



Abba Hillel Silver Collection Digitization Project

Featuring collections from the Western Reserve Historical Society and
The Jacob Rader Marcus Center of the American Jewish Archives

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

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

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

Reel

1

Box

1

Folder

21

American Civil Liberties Union, 1942-1954.

AMERICAN CIVIL LIBERTIES UNION

170 FIFTH AVENUE

NEW YORK CITY



Resolution Adopted by Board of Directors

on

October 19, 1942

- - - - -

Recognizing that our military enemies are now using techniques of propaganda which may involve an attempt to pervert the Bill of Rights to serve the enemy rather than the people of the United States, the American Civil Liberties Union will not participate, -- except where the fundamentals of due process are denied, -- in cases where, after investigation, there are grounds for a belief that the defendant is cooperating with or acting on behalf of the enemy, even though the particular charge against the defendant might otherwise be appropriate for intervention by the Union.

To reach a conclusion on the question whether a particular defendant is cooperating with or acting on behalf of the enemy, the Union will consider such matters as past activities and associations, sources of financial support, relations with enemy agents, the particular words and conduct involved, and all other relevant factors for informed judgment. The Union will continue to defend the rights of all others protected by the Bill of Rights.

--oo00oo--

Introduction to
JEHOVAH'S WITNESSES AND THE WAR

The undersigned join in presenting this extraordinary record of war-time attacks upon the liberties of a religious organization. The attacks constitute a challenge to democratic liberty and religious tolerance. They present in new form the ancient conflict that at times arises between men's convictions of their duty to God and the commands of the State.

Jehovah's Witnesses have been subjected to a religious persecution unmatched in our history as a nation save for the attacks years ago upon the Mormons. More than any other minority they are suffering war-time attack on their freedom of conscience; yet their only offenses (outside a few cases of disorderly conduct) are their refusal to salute the flag, their insistence upon conducting their ministry in public, the distribution of literature in public places and house-to-house often, it is true, by annoying methods; and the refusal of their men of military age to accept military service. Yet they do not call themselves pacifists, for they are committed to fight in a war for Jehovah--an obviously academic reservation.

The record in these pages shows that thousands of their children have been expelled from the public schools all over the country for refusal to salute the flag; that several hundred men of military age are imprisoned for refusing compulsory military service; that they alone have been the victims of "patriotic" mob violence; that hundreds of their members have been arrested for distributing literature--and that they have been compelled to bring more cases in the courts involving their rights, and thereby the rights of all of us, than any other organization in the country.

No amount of persecution impairs the zeal with which Jehovah's Witnesses serve their faith. Persecution of them is not only futile but a reflection upon all those who tolerate it. The degree to which our community accords Jehovah's Witnesses their rights measures our own loyalty to the ideals we profess. Protection of their freedom of speech and conscience is the protection of our own, regardless of whatever attitude we may take to their often annoying public conduct.

Solutions can be found to the conflict between the commands of the State and their concept of duty to God which will not sacrifice any reasonable requirements of the community. It is suggested that their children be excused from flag saluting without impairing patriotic education; their literature could be freely distributed constitutionally without violating the rights of householders or otherwise creating disorder; their men of military age can be exempted from compulsory ~~xxxxxxx~~ military service, and given civilian service like conscientious objectors.

It is in the interests of religious tolerance and reasonable solutions that the undersigned--wholly dissociated from any connection with or endorsement of Jehovah's Witnesses--subscribe to the publication of this pamphlet and commend it to the attention of all liberty-loving Americans.

- - - - -

December 29, 1942

SIGNERS of INTRODUCTION TO
"JEHOVAH'S WITNESSES AND THE WAR"

Dr. Henry A. Atkinson

Bishop James Chamberlain Baker

Harry L. Binsse

Dr. Henry Sloane Coffin

Dr. Henry Hitt Crane

Dr. Frederick May Eliot

Dr. Harry Emerson Fosdick

Dr. John Haynes Holmes

~~Rabbi Morris C. Luzzatto~~

Rev. Halford E. Luccock

Bishop Francis J. McConnell

Rev. John Howard Melish

Rt. Rev. Walter Mitchell

Bishop G. Bromley Oxnam

Rt. Rev. Edward L. Parsons

Rev. Dr. D. de Sola Pool

Right Rev. Msgr. John A. Ryan, D.D.

Dean Clarence R. Skinner

Rev. Ernest F. Tittle



NATIONAL COMMITTEE

DR. HARRY ELMER BARNES
HON. JOHN BEARDSLEY
STEPHEN VINCENT BENET
ALFRED BETTMAN
PROF. EDWIN M. BORCHARD
VAN WYCK BROOKS
PEARL S. BUCK
DR. HENRY SEIDEL CANBY
WILLIAM F. COCHRAN
JOHN S. CODMAN
MORRIS L. COOKE
PROF. GEORGE S. COUNTS
JOHN DOS PASSOS
MELVYN DOUGLAS
SHERWOOD EDDY
REP. THOMAS H. ELIOT
DOROTHY CANFIELD FISHER
REV. HARRY EMERSON FOSDICK
WILLIAM HENRY GALLAGHER
KATE CRANE GARTZ
DEAN CHRISTIAN GAUSS
DEAN CHARLES W. GILKEY
DR. FRANK P. GRAHAM
POWERS HAPGOOD
MARVIN C. HARRISON
CHARLES H. HOUSTON
HENRY T. HUNT
DR. FRANK KINGDON
DR. JOHN A. LAPP
PROF. HAROLD D. LASSWELL
AGNES BROWN LEACH
PROF. MAX LERNER
WILLIAM DRAPER LEWIS
ROBERT MORSS LOVETT
BISHOP FRANCIS J. McCONNELL
MALCOLM S. MACLEAN
JOHN P. MARQUAND
PROF. KIRTLEY F. MATHER
PROF. ALEXANDER MEIKLEJOHN
RT. REV. WALTER MITCHELL
FELIX MORLEY
CHARLES CLAYTON MORRISON
A. J. MUSTE
DR. WILLIAM ALLAN NEILSON
BISHOP G. BROMLEY OXNAM
WILLIAM PICKENS
AMOS R. E. PINCHOT
JOHN NEVIN SAYRE
RT. REV. WILLIAM SCARLETT
JOSEPH SCHLOSSBERG
PROF. VIDA D. SCUDDER
ROBERT E. SHERWOOD
RABBI ABBA HILLEL SILVER
JOHN F. SINCLAIR
PROF. CLARENCE R. SKINNER
HELEN PHELPS STOKES
OSWALD GARRISON VILLARD
GEORGE P. WEST
A. F. WHITNEY
PETER WITT
L. HOLLINGSWORTH WOOD
DR. WILLIAM LINDSAY YOUNG

BOARD OF DIRECTORS

ALFRED M. BINGHAM
HARRY LORIN BINSSE
PROF. PAUL BRISSENDEN
DOROTHY DUNBAR BROMLEY
CARL CARMER
REV. ALLAN KNIGHT CHALMERS
JOHN CHAMBERLAIN
RICHARD S. CHILDS
JOHN F. FINERTY
OSMOND K. FRAENKEL
WALTER FRANK
NATHAN GREENE
QUINCY HOWE
DOROTHY KENYON
CORLISS LAMONT
FLORINA LASKER
PROF. EDUARD C. LINDEMAN
THURGOOD MARSHALL
ELIOT D. PRATT
ELMER RICE
ROGER WILLIAM RIIS
WHITNEY NORTH SEYMOUR
REV. WILLIAM B. SPOFFORD
NORMAN THOMAS
RAYMOND L. WISE

AMERICAN CIVIL LIBERTIES UNION

170 Fifth Avenue • New York City

(at 22nd Street)

GRamercy 7-4330

OFFICERS

PROF. EDWARD A. ROSS
Chairman, National Committee
REV. JOHN HAYNES HOLMES
Chairman, Board of Directors

RT. REV. EDWARD L. PARSONS
DR. MARY E. WOOLLEY
DEAN LLOYD K. GARRISON
Vice-Chairmen

B. W. HUEBSCH
Treasurer
ROGER N. BALDWIN
Director

LUCILLE B. MILNER
Secretary
ARTHUR GARFIELD HAYS
MORRIS L. ERNST
Counsel

December 29, 1942

Rabbi Abba Hillel Silver
The Temple
Cleveland, Ohio

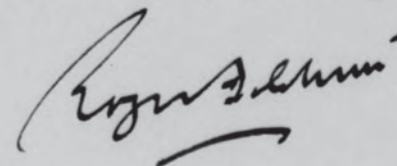
Dear Rabbi Silver:

May we ask whether you would be willing to join the enclosed signers of an introduction to a pamphlet on "Jehovah's Witnesses and the War". We enclose copy of the introduction as agreed to by practically all the signers.

