."

Although all matters involving policy must originate with the Board, we call your attention to section 6 of the by-laws which provides as follows:

"Any five members of the National Committee shall have the right to cause any action by the Board of Directors to be submitted to the vote of the whole committee, to be taken by mail and the Board shall follow the directions of such National Committee."

Sincerely yours,

Quail B. Miller

LBM/sa

Secretary

* The resolution was adopted by vote of 10 to 9; two members, the Chairman, Director and Secretary did not vote. The eight absentee members voted by mail as follows: 1 Yes, 5 No, 2 members could not be reached.

AMERICAN CIVIL LIBERTIES UNION

31 UNION SQUARE WEST
NEW YORK CITY

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STATEMENT TO THE PRESS BY THE A.C.L.U. TO ACCOMPANY
ANNOUNCEMENT OF RESOLUTION ADOPTED ON FEBRUARY 5, 1940

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"The Board of Directors and the National Committee of the American Civil Liberties Union feel an obligation to state to members and friends the reasons which prompt the adoption of a resolution which appears to set up a test of opinion. The resolution does not, however, change the fundamental policy of the Union over the twenty years of its existence. The Union has never originally elected to its Board of Directors nor its National Committee persons whose support of civil liberties for everybody without distinction appeared to be qualified.

"The Union has always recognized that membership in the Communist Party, as in certain other groups, involves a conception of civil liberties quite different from that of the Union. No member of the Communist Party was therefore ever elected or appointed to any position of responsibility in the Union. Two members of the National Committee, however, joined the Communist Party some years after their election, and the Board did not think it necessary to disassociate them on the ground of their political opinions. One of them, William Z. Foster, elected when he was an organizer for the A.F. of L. in 1920, served some years and resigned in disagreement on a matter of policy. The other, Elizabeth Gurley Flynn, one of the original incorporators of the Union, did not join the Communist Party until fifteen years later. She has since served on the Board of Directors and is the only member of the Communist Party on the Board.

"The occasion for raising this issue at this time is the increasing tension which has resulted everywhere from the direction of the Communist international movement since the Soviet-Nazi pact. The abandonment of the struggle against Fascism and the other changes in Communist policy have raised sharp issues which were reflected in the attitudes of members of our Board of Directors.

"Nobody suggests that any person should be excluded from membership in the Union, nor that the Union should be any less zealous in the defense of Communists' rights. The sole issue raised is one of propriety affecting the governing committees in terms of a consistent attitude in support of the principle of civil liberties.

"The present resolution merely states what has been always the unwritten policy of the Union in elections or appointments. Its sole effect will be to apply that policy to present membership."

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AMERICAN CIVIL LIBERTIES UNION

31 UNION SQUARE WEST
NEW YORK CITY

181

June, 1940

A STATEMENT ON MEASURES EXCLUDING COMMUNISTS AND GERMAN-
AMERICAN BUNDISTS FROM PUBLIC AND PRIVATE EMPLOYMENT

In the commendable effort to protect American democracy from elements hostile to it, the line should be carefully drawn between restraints imposed by sound public policy and prohibitions dictated by prejudice. National defense is not promoted by wholesale denial of employment to aliens, nor their exclusion from public relief. The reasonable argument that aliens may not be suitable for certain jobs does not justify any blanket rule excluding them from public or private employment. All employers, public and private, have adequate discretion to select persons suitable for the tasks to be performed.

The considerations which hold good for aliens apply with equal force to the exclusion from public and private employment of members of minority movements against which popular prejudice is strong.

The action threatened in Congress, and already taken by the United States Civil Service Commission and by local public agencies in parts of the country, to bar completely from the public service or private employment persons solely because they are members of the Communist Party or the German-American Bund is a deprivation of civil rights wholly without justification.

It may fairly be argued that some citizens, because of their proved attitude to the government of the United States or the principles of democracy, are not qualified for certain public services. But it cannot be fairly argued that the government may by law bar from pri-

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vate employment persons because of political beliefs, as is proposed in amendments to the Oppressive Labor Practices Act passed by the Senate and now pending in the House. Those amendments would prevent any employer engaged in interstate commerce from hiring any member of the Communist Party or the German-American Bund. Such connections have no relation whatever to qualifications for performing ordinary jobs in private employment. They virtually disfranchise in the field of employment citizens holding unpopular views. The law, if passed, will succeed not in eliminating them but in making liars out of them.

