40th ANNIVERSARY ISSUE

ORIGINS OF THE ACLU

In 1915, after World War I had broken out in Europe, an organization was formed to prevent U.S. involvement—the American Union Against Militarism. Its Chairman was Lillian D. Wald, and its executives were Crystal Eastman and Charles T. Hallinan. Roger N. Baldwin joined the staff early in 1917 and established a Civil Liberties Bureau to handle the numerous Bill of Rights violations brought to the A.U.A.M.

The C.L.B. became independent as the National Civil Liberties Bureau with a Board of its own, which included E. Hollingsworth Wood as Chairman, Norman Thomas Vice-Chairman, Helen Phelps Stokes Treasurer, Walter Nelles Counsel, and Crystal Eastman, John Lovejoy Elliott, John Haynes Holmes, Agnes Brown Leach, Owen Lovejoy, Rabbi Judah L. Magen, and John New Segre.

The NCLB handled many war-time cases involving freedom of speech, press, association, and conscience—particularly C.O. cases.

Suspicion that the Bureau was encouraging resistance to the draft prompted a Justice Department raid on the NCLB’s offices in September 1918, with the seizure of all its files. After examining them, no cause for prosecution was found, and they were returned. Roger Baldwin resigned as Director when called for military service—which, as a conscientious objector, he refused. No alternative service then being provided, he was prosecuted and sentenced to a year in prison. The Bureau’s direction that year was taken over by Albert DeSilver, a New York lawyer. To meet the growing national need, the NCLB was reorganized in January 1920 as the American Civil Liberties Union.

The ACLU’s founding officers and staff were the Rev. Henry F. Ward Chairman, Duncan McDonald and Jeannette Rankin Vice-Chairmen, L. Hollingsworth Wood Treasurer, Roger N. Baldwin Director, Albert DeSilver Associate Director, Walter Nelles Counsel, Lucille B. Milner Field Secretary, and Louis F. Buden Publicity Director.

The ACLU’s original National Committee included, in addition to the 1917 NCLB board listed above: Jane Addams, Norman Hapgood, Arthur Garfield Hays, Morris Hillquit, B. W. Huebner, James Weldon Johnson, Helen Keller, Henry F. Lawrie, Robert Morris Lovett, A. J. Mauve, Scott Nearing, William H. Pickens, Vida D. Scudder, Oswald Garrison Villard, B. Chauncey Flanders, and Bishop Charles D. Williams.

THE UNION’S FIRST DECADE

1920: The Palmer Raids

During its first year the Union’s work was largely directed at combating the deportations of aliens for their radical beliefs (ordered by Attorney General Mitchell Palmer), at opposing attacks on the rights of the I.W.W. (the Industrial Workers of the World was a left-wing and anarchic labor organization) and of trade unions to hold meetings and organize, and at securing release from prison for the hundreds sentenced during the war for expression of anti-war opinion.

1921-22: Amnesty Campaign

The ACLU’s campaign for amnesty of war-time civil liberties victims continued, with special support organized in Washington for a petitioning delegation of wives and children of prisoners, known as the “Children’s Crusade.” President Harding was persuaded to release men individually—not by a general amnesty. The most notable among them was the Socialist candidate for President, Eugene V. Debs, who received over a million votes in the 1920 campaign.

1923: Southern California

In Los Angeles, ACLU representative Upton Sinclair was arrested for holding a meeting to protest the state’s denial of civil liberties to the I.W.W. Another meeting held to protest Sinclair’s arrest, brought out a crowd of 15,000 people and led to the formation of the Southern California Branch, with the Rev. Clinton J. Taf in as Director.

1924: The Paterson Strike

Denial of textile union strikers’ free speech in Paterson, N.J., enlisted the ACLU’s aid in successfully challenging restrictions—but not without a prosecution for unlawful assembly in which Roger Baldwin and five strikers were sentenced to jail. The New Jersey Supreme Court reversed the convictions and voided the statute in a case handled for the Union by Arthur T. Vanderbilt, later head of the N.J. Supreme Court.

This issue of civil liberties begins our 40th Anniversary celebration. It highlights some of the work done by the ACLU and its affiliates since 1920—recording both victories and defeats in cases not so much chosen by the Union as forced on it by the ever-changing pressures and civil liberties as the years have passed. New occasions teach new duties, but time does not make our “ancient good unchangeable,” and eternal vigilance is still the price of liberty. And, looking into a future which is certain only in its need for ever-growing service by the Union, we urge all our members to respond with even more than their usual generosity to the special appeal now in the mails.