The pamphlet itself is purely factual material and you would be committed only to its presentation.

As we want to go to press shortly we would appreciate your reply by wire collect.

Sincerely yours,



RNB/sa

January 4, 1943

Mr. Roger N. Baldwin, Director
American Civil Liberties Union
170 Fifth Avenue
New York, N. Y.

My dear Mr. Baldwin:

In reply to your letter of December 29th permit me to say that I will join the signers of an introduction to a pamphlet on "Jehovah's Witnesses and the War".

I personally would have preferred the fifth paragraph to be reworded in such a way as to put the moral responsibility for putting a stop to their annoying and disorderly conduct more squarely upon the shoulders of the Jehovah's Witnesses. Even theologic zeal does not pardon one from making a damned nuisance of himself. Religious zealots must learn the same lesson which the world is now trying to teach to political zealots -- the good neighbor policy. And the American Civil Liberties Union would render a great service to the cause of civil liberties if, along with defending the rights of Jehovah's Witnesses, it would also stress in this introduction and elsewhere, their duties.

Very sincerely yours,

AHS:DB

AMERICAN CIVIL LIBERTIES UNION

170 FIFTH AVENUE

NEW YORK CITY



January 7, 1943

To local committees and state correspondents

Friends:

The attached resolution adopted by the Board of Directors on October 19 has raised certain questions, particularly as to what constitutes the "fundamentals of due process." Some have conceived the resolution to constitute a change in basic policy, which is not the fact. The resolution is substantially a guide in the selection of cases in war-time. It rests on the proposition that we do not defend freedom of speech and publication for those acting on behalf of the enemy, a position which was taken by the Union's predecessor in World War I. It does not mean thereby that we do not wholly support the guarantees of the Bill of Rights, but rather that we are establishing a war-time basis for selecting cases through which to support those guarantees.

Except in rare cases all the issues of due process and the maintenance of civil rights can be raised in cases which do not fall within the resolution, as already indicated by the test cases authorized under the military evacuation orders, the Post Office censorship, etc.

Even as to those co-operating with or acting on behalf of the enemy we will make exceptions where, in the judgment of the Board, there has been so flagrant a denial of rights as to constitute a deprivation of the fundamentals of due process. The national office will watch carefully the results in cases in which the Union declines to participate under the resolution, and if there is danger of the creation of bad precedents in the Supreme Court, will recommend that exceptions be made to the application of the resolution so that the Union may present its views as amicus curiae in that Court.

The necessity of a uniform national policy in war-time, and our obvious obligation to select war-time test cases with great care, requires that all local committees and representatives refer to the national office every case, whatever its character, involving persons alleged to be co-operating with or acting on behalf of the enemy. The resolution specifies the matters to be considered in reaching a conclusion in such cases. The Union has a special committee fully qualified to appraise the questions so as to carry out the national policy stated in the resolution.

Sincerely yours,

Roger N. Baldwin
Roger N. Baldwin

RNB:sh

AMERICAN CIVIL LIBERTIES UNION

170 FIFTH AVENUE
NEW YORK CITY

 490

January 28, 1943

To the members of the Corporation

Friends:

In accordance with the by-laws a petition of ten members has been filed taking an appeal from a vote of the Board of Directors not to address Attorney General Francis Biddle in relation to the seditious conspiracy indictment recently returned against thirty-three persons in the District of Columbia (superseding an indictment against twenty-eight of these persons returned last summer).

We enclose:

- I. The statement signed by Mr. Franekel and nine petitioners attached to which is a draft of a letter to the Attorney General which in substance they desire the Union to send.
- II. A memorandum of observations on the proposal by the Union's director, Roger Baldwin, made at the Board's request.
- III. The Board's position in opposition to addressing the Attorney General with reference to this case, set forth in a memorandum prepared at the Board's direction by Whitney North Seymour.

Will you kindly read the enclosures promptly and return your vote on the enclosed postal card? Under our by-laws the vote by mail of a majority of the Corporation determines the Union's policy.

Sincerely yours,

Walter B. Miller

Secretary

LBM:ek
enc.

I.

January 28, 1943

STATEMENT TO ACCOMPANY APPEAL TAKEN
BY OSMOND K. FRAENKEL AND OTHERS

On August 17, 1942 the Board of Directors of the American Civil Liberties Union by a vote of 7 to 6 adopted the following resolution with regard to the indictment for seditious conspiracy recently found in the District of Columbia:

"The American Civil Liberties Union deploras any indictment for conspiracy alone where the defendants might have been charged with substantive acts and when they are taken to far distant places to be tried; and the Union deploras any indictment based on the peacetime Sedition Act which the Union has opposed since the time it was passed."

On August 19, 1942 the Committee of the Board dealing with sedition prosecutions unanimously agreed that a letter should be prepared to be sent to the Attorney General concerning that indictment, and that distinguished lawyers not associated with the Union be consulted to obtain their participation in representations to the Attorney General.

Thereafter letters were sent to a large number of lawyers in different parts of the country. Some of these agreed to support the Union in its representations to the Attorney General; others refused to join in the representations although they agreed with the position taken by the Union; still others refused on the ground that they would not assume that an indictment had been procured by the Department of Justice unless there was justification for it.

It was, therefore, decided not to pursue further the question of a letter to be supported by outside attorneys. The question of a letter to be sent by the Union itself to the Attorney General then came up for discussion. At a meeting of the Board held on December 21, 1942 it voted 7 to 5 in favor of sending such a letter with the understanding that the letter to be sent would be circulated among the members of the Board for further discussion. A letter was prepared and circulated and came up for discussion on January 4, 1943. At that time some of the members of the Board expressed the opinion that the action taken on December 21st was not correctly reflected in the minutes and that the Board had not yet definitely decided that a letter should be sent to the Attorney General. So as to avoid any misunderstanding on that score the Board voted to reconsider the entire matter.

At the meeting of January 4, 1943 Mr. Childs proposed that the letter as circulated be revised to confine itself primarily to an objection to the use of drag net conspiracy indictments, with as little reference to the particular case as possible. The motion to send out a letter in that revised form was defeated by a close vote. A subsequent motion to send out the letter in its original form was more decisively defeated.

This appeal seeks to have the membership review the action of the Board in rejecting Mr. Childs' motion. Accompanying this appeal is a proposed letter to the Attorney General which has been revised in accordance with the suggestion made by Mr. Childs.

The movers of this appeal believe it is of the greatest importance that the American Civil Liberties Union express its opposition to the use of drag net conspiracy indictments for the reasons stated in the proposed letter. We do not believe that by doing this we are pre-judging the case. It may, of course, be that the Department of Justice has evidence establishing the guilt of all of the persons charged. Naturally, we are not in a position to find out what evidence the Department may have. Nevertheless experience has shown that when large numbers of apparently unconnected persons are indicted together, the likelihood of injustice increases. There is frequently in such cases a tendency on the part of the jury to convict all the defendants. Particularly is that so when, as is the case here, the defendants have made unpopular statements, statements which in many instances might justify direct prosecution. Such a conspiracy indictment is particularly objectionable when it forces people to stand trial at great distances from their homes. After all the Constitution does guarantee that every accused defendant shall have a trial in the district where the crime was committed. If, therefore, the real crime of certain of these defendants was utterances made by them they were entitled to be tried at the places where the utterances were made.

In answer to our position it has been suggested that we wait and see what evidence the government has. That means waiting until the harm has been done. What we are trying to do here is to persuade the government to stop the use of indictments of this character and thus avoid the possibility of hardship to persons not properly brought into the conspiracy charge. To wait until after the trial would defeat this objective altogether.

(signed) Alfred M. Bingham
Rev. Allan Knight Chalmers
Osmond K. Fraenkel
Arthur Garfield Hays
B.W. Huebsch
Norman Thomas
Dorothy Dunbar Bromley
John F. Finerty
John Haynes Holmes
Thurgood Marshall
Raymond L. Wise

January 5, 1943

Hon. Francis Biddle
Department of Justice
Washington, D. C.

Dear Mr. Attorney General:

We address you concerning the indictments for seditious conspiracy returned by the grand jury in the District of Columbia against some thirty persons charged with utterances and publications held to violate the Military Disaffection and Espionage Acts.

We desire to put before you the following objections to both these unusual indictments:

1. Conspiracy cases based upon political utterances and publications are historically fraught with danger. We therefore deplore any indictment brought for conspiracy alone where the defendants might have been charged with substantive acts.