Concerning the public service, the wholesale exclusion of Communists and members of the German-American Bund is indefensible so long as those are legal organizations functioning openly. The Communist Party is on the ballot in most states. It has not been established that the German-American Bund operates otherwise than legally and openly. It is argued that members of these organizations are disqualified for all public service because they are sympathetic with a foreign government opposed to democracy. If such a disqualification is laid down in a time of hysteria and hostility to those governments it can readily be applied to others as well. There are many organizations in the United States sympathetic with other foreign governments equally undemocratic in principle and practice;--to name only a few, the Catholic supporters of Fascist Spain, the Italian-American supporters of Fascist Italy, the Portuguese-American supporters of the dictatorship in Portugal, the Japanese-American supporters of the dictatorship in Japan.

Not only do the measures which now threaten to be adopted set up these qualifications for the public service, but they go further by denying public relief through the W. P. A. The next logical step will be to deny even home relief on the basis of political opinions. Star-

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vation would appear to be the desired penalty for political heresy.

The American Civil Liberties Union is wholly opposed to all of these proposals in law, denying employment in public or private agencies to persons because of membership in unpopular organizations. The Union stands resolutely against this invasion of democratic rights under the pressure of war hysteria.

Critics of the Union's position will of course reply that the Union itself has excluded members of the Communist Party and the German-American Bund, among others, from service on its governing committees or staff. But the requirements of a private organization in selecting its policy-making committees are wholly different from those of the public service,--which should be open to all citizens without distinction as to political or religious belief,--or from employment in private jobs which have no relation to political principles. It will be replied further that certain great labor organizations, notably the United Mine Workers, exclude members of the Communist Party from membership, and under closed shop agreements such persons are barred from employment. It is no defense of the action proposed in Congress to cite the measures taken by private membership associations such as a trade union, however regrettable they may be in denying employment for political views.

Precedents established now in a time of hysteria will compromise our democracy for years to come. It is time enough for the government to act against Communist or Nazi movements when they contravene our laws by activities hostile to our form of government. The individual cases of law violation by members of these organizations already tried, constitute no basis for such sweeping measures as these. The sober second-sense of the American people should bring the realization that everybody's rights are endangered by such wholesale ex-

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clusions from public and private employment of those who at the moment are the objects of popular fear or prejudice.

We urge all of the friends of civil liberties to express to members of Congress their opposition to H.J.RES. 544 removing Communists and Bundists from W. P. A. relief; to S. 1970 now before the House Labor Committee prohibiting private employers engaged in interstate commerce from hiring Communists or Bundists; and to the United States Civil Service Commission, Harry B. Mitchell, president, protesting the order of May 29th refusing to certify any member of the Communist Party or German-American Bund.

If the bills pass Congress every effort should be made to get a presidential veto. The Civil Liberties Union will offer its services to test in the courts any or all of these proposals if adopted.



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AMERICAN CIVIL LIBERTIES UNION

31 Union Square West • New York City

GRamercy 7-4330

June 19, 1940

To the members of the National Committee

Friends:

We are enclosing copies of a general statement on the present grave situation confronting civil liberties, together with a statement calling attention to legal discriminations against Communists and members of the German-American Bund.

We trust that if any of you have any reservations or criticisms in regard to either statement you will advise us promptly. Neither of them departs from the essential principles of the Union's program.

Sincerely yours,

RNB/sa
enc

Roger N. Baldwin

AMERICAN CIVIL LIBERTIES UNION

31 UNION SQUARE WEST
NEW YORK CITY

181

June, 1940

A STATEMENT ON MEASURES EXCLUDING COMMUNISTS AND GERMAN-
AMERICAN BUNDISTS FROM PUBLIC AND PRIVATE EMPLOYMENT

In the commendable effort to protect American democracy from elements hostile to it, the line should be carefully drawn between restraints imposed by sound public policy and prohibitions dictated by prejudice. National defense is not promoted by wholesale denial of employment to aliens, nor their exclusion from public relief. The reasonable argument that aliens may not be suitable for certain jobs does not justify any blanket rule excluding them from public or private employment. All employers, public and private, have adequate discretion to select persons suitable for the tasks to be performed.