The policy of blanket conspiracy indictments has been the subject of judicial criticism over a long period of years. As long ago as 1925 the conferences of senior Circuit Judges (as quoted in United States v. Motlow, 10 F.2nd 657, 662) in criticizing the use of the conspiracy statute stated as one of the reasons for this criticism:

"The rules of evidence in conspiracy cases makes them most difficult to try without prejudice to an innocent defendant."

And very recently Judge Swinford of the District Court of Kentucky said (United States ex rel Sauerbrey v. Moore, 10 F. Supp. 543, 545):

"There has grown up in this country a practice among United States attorneys to use 18 U.S.C.A. Para. 83, the so-called conspiracy statute, as a catch-all or dragnet for everything and everybody, wheresoever found, who might have had some remote connection with the substantive crime or crimes charged. This most important and useful criminal statute has been prostituted beyond recognition. There is an attempt to ensnare not only those enacting the crime but any who might be standing in its shadow."

2. Whatever might be the justification for using the conspiracy statute broadly where the accused individuals themselves performed no unlawful acts which might be tried in the district of their residence, there seems little justification for such use here. Where an individual has published material which violates the law the individual should be indicted and tried in his own district for the substantive offense rather than taken to a distant place to be tried for conspiracy.

In making this suggestion we do not, of course, intimate that conspiracy charges may not ever be proper against a number of persons though we believe it would be appropriate to group the defendants in some way as to avoid the injustices which are likely to result from any single indictment.

3. We have no sympathy whatever with the activities or purposes of these defendants. We are not supporting freedom of speech in war-time for the country's enemies. Indeed we are on record as opposed to participating in cases where we are convinced that the defendants are co-operating with or acting

on behalf of the enemy. We are concerned in this case only with the question of procedure presented by the indictment. If such an indictment creates a precedent it is clearly dangerous to democratic liberties in war-time. For the same legal theory might with equal justification involve almost any patriotic citizens who before Pearl Harbor opposed the entry of the United States into the war. Extended to other types of cases it could involve in a single conspiracy based solely on utterances and publications persons of opposing views and competing purposes provided any contact could be shown between them. Such a use of the conspiracy statute is, so far as we are aware, without precedent in the field of utterance and publication.

We are the more moved to take exception to this indictment in the light of the commendable restraint shown by the Department in bringing cases involving utterances and publications in war-time. Compared with World War I, the cases have been few. We recognize that one of the reasons for this is that opposition to the war is slight compared with World War I, that public hysteria and pressure are insignificant, and that it is largely due to the good work of the Department of Justice that espionage and sabotage have been almost completely controlled.

We trust that this extraordinary indictment, which was hardly matched by any conspiracy charge in World War I, will not be regarded by the Department as a precedent for further proceedings in war-time. We are particularly solicitous in

making this suggestion because misuse of statutes is so difficult to correct, by appeal to the higher courts, in time to control policy in war-time. The responsibility upon the Department of Justice is therefore the greater.

We do not intend to participate in any way in the forthcoming trial. We shall watch its conduct with care with a view to participating on appeal only if in our judgment innocent persons are convicted or if points of law appear to be involved which might on appeal create precedents dangerous to the established guarantees of civil liberty.

Sincerely yours,



II.

January 23, 1943

Memorandum by Roger N. Baldwin, Director of the Union

To the members of the Corporation

Friends:

At the request of the Board I am adding my comment in regard to the proposal to address a letter to the Attorney General concerning the seditious conspiracy indictment brought in the District of Columbia. I would make these points:

1. The Board has already agreed to prepare a public statement concerning the misuse of the conspiracy statute not only in civil liberties cases but in others. It has not yet been determined what to do with such a statement; but the only substantial difference between the general opposition to the drag-net use of the conspiracy statute and this proposal before you is to point it up by reference to the pending case.

2. It strikes me that it would be helpful to the cause of civil liberties in war-time to address an open letter to the Attorney General for the following reasons.

(a) In accordance with previous action taken by the Board we have already made known privately to the Attorney General and to his associates our opposition to the present seditious conspiracy case. We have urged upon him and his associates that it not be used as a precedent for bringing any more such cases.

(b) The Department of Justice was evidently under pressure to bring this case. It would help counteract such pressures, which are constantly operating, to take a public position against the drag net use of the conspiracy statute.

3. Furthermore, I think we owe it to our members, friends and the public to take openly the same position which we take privately. I believe that both our members and the public have a right to expect of us intelligent leadership in formulating what should be the proper standards in war-time of the application of the principles of civil liberty regardless of whom they affect. We are not thereby participating in the defense of this case in any way, nor encouraging any political attack on the Department of Justice. We are concerned solely with attempting to avoid setting dangerous precedents by the improper use of the conspiracy statute.

Roger N. Baldwin

January 28, 1943

III

STATEMENT ON BEHALF OF THE MAJORITY OF
THE BOARD IN OPPOSITION TO THE APPEAL
TAKEN BY OSMOND K. FRAENKEL AND OTHERS

The simple issue presented by this appeal is whether the Civil Liberties Union shall publicly imply that the Department of Justice has indicted some innocent persons, and thereby violated its duty, in procuring the indictment for conspiracy of thirty-three individuals, including five paid Nazi agents and one paid by the Japanese government. The charge is that the defendants conspired among themselves and with Ulrich Fleischhauer, head of the Nazi Welt-Dienst and the official Nazi Propaganda Bureau, to impair the loyalty, morale and discipline of, and cause mutiny and insubordination in, the armed forces. A majority of the Board by a vote of fifteen to four, declined to authorize such an implication. The vote was closer on a proposal to issue a general criticism of conspiracy indictments, mentioning the present case only in passing. While this appeal is from the latter vote, the letter which is proposed to be sent if the appeal succeeds does not avoid the implication and it is impossible to do so if the letter is related to this particular case in any way.

The proposed letter necessarily implies that some innocent persons were indicted, and, accordingly, that the Department of Justice is proceeding against some of the defendants without justification. That will necessarily be the public interpretation of the proposed letter. Yet, the fact is that the Union has no knowledge or information to justify any such implication. On the contrary, the Board has before it the following facts and considerations:

1. Three of the defendants, George S. Viereck, Frank Ferenz, and Ralph Townsend, are convicted Nazi or Japanese agents; two of them, Hans Diebel and Herman Schwinn, are interned on the West Coast as dangerous enemy aliens; one, Mme. de Shishmareff, with a long record as an international spy, is interned at Ellis Island.

2. Others, notably William D. Pelley of the Silver Shirts, Robert Noble and Ellis O. Jones, have been convicted of sedition in other cases.

3. Records examined in several removal cases involving certain of the defendants revealed association with Nazi agents. Many of the other defendants have been active in native Fascist movements and have closely followed the Axis line.

4. The Union's secretary, Lucille B. Milner, who has been assigned the task of examining the material on the activities of defendants in war-time cases, has stated that on the basis of the information which she has obtained she is satisfied that all of the defendants were cooperating with, or acting on behalf of, the enemy and were parties to the conspiracy as charged.

(more)

5. Senator Taft has released for publication a letter received by him from the Attorney General, indicating that the evidence in the case was reviewed independently by attorneys in the Department of Justice and that the charges were found to be fully sustained. Mr. Baldwin's statement says that the Department was evidently under pressure to bring this case, but no authoritative or official statement has been made that the case was brought under pressure.

6. The present indictment supersedes an earlier one, merely adding certain new defendants and new charges. Thus, the charges are the result of studies by two Grand Juries over a period of many months.

7. The original indictment was strenuously attacked by Senators Wheeler, Nye, Taft, Representative Hoffman, and others. The present indictment was returned after that attack. It may be assumed that the charges were closely scrutinized by the Department before they were repeated. There is no occasion for the Union at this time to take sides in the controversy between Senators Wheeler, et al., and the Attorney General and the Administration.

3. Last summer many leaders of the American Bar were queried by Mr. Hays to ascertain whether they would be willing to subscribe to a public protest against the original indictment. So few were willing to join that the project was abandoned. A number (including William Draper Lewis of the National Committee) declined to join in such a protest because it would imply dereliction of duty by the Department of Justice, of which there was no evidence.

9. The Union recently announced that it will not participate in cases involving those who are deemed to be cooperating with, or acting on behalf of, the enemy, unless the fundamentals of due process are denied. Those members of the Board who have taken this appeal recognize in the proposed letter that under this policy the Union cannot participate directly in the present case. To attack the indictment in the press rather than in court is an evasion, if not in fact a violation of the policy. It will inevitably lead the public to believe that the Union is supporting the defendants and even, perhaps, their views. The attempt to avoid that result in the proposed letter has no assurance of success. If the Union is to do its work effectively in cases meriting support, it must adhere strictly to its declared policy.

10. The Director has already expressed privately to the Department of Justice the hope that conspiracy indictments will be used sparingly. There is no evidence to justify a belief that a public protest at this time is necessary to keep the Department from departing from the policy urged upon it by the

(more)

Director. This indictment and its predecessor appear to be the only ones which have been obtained during more than a year of war

The majority of the Board feels that its decision not to issue a public letter like the one proposed at this time should be upheld. The majority has no enthusiasm for conspiracy indictments, but believes the present case, under war-time conditions, inappropriate for the Union's intervention in any form.

Indeed, by unanimous action, the Board has authorized the appointment of a Committee to study the entire question of conspiracy indictments. They have been repeatedly used and the problem is not one peculiar to war-time conditions. Any general statement of the attitude of the Union should await study by this Committee. In the meantime, the long-term position of the Union on conspiracy cases should not be prejudiced by tying it to this particular case. To do so will only create public confusion and the belief that the Union is supporting the present defendants to some extent and is attacking the integrity of the Department of Justice. Furthermore, it seems likely that it would be more difficult for the Department of Justice to operate with the comparative restraint and wisdom which it has so far shown if the Union were now to seem to join Senator Wheeler, et al. in their attempt to shake public confidence in the Department's good faith

(Signed) WHITNEY NORTH SEYMOUR,
for the Board of Directors,
American Civil Liberties Union

oooOooo

AMERICAN CIVIL LIBERTIES UNION
170 FIFTH AVENUE
NEW YORK CITY

February 18, 1943

Rabbi Abba Hillel Silver
The Temple
Cleveland, O.

Dear Rabbi Silver:

We would appreciate it greatly if you would send us your vote on the attached referendum, a duplicate of the set of material sent you on January 28. The vote on this referendum closes March 1 and it is necessary that we have the word of each of our officers and National Committee members on this extremely important issue.

Sincerely yours,

Walter B. Miller
Secretary

LBM:N

enc

AMERICAN CIVIL LIBERTIES UNION
170 FIFTH AVENUE
NEW YORK CITY

May 27, 1943

To those circularized concerning a
petition for the President in
behalf of Max Stephan, convicted
of treason

The Board of Directors of the Union
wishes me to say to all of you that the
Union has considered the Stephan case
and concluded not to support a petition
for commutation of his sentence.

The Board desires to convey its
action to you in case the use of the
Union's letterhead by error conveyed the
impression that the Union as such ap-
proved the petition. It was, as was
stated, a purely personal undertaking
at the instance of Detroit friends.

Sincerely yours,

RNB/ei

Roger N Baldwin

AMERICAN CIVIL LIBERTIES UNION
170 FIFTH AVENUE
NEW YORK 10, N. Y.

January 24, 1946

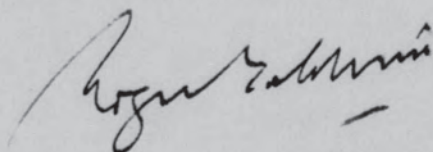
Rabbi Abba Hillel Silver
The Temple
Cleveland, Ohio

Dear Rabbi Silver:

We know the demands on your time,
but we would appreciate it if we might
have your attention to matters of
policy submitted to members of the
National Committee. I note with regret
that we have not had your reply to
several circulars calling for a collective
judgment.

With warm regards,

Sincerely yours,



rnb:rs

AMERICAN CIVIL LIBERTIES UNION
170 FIFTH AVENUE
NEW YORK 10, N. Y.

February 19, 1946

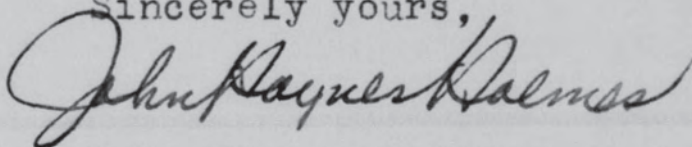
Rabbi Abba Hillel Silver
The Temple
Cleveland, Ohio

Dear Rabbi Silver:

At the annual election, held on
February 18th, a report of the balloting
among members of the Corporation, showed
that you were re-elected for a three-year
term as a member of the National Committee.

We shall assume your acceptance.

Sincerely yours,



John Haynes Holmes
Chairman, Board of Directors

JHH:se

AMERICAN CIVIL LIBERTIES UNION

170 FIFTH AVENUE
NEW YORK CITY



ACLU

March 31, 1949

Rabbi Abba Hillel Silver
The Temple
Cleveland, Ohio

Dear Rabbi Silver:

This is to advise you that at the annual meeting on March 19th, you were re-elected as a member of the National Committee for a term of three years. We assume we have your acceptance for continued service in the Union.

Very sincerely yours,

Florina Lasker
Secretary

April 5, 1949

Miss Florina Lasker, Secretary
American Civil Liberties Union
170 Fifth Avenue
New York, New York

My dear Miss Lasker:

Permit me to thank you for your kind note informing me of my re-election as a member of the National Committee. I shall be very pleased to serve.

Very sincerely yours,

ABBA HILLEL SILVER

AHS:er

AMERICAN CIVIL LIBERTIES UNION

170 FIFTH AVENUE
NEW YORK 10, N. Y.



September 23, 1949

To the members of the Corporation -

Friends:

Your prompt vote is requested on the card enclosed concerning the stand the Union should take on bills pending in Congress prohibiting obstructive picketing of federal courts.

The Board of Directors is so evenly divided on the issue that a vote of the entire Corporation has been ordered. Returns should be in by October 10.

The enclosed memorandum should be sufficient to present the differing views, but if you have any questions, further information can be furnished.

Sincerely yours,

Roger Baldwin

RNB.ed
enc.

September 23, 1949

Memorandum on Bills against Picketing of Federal Courts

Congress has before it two bills on favorable reports by the Judiciary Committees, shortly to come to vote, both of which make it a crime for any person or persons to picket a United States Court. One bill covers also the residences of judges, jurors and court officers. One requires actual interference with the administration of justice; the other punishes mere intent to do so. The full texts of the bills appear at the end of this memo.

The occasion for the bills is of course the practice of Communists and their sympathizers of picketing courts in large numbers wherever Communists are on trial. The most notable case is that of the daily picket-line maintained for months in front of the U.S. Court House in New York where the eleven Communist leaders are on trial.

The ACLU has noted that picketing, and agreed when instances of obstructive mass picketing are clear to condemn it publicly. So far it has been fairly well kept in hand by police regulation.

This time the Union is only being called upon to act in relation to Court Houses or the homes of judges or jurors and judgment is reserved as to picketing of quasi-judicial bodies such as administrative agency boards.

The Board of Directors twice divided almost evenly over these bills. All agreed that the provision punishing mere intent to influence, as contrasted with intent to obstruct, the court should be removed. The arguments on the two sides follow.

For the Principle of the Bills

(Especially the Senate bill, provided it is limited in application to demonstrations intended to interfere with, obstruct or impede the administration of justice, and excluding reference to "influence"; further provided there is an amelioration of the penalties of the Senate bill; there being no effort to restrict peaceable assemblies remote from the court and the participating parties, or speeches or writings.)

1. Amongst our most precious civil liberties is due process of law. Basic to due process is the guaranty that issues before the courts will be decided by court and jury solely pursuant to the law and upon the merits of the case as developed in open court and upon the record of valid testimony there presented. Picketing exerts a coercive influence upon courts, juries and witnesses, running counter to this basic tenet.
2. Our laws provide a system of appeals to assure a fair trial and to correct the deviations therefrom by court or jury. Any form of physical coercion is repulsive to our well-ordered system guaranteeing fair trials. The claimed right to make a show of force is not comparable to the right to a fair trial.

3. A bar to picketing does not involve freedom of speech. Nor is coercion comparable to freedom of speech or press. Criticism now permitted in the daily press, law review articles and the like are unaffected.

4. The power to punish for contempt outside the court-room is severely limited and is presently inadequate to meet this problem.

5. Current picketing by Communist sympathizers at the trial of leading Communists in New York City may or may not react in favor of the defendants. There is here adequate police protection. Of greater concern is the long-range effect of this precedent. Groups have formed around the court house at the Scottsboro trial and at the Mooney trial. The Ku Klux Klan has paraded before Southern court houses in numerous cases. Opposing groups may form and riots be developed. All too frequently public prejudice runs deeply against defendants. Yet, with the precedent of any one group permitted to make a show of force, other and different groups can do likewise. Therein lies the ominous threat to due process according to law and the basic human liberties and rights guaranteed thereby.

Against the Principle of the Bills

1. Any restrictions on the right to express orderly protests at the time and place of a trial strike at freedom of speech and assembly, -- rights more valuable than presumed improper influence on judges and jurors.