The considerations which hold good for aliens apply with equal force to the exclusion from public and private employment of members of minority movements against which popular prejudice is strong.

The action threatened in Congress, and already taken by the United States Civil Service Commission and by local public agencies in parts of the country, to bar completely from the public service or private employment persons solely because they are members of the Communist Party or the German-American Bund is a deprivation of civil rights wholly without justification.

It may fairly be argued that some citizens, because of their proved attitude to the government of the United States or the principles of democracy, are not qualified for certain public services. But it cannot be fairly argued that the government may by law bar from pri-

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vate employment persons because of political beliefs, as is proposed in amendments to the Oppressive Labor Practices Act passed by the Senate and now pending in the House. Those amendments would prevent any employer engaged in interstate commerce from hiring any member of the Communist Party or the German-American Bund. Such connections have no relation whatever to qualifications for performing ordinary jobs in private employment. They virtually disfranchise in the field of employment citizens holding unpopular views. The law, if passed, will succeed not in eliminating them but in making liars out of them.

Concerning the public service, the wholesale exclusion of Communists and members of the German-American Bund is indefensible so long as those are legal organizations functioning openly. The Communist Party is on the ballot in most states. It has not been established that the German-American Bund operates otherwise than legally and openly. It is argued that members of these organizations are disqualified for all public service because they are sympathetic with a foreign government opposed to democracy. If such a disqualification is laid down in a time of hysteria and hostility to those governments it can readily be applied to others as well. There are many organizations in the United States sympathetic with other foreign governments equally undemocratic in principle and practice;--to name only a few, the Catholic supporters of Fascist Spain, the Italian-American supporters of Fascist Italy, the Portuguese-American supporters of the dictatorship in Portugal, the Japanese-American supporters of the dictatorship in Japan.

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Not only do the measures which now threaten to be adopted set up these qualifications for the public service, but they go further by denying public relief through the W. P. A. The next logical step will be to deny even home relief on the basis of political opinions. Star-

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vation would appear to be the desired penalty for political heresy.

The American Civil Liberties Union is wholly opposed to all of these proposals in law, denying employment in public or private agencies to persons because of membership in unpopular organizations. The Union stands resolutely against this invasion of democratic rights under the pressure of war hysteria.

Critics of the Union's position will of course reply that the Union itself has excluded members of the Communist Party and the German-American Bund, among others, from service on its governing committees or staff. But the requirements of a private organization in selecting its policy-making committees are wholly different from those of the public service,--which should be open to all citizens without distinction as to political or religious belief,--or from employment in private jobs which have no relation to political principles. It will be replied further that certain great labor organizations, notably the United Mine Workers, exclude members of the Communist Party from membership, and under closed shop agreements such persons are barred from employment. It is no defense of the action proposed in Congress to cite the measures taken by private membership associations such as a trade union, however regrettable they may be in denying employment for political views.

Precedents established now in a time of hysteria will compromise our democracy for years to come. It is time enough for the government to act against Communist or Nazi movements when they contravene our laws by activities hostile to our form of government. The individual cases of law violation by members of these organizations already tried, constitute no basis for such sweeping measures as these. The sober second-sense of the American people should bring the realization that everybody's rights are endangered by such wholesale ex-

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clusions from public and private employment of those who at the moment are the objects of popular fear or prejudice.

We urge all of the friends of civil liberties to express to members of Congress their opposition to H.J.RES. 544 removing Communists and Bundists from W. P. A. relief; to S. 1970 now before the House Labor Committee prohibiting private employers engaged in interstate commerce from hiring Communists or Bundists; and to the United States Civil Service Commission, Harry B. Mitchell, president, protesting the order of May 29th refusing to certify any member of the Communist Party or German-American Bund.

If the bills pass Congress every effort should be made to get a presidential veto. The Civil Liberties Union will offer its services to test in the courts any or all of these proposals if adopted.



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Civil Liberties in the War Crisis

THE hysteria created by the recent success of the German armies in Europe and the methods used to advance the German cause has produced a case of jitters in the United States unparalleled since the World War. The Civil Liberties Union takes no position on military defense nor the involvement of the United States in the war. Whatever course the nation follows it is clear beyond question that the maintenance of democracy is the first charge on our loyalties.