2. Judges and juries are subject to all sorts of influences and should resist them in administering justice. Picketing is no more to be restrained than other forms of expression about a pending case.

3. Where picketing actually does interfere with the conduct of a trial, the courts have already adequate power to punish for contempt.

4. No evidence has been advanced to show that picketing has actually resulted in interfering with the administration of justice.

AMERICAN CIVIL LIBERTIES UNION

170 FIFTH AVENUE
NEW YORK 10, N. Y.

181

TEXT OF BILLS

H.R. 5647 provides as follows:

"Sec. 1507. Picketing, parading, and causing noises in or near United States courts.

"Whoever participates in picketing, parading, or causing noises in or near a building wherein a court of the United States is being held, or which is being used by a judge, juror, witness, or other court officer, in a manner which impedes, obstructs, or interferes with the administration of justice, shall be fined not more than \$1,000 or imprisoned not more than six months, or both."

S. 1681 provides as follows:

"Sec. 1507. Picketing or parading.

"Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent sues any sound truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

"Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt."

---*---

AMERICAN CIVIL LIBERTIES UNION

170 FIFTH AVENUE
NEW YORK 10, N. Y.

September 26, 1949

Rabbi Abba Hillel Silver
The Temple
Cleveland, Ohio

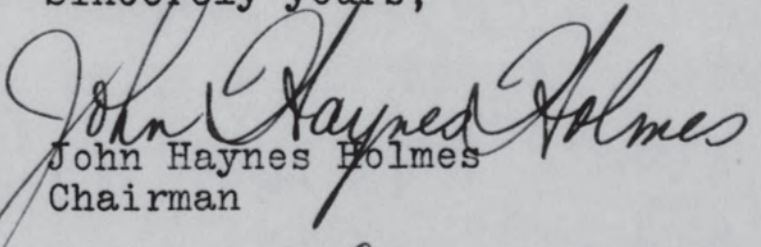
Dear Rabbi Silver:

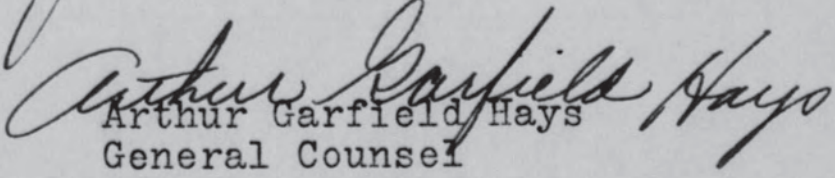
If you are disturbed by the present tendencies to deny to Communists the civil liberties accorded all others, will you join in signing the enclosed statement for publication? We wish to emphasize our own traditional position by the expression of a group of well-known citizens.

Our only connection will be to secure representative signers and to give out the statement. We enclose the list of those invited to sign with the understanding that no statement will be given out unless a substantial number of those invited accept.

The statement may be slightly modified in accordance with any suggestions received, but its import will not be changed. May we have the privilege of your prompt reply on the enclosed card or by letter?

Sincerely yours,


John Haynes Holmes
Chairman


Arthur Garfield Hays
General Counsel

September 26, 1949

The undersigned group of American citizens who repudiate the police state philosophy of Communism, join in expressing their opposition to all attempts in the U.S. to outlaw the Communist Party.

We regard the present attacks upon the rights of Communists as dangerous to American civil liberties because the attempt to outlaw one sort of propaganda sets the precedent for outlawing others. The U. S. has never outlawed any political movement, however hateful its doctrine to a majority of the people. The sound sense of the American people has always encouraged political movements to operate in the open where evil ideas may be combated in free public debate.

We are opposed to any special legislation making the advocacies of Communism in themselves criminal. We deplore the growing tendency to extend the definitions of Communism to cover all associations and movements in which Communists may take part, and thereby to so broaden the attacks as to include citizens who have no sympathy with Communism.

We of course favor the fullest public disclosure of Communist agencies and activities. We do not of course oppose the exercise of discretion by public officials in examining the political associations of employees in so-called sensitive areas of government where special precautions against qualified loyalty are necessary. But such measures do not justify resort to any general repression or discrimination.

We oppose all measures aimed at putting penalties upon political opinion; all forms of inquisitions into opinion; all censorship or controls by public agencies based upon opinions and utterances alone. The sound principle of American law is that ideas should be free, and that only acts or incitements to them should be punished. That traditional doctrine was never more needed than today.

Where problems of national security are involved, the authorities can be counted upon to take the necessary precautions. Such considerations do not justify any wholesale proscription of Communists nor the easy resort to proscribing others on the basis of mere association.

Anti-democratic influences can best be fought by asserting the strength of our democracy, capable of tolerating all propaganda from whatever source. To drive any movement underground into secret conspiratorial channels or to encourage such methods, is contrary to the American democratic principle. On the contrary every encouragement should be given to the fullest freedom of expression by Communists as by all others in order that the American people may determine through public debate of all issues, the road to progress. Above all, we shall not fall victims to adopting the police-state devices of Communists to combat them.

THE ENCLOSED STATEMENT HAS BEEN SENT TO THE FOLLOWING PERSONS:

Dr. H. B. Allen
 Mr. Frank Altschul
 Mrs. Arthur F. Anderson
 Dr. D. Anderson
 Dr. Frank App
 B. M. Armfield
 Mr. Ellis Gibbs Arnall
 Mr. Thurman Arnold
 Bishop James C. Baker
 H. H. Barrows
 ✓ Mr. Bernard M. Baruch
 Mr. William L. Batt
 Pres. James P. Baxter
 Mr. Edwin de Turck Bechtel
 Mr. Neal Dow Becker
 Mr. William Benton
 Mr. Francis Biddle
 Mr. Barry Bingham
 Pres. T. Seelye Bixler
 Mr. E. Manchester Boddy
 Judge Curtis Bok
 Mr. Ernest S. Bradford
 Mr. Henry Breckinridge
 Dr. B. T. Brooks
 Mr. Van Wyck Brooks
 Dr. Arlo A. Brown
 Mr. Percy S. Brown
 Mr. B. Brownell
 Mr. J. I. Brownlee
 Mrs. J. L. Blair Buck
 Mr. Homer Buckley
 Mr. Harry A. Bullis
 Mr. William G. Bullitt
 Mr. Charles C. Burlingham
 Mr. James F. Byrnes
 Mr. Louis G. Caldwell
 Cass Canfield
 Mr. Erwin Dain Canham
 Mr. James B. Carey
 Dean Harry Carman
 J. M. Carmody
 Mr. Arthur H. Carter
 Mr. Bennett Cerf
 Mr. Henry Chapin
 Dr. Harry Woodburn Chase
 Mr. Stuart Chase
 Mr. Leo M. Cherne
 Prof. John L. Childs
 Mr. Evans Clark
 Mr. Grenville Clark
 Mr. J. Kirkland Clark

Mrs. W. Clark
 A. P. Cleveland
 Robert C. Clothier, Pres.
 Dr. Henry Sloan Coffin
 Mr. Charles A. Collier
 Mr. Henry Steele Commager
 Dr. A. H. Compton
 Pres. K. T. Compton
 ✓ James Bryant Conant, Pres.
 Rev. Gaines Munroe Cook
 Mr. Morris L. Cooke
 Dr. Wm. D. Coolidge
 Mrs. M. Costigaw
 Mr. Norman Cousins
 Prof. C. Counts
 Mr. Gardner Cowles
 Mr. John Cowles
 Bishop Ralph Spaulding Cushman
 V. Dabney
 Mr. Joseph E. Davies
 Mr. Elmer Davis
 Mr. John W. Davis
 Dr. Michael M. Davis
 Pres. Edmund E. Day
 Mr. Monroe Emanuel Deutsch
 Mr. John Dewey
 J. S. Dickey
 Pres. H. W. Dodds
 Pres. Robert E. Doherty
 Col. R. D'Olier
 Mr. Melvin Douglas
 Mr. David Dubinsky
 Mr. Leo A. DuBridge
 Rt. Rev. Angus Dun
 Mr. Charles H. Durfee
 Mr. Sherwood Eddy
 ✓ Mr. Charles Edison
 Mr. Dwight David Eisenhower
 Mark Ethridge
 Mr. Wm. T. Evjue
 Mr. Marshall Field
 Mr. Thomas K. Finletter
 Dorothy Canfield Fisher
 Mr. James Lawrence Fly
 Mr. Abe Fortas
 Dr. Raymond B. Fosdick
 C. Francis
 D. S. Freeman
 Mr. Alexander Hamilton Frey
 Rev. Franklin C. Fry

Ford

Dr. Francis P. Gaines
Mr. J. Kenneth Galbraith
Mr. Lloyd K. Garrison
Dr. Christian Gauss
Rt. Rev. C. Kendall Gilbert
Mr. Clinton S. Golden
Mr. Albert S. Goss
Mr. John Gunther
Mr. James E. Gowen
Mr. Philip L. Graham
Mr. William Green
Mr. George I. Haight
Mr. John W. Hanes
Mrs. J. Borden Harriman
Mr. Earl Grant Harrison
Mr. Robert Heller
Mr. Leon Henderson
Bishop Henry Wise Hobson
Mr. Sidney Hollander
Mr. Hamilton Holt
Mr. Herbert Hoover
Rev. Douglas Horton
Mr. Quincy Howe
Mr. Palmer Hoyt
Mr. Robert M. Hutchins
Mr. Robert L. Johnson
Mr. Thomas Roy Jones
Mr. Eric A. Johnston
Mr. H. V. Kaltenborn
Dorothy Kenyon
Rev. Arthur Ketcham
Mr. Alfred A. Knopf
Mrs. Thomas W. Lamont
Rev. Wm. Edmund Lampe
Dr. Irving Langmuir
Mr. Albert D. Lasker
Mr. Fred Lazarus, Jr.
Hon. Monte M. Lemann
Mr. Max Lerner
Mr. Samuel A. Lewisohn
Mr. M. Danforth Lincoln
Mr. Walter Lippmann
Prof. Karl Llewellyn
Mr. Charles Luckman
Mrs. I. Bonbright Lydecker
Prof. Robert M. MacIver
✓ Rev. J. Alexander Mackay
✓ Mr. Archibald MacLeish
Mr. Stanley Marcus
Bishop Francis J. McConnell
Millicent C. McIntosh
Dr. Karl Menninger
Mr. Albert G. Milbank
Dr. Robert A. Millikan
Mrs. Ogden L. Mills

Bishop A. J. Moore
Dr. J. R. Mott
Mr. Donald R. Murphy
Mr. Phillip Murray
Mr. Edward R. Murrow
Mr. Allan Nevins
Dr. J. Francis Neylan
Dr. Reinhold Niebuhr
Prof. Howard Odum
Mr. Reuben Oppenheimer
Mr. Wm. C. Osborn
Bishop G. Bromley Oxnam
Mr. William S. Paley
Hon. Robert P. Patterson
Mr. James George Patton
Rabbi de Sola Pool
J. Potofsky
Prof. T. R. Powell
Rev. Wm. Barrow Pugh
Mr. Joseph Pulitzer
Prof. Max Radin
Mr. A. Philip Randolph
Mrs. Ogden Mills Reid
✓ Mr. Walter Philip Reuther
Hon. Owen J. Roberts
Mr. Will Rogers, Jr.
Ruth Bryan Owen Rohde
Mrs. Franklin D. Roosevelt
Mr. Lessing J. Rosenwald
Mr. Edward L. Ryerson
Bishop William Scarlett
Mr. Bayard Schieffelin
Mr. Arthur M. Schlesinger
Mr. Arthur M. Schlesinger, Jr.
Judge C. B. Sears
Murray Seasongood
Dr. C. Seymour
Mr. Francis M. Shea
Bishop Henry Knox Sherrill
Mr. Robert Sherwood
Mr. William L. Shirer
Mrs. Harper Sibley
✓ Rabbi Abba Hillel Silver
Mr. H. Christian Sonne
Mr. Willard Learoyd Sperry
Mr. Robert G. Sproul
✓ Bishop J. S. Stamm
✓ Mr. Harold E. Stassen
Mr. George D. Stoddard
Miss Anna L. Strauss
Mr. Nathan Strauss
Gael Sullivan
Mr. Raymond Swing
Mr. Gerard Swope
Mr. Herbert Bayard Swope

Mr. Charles Phelps Taft
General Maxwell D. Taylor
R. S. Taylor
Mr. Ordway Tead
Dorothy Thompson
Bishop B. D. Tucker
Mr. Leroy A. Van Bommel
Rev. Henry P. Van Dusen
Mr. James Paul Warburg
Prof. George I. Whicher
Mr. William L. White
Mr. John Hay Whitney
Mr. Charles E. Wilson
Mr. Robert B. Wolf



NATIONAL COMMITTEE

THURMAN ARNOLD
BISHOP JAMES CHAMBERLAIN BAKER
FRANCIS BIDDLE
PROF. EDWIN M. BORCHARD
VAN WYCK BROOKS
DR. HENRY SEIDEL CANBY
DR. ALLAN KNIGHT CHALMERS
WILLIAM HENRY CHAMBERLIN
GRENVILLE CLARK
PROF. HENRY STEELE COMMAGER
MORRIS L. COOKE
PROF. GEORGE S. COUNTS
PROF. ROBERT E. CUSHMAN
ELMER DAVIS
JOHN DOS PASSOS
MELVYN DOUGLAS
SHERWOOD EDDY
THOMAS H. ELIOT
MRS. DOROTHY CANFIELD FISHER
WALTER T. FISHER
REV. HARRY EMERSON FOSDICK
DEAN CHRISTIAN GAUSS
DEAN CHARLES W. GILKEY
EARL G. HARRISON
MARVIN C. HARRISON
QUINCY HOWE
DR. ROBERT M. HUTCHINS
DR. CHARLES S. JOHNSON
DR. MORDECAI W. JOHNSON
SABURO KIDO
BENJAMIN H. KIZER
DR. JOHN A. LAPP
PROF. HAROLD D. LASSWELL
MRS. AGNES BROWN LEACH
MAX LERNER
PROF. ROBERT MORSS LOVETT
PROF. ROBERT S. LYND
PROF. ARCHIBALD MACLEISH
JOHN P. MARQUAND
PROF. KIRTLEY F. MATHER
WILLIAM MAULDIN
BISHOP FRANCIS J. MCCONNELL
DR. ALEXANDER MEIKLEJOHN
DR. CHARLES CLAYTON MORRISON
A. J. MUSTE
DR. J. ROBERT OPPENHEIMER
BISHOP G. BROMLEY OXNAM
JAMES G. PATTON
PROF. MAX RADIN
A. PHILIP RANDOLPH
WILL ROGERS, JR.
ELMO ROPER
JOHN NEVIN SAYRE
RT. REV. WILLIAM SCARLETT
ARTHUR M. SCHLESINGER, JR.
JOSEPH SCHLOSSBERG
ODELL SHEPARD
ROBERT E. SHERWOOD
RABBI ABBA HILLEL SILVER
LILLIAN E. SMITH
EDWARD J. SPARLING
RAYMOND SWING
MRS. DOROTHY TILLY
WILLIAM L. WHITE
AUBREY WILLIAMS
L. HOLLINGSWORTH WOOD
DR. WILLIAM LINDSAY YOUNG

BOARD OF DIRECTORS

ERNEST ANGELL
MRS. KATRINA MCCORMICK BARNES
JONATHAN B. BINGHAM
PROF. PAUL F. BRISSENDEN
MRS. DOROTHY DUNBAR BROMLEY
RICHARD S. CHILDS
NORMAN COUSINS
EDWARD J. ENNIS
MORRIS L. ERNST
JOHN F. FINERTY
JAMES LAWRENCE FLY
OSMOND K. FRAENKEL
WALTER FRANK
VARIAN FRY
PROF. WALTER GELLHORN
ARTHUR GARFIELD HAYS
B. W. HUEBSCH
REV. JOHN PAUL JONES
DOROTHY KENYON
CORLISS LAMONT
PROF. EDUARD C. LINDEMAN
BENJAMIN F. MACLAURIN
MERLE MILLER
DR. HERBERT R. NORTHRUP
MERLYN S. PITZELE
ELMER RICE
WHITNEY NORTH SEYMOUR
NORMAN THOMAS
C. DICKERMAN WILLIAMS
RAYMOND L. WISE

AMERICAN CIVIL LIBERTIES UNION

170 Fifth Avenue, New York 10, New York

ORegon 5-5990

OFFICERS

PROF. EDWARD ALSWORTH ROSS
Chairman, National Committee
REV. JOHN HAYNES HOLMES
Chairman, Board of Directors

PEARL S. BUCK
LLOYD K. GARRISON
DR. FRANK P. GRAHAM
RT. REV. EDWARD L. PARSONS
Vice-Chairmen, National Committee

B. W. HUEBSCH
Treasurer
PATRICK MURPHY MALIN
Director
GEORGE E. RUNDQUIST
Assistant Director

ARTHUR GARFIELD HAYS
MORRIS L. ERNST
Counsel
HERBERT M. LEVY
Staff Counsel

April 21, 1950

Rabbi Abba Hillel Silver
The Temple
Cleveland, Ohio

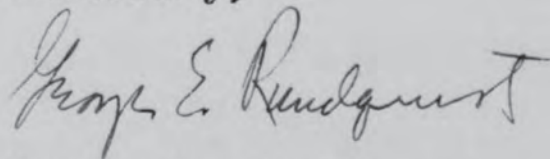
Dear Rabbi Silver:

One of the results of the recent visit of Roger Baldwin and Pat Malin to Cleveland is an active interest on the part of a number of our members in the city to set up an affiliated committee to work on local civil liberties issues. We want to give this group every encouragement possible.