But the contention is apparently gaining ground that democracies are helpless in a contest with dictatorships because of their tolerance of dissent. It is evident that freedom of speech, press and assembly are vital to the national defense of a democracy. Public policies cannot be fairly determined without free discussion. **Any notion that we can defend democracy by adopting Hitler's methods already dooms us in advance. If we concede that, Hitlerism can conquer the United States without arms.**

BUT civil liberty does not, of course, extend to acts against democracy nor to espionage and sabotage. Those should be severely dealt with by our already wholly adequate laws. The popular hostility to the "Fifth Column" should be restricted to them, not extended all over the field to cover minority parties and movements, peace propaganda and trade unions.

Whatever may be regarded as subversive elements in the field of political opinion, short of acts in violation of the law, can be far

better dealt with in the open than underground. No democracy can lay claim to that name if it forces any minority movement into an underground secret conspiracy. **A fighting spirit in defense of democratic rights is the best guarantee that Americans can offer against totalitarianism.**

POPULAR passion against elements regarded as anti-democratic have resulted in a wave of lawless action by mobs, aroused citizens and local officials. In Congress the hysteria has produced measures without parallel even in the years of the World War. Pending before Congress, and already passed by one house or the other, are bills to deny WPA jobs to members of the Communist Party and the German-American Bund; to prohibit their employment in interstate industry; and, by order of the Civil Service Commission, to deny them public employment solely on the ground of political affiliations.

Even more severe is the attack on our alien population, based on the false notion that they are enemies of our democracy operating in the guise of Trojan Horses. **Nothing in the record indicates that the proportion of disloyal elements among aliens is higher than among the population as a whole.** Yet for the sake of discovering potential enemies, the entire control of aliens has passed from the Dept. of Labor to the prosecuting department of the government—**too close to the FBI for assurance of democratic treatment.**

Pending in Congress, with backing of the Dies Committee and like-minded congressmen, are anti-alien bills which would register all aliens, set up concentration camps for those who cannot be deported and deport those who merely advocate any change whatever in the government of the United States.

Added to these are sweeping sedition bills more severe than the war-time espionage act, and virtually assured of passage, making criminal any speech or publication held to encourage disobedience in the armed forces, or to advocate the use of force for political ends.

But the country's case of jitters finds its victims not only among aliens, radicals and Bundists. Advantage of the hysteria is being taken by powerful interests opposed to trade unions, the NLRB, and social legislation. In the welter of fear and prejudice which surrounds us it may well be that the gains for democratic rights so marked in the past seven years may be lost.

It is almost incredible that in the few short weeks following the Nazi invasion of France, we could be on the verge of destroying so many democratic liberties which it took so long to gain. How great is our fear is evidenced by the fact that, for the moment at least, we appear to be willing to go further in repression than in the World War, and vastly further than war-time England went up to the moment of the Nazi thrust toward Britain.

THE Civil Liberties Union calls upon all its friends and defenders of democratic rights to combat the present hysteria against Fifth Columns, Trojan-Horses, Communists, German-American Bundists and others.

The immediate dangers to civil liberties are:

I.

The passage by Congress of *legislation aimed at aliens*, at the exclusion of citizens from employment because of alleged connections with movements friendly to the Nazi and Soviet

CIVIL LIBERTIES IN THE WAR CRISIS

governments, and at propaganda held to create disaffection in the armed forces or opposition to our form of government.

II.

The extraordinary committee of the House of Representatives on Un-American Activities headed by Rep. Martin Dies of Texas whose labors *create an atmosphere of intolerance* and suspicion incompatible with democracy and which furnish the justifications for repression.

III.

The emergency powers granted the President by Congress under which, in time of "national emergency," he may issue orders which at some points *attack civil rights*. Such was an order last September directing the Department of Justice to investigate "subversive activities"—still in effect through the F.B.I.

IV.

The lawless action of citizens directed chiefly against persons regarded as supporters of the Soviet and Nazi regimes. Already the reports of mob action indicate an inflamed state of public opinion. Some of the incidents are evidently not the result of spontaneous resentment but the calculated incitements of "patriotic" agencies.

THE American Civil Liberties Union calls upon all defenders of civil liberties to take the following action:

In Congress

1. To protest against the bills in Congress which would *register and fingerprint all aliens* in the United States—a proposal utterly irreconcilable with democratic rights. Wire or write expressing your opposition to H.R. 5138 and S. 2830. Address your own Senator (or Representative, if a House bill).