Would you be willing to serve as one of the sponsors of the Cleveland Committee, along with other prominent citizens whose cooperation the group is enlisting? Mr. O.H. Steiner, President, Turner Printing Machinery, Inc., 2630 Payne Avenue, Cleveland 14, has been chosen as the temporary chairman.

We would appreciate it if you would indicate to him your interest in the local group; it is important that they have your support at the initial stage of organization.

Sincerely,



George E. Rundquist
Assistant Director

GER/cs

CLEVELAND CIVIL LIBERTIES UNION

Affiliated with

THE AMERICAN CIVIL LIBERTIES UNION

Dr. Edwin A. Brown
Executive Director

714 Perry Payne Building
740 W. Superior Avenue
Cleveland 13, Ohio
Superior 1-6276

BOARD OF DIRECTORS

Ralph Rudd, Chairman
William T. McKnight, Vice Chairman
Jesse Cavileer, Secretary
Miss Grace D. Miller, Treasurer

Edgar S. Byers
Rev. Samuel H. Cassel
Mrs. Stanton Ling Davis
Jack G. Day
John Jurkanin
John W. Love
Charles R. Miller
Mrs. Emily Powell
Robert H. Rawson
Oscar H. Steiner
Homer Tielke, Jr.

COMMITTEE CHAIRMEN

Sheldon Clark, Chairman, Legal
Sam Fitzsimmons, Vice Chairman, Legal
Julien Renswick, Public Relations
Mrs. Laurence T. Mayher, Administrative
Morton B. Icove, Censorship
Charles R. Miller, Un-American Activities
Jack G. Day, Academic Freedom
William Sanborn, Legislative

GENERAL COMMITTEE

Joseph H. Avellone
Cyril Bath
Mrs. Douglas Bond
Alex Brackenridge
Dr. Henry Miller Busch
A. I. Davey, Jr.
Miss Margaret Fergusson
Judge Carl Friebohn
Clayborne George
Marc J. Grossman
Walter M. Haas
Judge George B. Harris
Marvin C. Harrison
David Ralph Hertz
Herbert C. Hunsaker
Spencer Irwin
Rev. Charles Jack
Mrs. Russell Jelliffe
Rev. Robert Killam
Dr. Norton E. Long
Charles Lucas
Alexander Martin, Sr.
Rev. Wade H. McKinney
J. H. Michener
Mrs. Daniel E. Morgan
Joseph S. Newman
Patrick J. O'Malley
Dr. Harold Cook Philips
James C. Quinn
Arthur Reinthal
Dr. Richard Schermerhorn
Oliver Schroeder, Jr.
Dr. D. R. Sharpe
Rev. Wayne Shuttee
Rabbi Abba Hillel Silver
Scymour Slater
Robert Stafford
Dr. Harry B. Taylor
Judge William K. Thomas
William O. Walker
Rev. John J. Wilkes
Dean Carl Wittke
B. D. Zevin

Mrs. William S. Warner, Office Secretary

August 27, 1954

Mrs. Sparrow
The Temple
Ansel Rd. at E. 105th
Cleveland 6, Ohio

Dear Mrs. Sparrow:

Enclosed is a copy of our new state letterhead listing Rabbi Silver as a member of the General Committee. I recall from our phone conversation last month that you requested copies of both the state and Cleveland letterhead for your files.

Sincerely yours,

Marcia Plotkin

Marcia Plotkin
Office Secretary

*See Ohio Civil
Liberties Union*

OHIO CIVIL LIBERTIES UNION

ACLU

740 WEST SUPERIOR AVENUE • CLEVELAND 13, OHIO

AFFILIATED WITH THE AMERICAN CIVIL LIBERTIES UNION

BOARD OF DIRECTORS

AKRON

GABE SANDERS
JAMES THOMAS

CINCINNATI

GEORGE BIDINGER
FRED A. DEWEY
JAMES C. PARADISE

CLEVELAND

MRS. STANTON LING DAVIS
JACK G. DAY
RALPH RUDD
OSCAR H. STEINER

COLUMBUS

WARREN P. HILL
ROBERT E. MATHEWS

DAYTON

ALVIN J. CARLSON, M. D.
REV. LLOYD B. MIGNEREY

OBERLIN

JAMES B. MCKEE
KENNETH D. ROOSE

TOLEDO

J. WESLEY LITTLEFIELD
WILLARD A. SMITH

YELLOW SPRINGS

VALDEMAR CARLSON
ROBERT G. PORTER

YOUNGSTOWN

REV. JOHN H. BURT
ROBERT M. ANDERSON

COMMITTEE CHAIRMEN

ACADEMIC FREEDOM

WILLARD A. SMITH, TOLEDO

CENSORSHIP

E. B. SMITH, YOUNGSTOWN

FINANCE

KENNETH D. ROOSE, OBERLIN

LEGAL

JACK G. DAY, CLEVELAND

LEGISLATIVE

WARREN P. HILL, COLUMBUS

PUBLIC RELATIONS

WILLIAM SANBORN, CLEVELAND

UN-AMERICAN ACTIVITIES LEGISLATION

CHARLES R. MILLER, CLEVELAND

GENERAL COMMITTEE

EDWARD F. ALEXANDER
PROF. VAN METER AMES
JOSEPH H. AVELLONE
GEORGE BENSON
RABBI STANLEY R. BRAY
MATTHEW DEMORE
JUDGE CARL FRIEBOLIN
JEROME GOLDMAN
HAROLD K. GOLDSTEIN
MARC J. GROSSMAN
MARVIN C. HARRISON
C. E. ISRAEL
WILLIAM F. MAAG, JR.
PROF. ROBERT E. MATHEWS
PATRICK J. O'MALLEY
GROVE PATTERSON
NATHAN RANSOHOFF
JOSEPH L. RAUH
CLARENCE ROBINSON
RABBI ABBA HILLEL SILVER
WILLIAM E. STEVENSON
LEONARD STIDLEY
BEN STONER
DEAN CARL WITKE

OSCAR H. STEINER
CHAIRMAN BOARD OF DIRECTORS
CLEVELAND

JAMES PARADISE
VICE-CHAIRMAN
CINCINNATI

WARREN P. HILL
SECRETARY
COLUMBUS

KENNETH D. ROOSE
TREASURER
OBERLIN

OFFICE PHONE—SUPERIOR 1-6276

DR. EDWIN A. BROWN, EXECUTIVE DIRECTOR

MISS MARCIA PLOTKIN, OFFICE SECRETARY



American Civil Liberties Union

GREATER CLEVELAND BRANCH



Miss Emily L. Rounds
Temporary Secretary-Treasurer
2420 Eaton Road
University Heights 18, Ohio

ORGANIZING COMMITTEE

Frank Balda
Harry Barron
Rev. Samuel H. Cassel, Jr.
Edmund Vance Cook, Jr.
Keynon Cramer
Dr. Stanton Ling Davis
Jack G. Day
Robert Friedman
Edward R. Gibson
Mrs. Ann Fagan Ginger
Danforth R. Hale
Mrs. Eva W. Hartman
Mrs. Christian Hoffmann
Alfred Hollander
Sidney Josephs
Charles Lucas
Joseph Manlet
Ray Manlet
Aaron W. Newman
Edward S. Newman
Chat Paterson
John G. Pegg
Martin Richardson
Zolton Roseman
Ralph Rudd
Dr. Richard A. Schermerhorn
Dr. D. R. Sharpe
Rev. Wayne Shuttee
Robert Stafford
Roland H. Strasshofer, Jr.
William K. Thomas
Dr. William E. Umbach
Sidney Vincent
Harry Weinraub
Dr. David Williams

Dear Friend:

At a recent meeting of Greater Cleveland members of the American Civil Liberties Union, it was voted unanimously to establish a local chapter.

Because of increasing tensions in our country and throughout the world, the civil rights of individuals and minorities are being subjected to greater risk of violation.

Many organizations have sprung up in recent years to combat some phase of these encroachments. In numerous cases, their usefulness has been vitiated because of political bias or other suspected motives.

The American Civil Liberties Union is the only national, non-partisan organization defending the Bill of Rights for all peoples without distinction or compromise. For more than thirty years, it has championed the right of every American to freedom of speech, press, religion, and assembly. It stands on the general principle that democracy lives by the freedom of its citizens to speak, publish, worship, and assemble.

This invitation to join is being sent to a group of citizens whom we believe are aware of the impending dangers and are sympathetic with the purposes of this great organization.

We hope you will fill out and mail at once the application for membership which is attached.

Sincerely yours,

O. H. Steiner
Temporary Chairman

SPONSORS

Francis R. Bacon
Dean of the School of
Architecture, WRU
Henry Miller Busch
Professor of Sociology, WRU
Edgar S. Byers
Attorney
Miss Harriet Eells

Marvin C. Harrison
Attorney
Perry B. Jackson
Judge of the Municipal
Court
Mrs. Russell W. Jelliffe
Co-Director, Karamu
Theatre
Mrs. Daniel E. Morgan

Rev. Robert Killam
The First Unitarian
Church
John W. Love
The Cleveland Press
George Trundle
President, Trundle
Engineering Company

Rev. Francis B. Sayre, Jr.
St. Paul's Episcopal Church
of East Cleveland
Rabbi Abba Hillel Silver
The Temple
Dr. Carl F. Wittke
Dean of the Graduate
School, WRU

American Civil Liberties Union

GREATER CLEVELAND BRANCH



Miss Emily L. Rounds
Temporary Secretary-Treasurer
2420 Eaton Road
University Heights 18, Ohio

October 4th, 1950

O. H. Steiner
Temporary Chairman
2630 Payne Avenue
Cleveland, Ohio

ORGANIZING COMMITTEE

Frank Baldau
Harry Barron
Rev. Samuel H. Cassel, Jr.
Edmund Vance Cook, Jr.
Keynon Cramer
Dr. Stanton Ling Davis
Jack G. Day
Robert Friedman
Edward R. Gibson
Mrs. Ann Fagan Ginger
Danforth R. Hale
Mrs. Eva W. Hartman
Mrs. Christian Hoffmann
Alfred Hollander
Sidney Josephs
Charles Lucas
Joseph Manlet
Ray Manlet
Aaron W. Newman
Edward S. Newman
Chat Paterson
John G. Pegg
Martin Richardson
Zolton Roseman
Ralph Rudd
Dr. Richard A. Schermerhorn
Dr. D. R. Sharpe
Rev. Wayne Shuttee
Robert Stafford
Roland H. Strasshofer, Jr.
William K. Thomas
Dr. William E. Umbach
Sidney Vincent
Harry Weinraub
Dr. David Williams

Dear Fellow Member:

The charter meeting of the Greater Cleveland Chapter of the American Civil Liberties Union will be held at 8 PM on October 13th at the Board of Education Auditorium.

The Honorable Arthur Garfield Hays, lawyer, author, and General Counsel of the American Civil Liberties Union, will be our guest speaker. Among his many outstanding services: he was associated with Clarence Darrow in the famous Tennessee Scopes trial; he was a member of the Commission of Inquiry on the trial of Draja Mihailovich in 1948; he made a survey of civil liberties in the American Zone of Occupation in Europe under military government at the invitation of General Clay. His record of service in the field of civil liberties is an imposing one and he has written many books on the subject.

The program schedule follows: 8 PM sharp, The Honorable Arthur Garfield Hays; 8:45 question period; 9:15 Report of Committee on By-Laws, Mr. Marvin Harrison, Chairman; 9:30 Report of Nominating Committee, Mr. Edgar Byers, Chairman; 9:40 new business; 10 PM sharp, adjournment.

We are witness to a dangerous rise of mass hysteria and steady curtailment of individual civil liberties. To cite only a few: General Foods cancels a TV artist's contract without a hearing because of unproven charges that this artist is a Communist. Citizens of a Missouri town take the law into their own hands and break up a meeting of Jehovah's Witnesses.

These are but a few examples of the hysteria which is threatening individual freedom in the name of national security. Civil liberties are the difference between democracy and its totalitarian enemy.

You are a charter member of the Greater Cleveland Chapter. Help make this first meeting significant. Bring at least one friend with you.

Demonstrate your opposition to totalitarianism and your faith in American Democracy through your attendance.

O. H. Steiner
Temporary Chairman

O. H. Steiner

SPONSORS

Francis R. Bacon
Dean of the School of
Architecture, WRU
Henry Miller Busch
Professor of Sociology, WRU
Edgar S. Byers
Attorney
Miss Harriet Eells

Marvin C. Harrison
Attorney
Perry B. Jackson
Judge of the Municipal
Court
Mrs. Russell W. Jelliffe
Co-Director, Karamu
Theatre
Mrs. Daniel E. Morgan

Rev. Robert Killam
The First Unitarian
Church
John W. Love
The Cleveland Press
George Trundle
President, Trundle
Engineering Company

Rev. Francis B. Sayre, Jr.
St. Paul's Episcopal Church
of East Cleveland
Rabbi Abba Hillel Silver
The Temple
Dr. Carl F. Wittke
Dean of the Graduate
School, WRU

BY-LAWS OF
CLEVELAND CIVIL LIBERTIES UNION

ARTICLE I.

The name of this organization shall be the Cleveland Civil Liberties Union.

ARTICLE II.

This organization shall function as an affiliate of the American Civil Liberties Union, Inc. of New York, N.Y. The policies set forth in the charter and by-laws of the American Civil Liberties Union, Inc. are binding upon this organization.

ARTICLE III.

The object of this organization shall be to aid in maintaining all civil rights, including particularly the rights of freedom of speech, press and assemblage; and to take all legitimate actions in furtherance of these objects.

ARTICLE IV.

All persons wishing to aid in the furtherance of the purposes of the American Civil Liberties Union and of this organization are eligible for membership. Membership is established by signing an application in which adherence to the purpose of the American Civil Liberties Union and of this organization is set forth and by paying the annual dues. The minimum dues for

membership in this organization shall be \$2.00 annually.

Members who are delinquent in the payment of dues for more than six (6) months may be dropped by order of the Executive Board from the membership rolls.

Any member may be expelled by a majority vote of the Executive Board, but only after a hearing has been held and an opportunity given to the member to be heard. A member so expelled may appeal to the general membership of the organization, which may affirm, modify or reverse the action of the Executive Board. The procedure for such appeal shall be determined by the Executive Board.

ARTICLE V.

The officers of this organization shall be as follows: a Chairman, a Vice Chairman, a Secretary, and a Treasurer, each having the powers and responsibilities usual to such titles. Each of these officers shall be elected by the Executive Board from its own membership. Election of officers shall follow the annual election of members to the Executive Board each year.

ARTICLE VI.

Executive Board. The direction and administration of this organization shall be under the control of an Executive Board of twelve (12) members, four (4) of whom shall be elected each year by the membership through a ballot distributed and collected by mail. At the first election of the members of the Executive Board four (4) shall be elected for the term of one (1) year, four (4) for the term of two (2) years, and four (4) for the term of three (3) years.

The Executive Board shall meet upon the call of the Chairman, and the Chairman shall at any time call a meeting of the Executive Board upon the request of any three (3) members thereof.

A quorum of the Executive Board shall consist of seven (7) of its members. All members of the Executive Board shall receive reasonable notice of each meeting in writing. Any voting member of the Executive Board who fails to attend three (3) consecutive meetings without a reasonable excuse, may be dropped from membership on the Board by a majority vote of a quorum of the members at a regularly called meeting. Any vacancy on the Board shall be filled by the remaining members of the Board until the next succeeding annual Board election.

Any member of the National Committee of the American Civil Liberties Union who resides in Cleveland shall be ex officio a member of the Executive Board, with the right to participate in all meetings but without the right to vote.

ARTICLE VII

The annual meeting of the membership of this organization shall be held in October on the call of the Executive Board and advance notice by mail of at least two (2) weeks shall be provided to all members.

ARTICLE VIII

The Chairman, with the approval of the Executive Board, shall appoint a nominating committee to report at each annual membership meeting. After nominations are reported at the membership meeting, additional nominations may be made from the floor. Thereafter, a mail ballot shall be taken on all candidates nominated. The ballots

shall be prepared and mailed by the Secretary and returned to and counted by the Chairman and members of the Nominating Committee.

ARTICLE IX.

The Executive Board shall establish such committees as in the judgment of its members will best promote the work of this organization and its cooperation with the American Civil Liberties Union.

ARTICLE X.

These by-laws may be amended by a majority vote of the members voting thereon, when submitted to them for a mail ballot. Such proposed amendment may be submitted at any time by the Executive Board, or by the majority vote of the members present at the annual membership meeting.

ARTICLE XI

An annual report shall be presented by the Chairman to the annual meeting.