CIVIL LIBERTIES IN THE WAR CRISIS

2. To protest against *extending the grounds of deportation* on the basis of opinions. It is proposed in one bill, already through the House and favorably reported to the Senate, to deport all aliens advocating "changes in the Government of the United States." Write or wire your own Senator protesting the passage of H.R. 4860.

Also being rushed through Congress is an unprecedented bill for the deportation of Harry Bridges, west-coast maritime leader, on the sole ground that he is an undesirable alien. No bill singling out an individual alien for deportation has ever before been passed. *The precedent is ominous.* Protests should be made to your Senator regarding H.R. 9766.

3. To oppose the *discrimination against Communists and German-American Bundists* already written into bills affecting employment on the WPA, employment in inter-state commerce, and, by the Civil Service Commission in the public service. Write or wire your Senator concerning S. 1970 and H.J.Res. 544. Also write or wire President Harry B. Mitchell of the U. S. Civil Service Commission in Washington. Send copies to your local newspapers.

4. To oppose the bill making *a crime of any speech or publication which may cause disobedience in the armed forces.* Such a proposal strikes squarely at freedom of speech and the press. It is more sweeping than the war-time espionage act. This bill also carries a provision making criminal the advocacy of the overthrow of the government by force and violence, a provision long used in state prosecutions to attack unpopular doctrines and labor leaders whether or not advocacy of violence is proved. Write to your own Senator in protest against the passage of H.R. 5138 (Smith Bill) which has already passed the House and is now on the Senate calendar with a favorable report.

5. To urge the defeat of *all* amendments to the National Labor Relations Act now pending in the Senate (H.R. 8813). Wire your own Senator urging that the act be not weakened.

6. To oppose the continuation of the House Committee on Un-American Activities headed by Congressman Dies and particularly his request for an appropriation of \$100,000 for additional investigators. Write or wire the Chairman of the Rules Committee, Hon. Adolph J. Sabath of Illinois, House Office Building, Washington, or any other members of that committee.

Positive Steps

Members and friends of the Union can help counteract these measures by support of the following:

7. To *end employers' espionage and armaments against workers*, support the bill prepared by the LaFollette Civil Liberties Committee of the Senate now in somewhat emasculated form before the House Committee on Labor (S. 1970). Write or wire Chairman Mary T. Norton of New Jersey, House Office Building, Washington, or any other members of the Committee on Labor urging a report on the bill *without* the amendments affecting aliens, Communists and Bundists.

8. Urge the passage of the bill to put the federal government effectively in the field against *lynching*—now through the House and before the Senate on a favorable report (H.R. 801). Wire or write your own Senator.

9. To take control of *matter excluded from the mails* from the hands of the Post Office Department Solicitor and put it into the hands of the courts, which proposal is before a subcommittee of the House Committee on the Judiciary whose chairman is Rep. Emanuel Celler. Wire or write letters to Rep. Celler.

Outside Congress

Outside the issues pending in Congress, members and friends should act on the following issues:

10. To urge that the powers given the President *to take over every radio station* in the country in time of national emergency be not exercised. Control of short-wave broadcasts to and from foreign countries in time of war may be desirable. But no control by the federal government should go beyond that—because of the danger of monopoly of public opinion by the government. The protection from government control of the greatest single means of communication can be insured only by widespread public opinion expressed to the President and to the radio industry. Communications to the industry should be addressed to the National Association of Broadcasters, 1626 K. Street, N. W., Washington, D. C.

11. To oppose any *extension of the powers of the FBI* into the field of opinion dissociated from acts contrary to law. Communications should be addressed to Attorney General Robert H. Jackson commending him for his pronouncements that the FBI not be permitted to enter the field of opinion.

12. To oppose the formation of *citizens' committees* to protect the national defense or to deal with "Fifth Columnists." Such committees always get out of hand and create more lawlessness than they cure. One of the best antidotes for such "patriotic" activities is the organization of "vigilance committees" by the defenders of civil liberties. The national office of the American Civil Liberties Union will tell any interested citizen how to go about it.

13. Write to your local officials whenever you hear that *wire tapping* is being used. Write to Attorney General Jackson commending him

CIVIL LIBERTIES IN THE WAR CRISIS

for stopping wire tapping by federal agents and expressing the hope that such practices will not be resumed under any circumstances.

ALL supporters of civil liberties are urged to report violations to the local federal District Attorney.

Copies of all clippings, letters, etc. involving incidents should be sent to the American Civil Liberties Union.

The Union or its local branches should be called upon for prompt action in the courts or otherwise wherever any issues arise.

Local committees should be formed where none exist.

Send to your local newspapers copies of your wires or letters to Senators or Congressmen on pending bills.

Added vigilance is the obligation of all those who believe that, whatever comes, American democracy must survive intact.

This is a large order for our friends. We urge each of you to select those issues which most arouse you and to act on them. Further information on any issues may be obtained by writing to the Union.

AMERICAN CIVIL LIBERTIES UNION
31 Union Square West
New York, New York

OFFICERS

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Chairman, National Committee
REV. JOHN HAYNES HOLMES
Chairman, Board of Directors
RT. REV. EDWARD L. PARSONS
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AMERICAN CIVIL LIBERTIES UNION

31 Union Square West • New York City

GRamercy 7-4330

June 26, 1940

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

Dear Rabbi Silver:

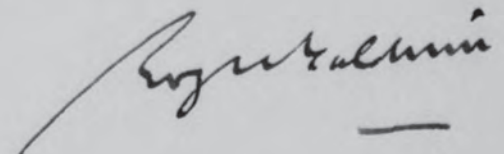
We all appreciate greatly the words of caution in your letter of June 24th, which tally with comment received from other members of our committee.

As you will note by the enclosed mimeographed statement about exclusion of Communists and Bundists from public employment, we have not taken the position that in any proper case they may not be excluded. Certainly we don't want anybody in the public service who is a menace to our government or our democracy. I hope that you can agree with this view.

We will bear in mind your word of caution about using "popular prejudice" and "unpopular" organizations. I agree that is pretty mild.

I will take the liberty of presenting your letter to our Board at its next meeting.

Sincerely yours,



RNB/sa
Enc

COPY

November 17, 1940.

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

Dear Sir:

I regret to find that "the American Civil Liberties Union has offered its legal services at a court test of the 1935 Statute in behalf of eight German-American Bundsmen...awaiting trial for making anti-Semitic speeches".

It is evident that the Union's attitude differs from my own, - as to where the line of separation lies between "civil liberties" and license to libel.

I am, therefore, obliged to request that my name be withdrawn from your list of members.

Very truly yours,

(signed) H.Friedenwald

COPY

November 20, 1940.

Dr. Harry Friedenwald,
1212 Eutaw Place,
Baltimore, Md.

Dear Dr. Friedenwald:

Your letter of November 17th comes to me in Mr. Baldwin's absence from the office.

In order that you may have a better understanding of our position on the New Jersey statute to which you refer I am sending you enclosed a reprint of an article which Osmond K. Fraenkel, New York attorney and member of our Board of Directors, wrote at the time the law was enacted. You will be interested also in seeing our statement on "Why We Defend Civil Liberty Even for Nazis, Fascists and Communists".

May I say further in authorizing our participation as amicus curiae in the New Jersey case, our Board takes the position that though we abhor the things for which the Bundists stand, and the speeches which they made at the New Jersey meetings, we defend their legal right to express them.

Sincerely yours,

(signed) Lucille B. Milner

Secretary

DR. HARRY FRIEDENWALD
DR. JONAS S. FRIEDENWALD
DR. ERNST BODENHEIMER
1212 EUTAW PLACE

BALTIMORE, MD. December 10, 1940.

Rev. Dr. A. H. Silver,
The Temple,
Cleveland, Ohio.

Dear Dr. Silver:

I have been a member of the Civil Liberties Union for a number of years and am in deep sympathy with the general work of their organization, but I was rather pained at the attitude of the Union in regard to the prosecution of the Bundists and wrote a letter to Mr. Baldwin, a copy of which I enclose. I have not heard from Mr. Baldwin but Miss Milner, the secretary, has sent me some literature and wrote a letter, of which I am also sending a copy.

I find that your name is listed among the members of the National Committee and I am writing to you to know your attitude toward this matter. I need not tell you that I am writing to no one beside yourself.

With kindest regards, I am,
Sincerely yours,

Harry Friedenwald