—Patrick Murphy Malin

Albert DeSilver Dies

Albert DeSilver, Associate Director since the founding in 1917 of the ACLU’s predecessor, the NCLB, died in December 1924.

1925: The Scopes Case

When Tennessee’s new anti-evolution law became effective in March 1925 the Union at once sought a test of the statute’s attack on free speech and secured John T. Scopes, a young science teacher, as a “guinea pig.”

William Jennings Bryan, three times the Democratic candidate for President, and a Fundamentalist, volunteered to serve as chief counsel for the prosecution.

Clarence Darrow, a member of the Union’s National Committee, and an Agnostic, headed the ACLU’s volunteer defense team of Arthur Garfield Hays, Dudley Field Malone, and Bainbridge Colby.

Scopes was convicted and fined $100. On appeal, the Tennessee Supreme Court upheld the statute but reversed the conviction, which made it impossible to appeal the case to the U.S. Supreme Court. But the law has since been a dead letter; the trial played a major part in ending a serious governmental threat to freedom of thought and academic liberty.

1926: “Riot Law” in Passaic

During the year-long textile strike in Passaic, N.J., the Sheriff used what he termed “Riot Law” to forbid peaceful assembly. Norman Thomas was arrested for attempting to speak at a meeting planned by the ACLU; after being locked up, he was released on $10,000 bail. When the grand jury refused to indict him, Thomas brought suit against the officials responsible for his arrest. The Union eventually succeeded in enjoining the Sheriff from interfering with lawful meetings.

Forrest Bailey Acting Director

During Roger Baldwin’s leave of absence abroad during 1926 and 1927, his place was taken by Forrest Bailey, who continued as Associate Director until his death in 1938.
THE THIRTEES: NEW ISSUES

1930: C. O. Citizenship Case
John W. Davis, 1924 Democratic candidate for President, volunteered to handle the Union's appeal to the U.S. Supreme Court of Yale Divinity School Professor Douglas C. McIntosh's naturalization case. A Canadian, McIntosh had been denied citizenship as a C.O. The Court ruled 5-4 against him.

1931: The Scottsboro Case
In the court house at Scottsboro, Alabama, surrounded by a crowd estimated at 10,000 held in check by state troops, nine Negro boys were sentenced to death for the alleged rape of two white girls on a freight train. The trial aroused nationwide indignation. The Union's southern field agent, Miss Rolliee Randell, collected facts and helped arrange for an appeal.

The case was, however, taken over by the Communist-led International Labor Defense. It took the appeal to the Alabama Supreme Court, which affirmed the convictions. Appeal was then taken to the U.S. Supreme Court, which reversed on the ground that the youths had not had a fair trial and Negro jurors had been excluded. The case resulted in long prison terms, no death sentences, and acquittal for two.

Efforts to cut the sentences and parole the remaining seven became later the responsibility of the non-Communist Scottsboro Defense Committee, headed by ACLU Board member Allan Chandler. Andy Wright, the last of the "boys," was freed in 1950.

1932: Bonus Army Eviction
The Union's Annual Report for 1932 stated that the year's most shocking incident was the eviction of the Bonus Expeditionary Force from Washington on order of President Hoover. Under the command of General Douglas MacArthur, then Chief of Staff, the U.S. Army cleaned out the veterans' camp in the dead of night with the use of tear gas on men, women, and children. Prosecution against this denial of the right of assembly were lodged with the President by 41 distinguished citizens, acting through the ACLU.

1933: The "Ulysses" Case
Federal Judge John M. Woolsey in New York rendered an historic anti-censorship decision admitting James Joyce's "Ulysses" to the U.S. after a long legal battle supported by the ACLU, which reprinted its ruling and distributed it widely.

1934: Indian Reorganization Act
The ACLU called an all-day conference in Washington to build up support for a series of bills to protect and extend the civil rights of American Indians. Most of these proposals were contained in the Indian Reorganization Act of 1934.

1935: Alabama Ordinances
An extraordinary ordinance adopted in Birmingham, Bessemer, and nearly Alabama towns made illegal the possession of more than one copy of a daily newspaper. In a court test backed by the Union, the ordinance was declared unconstitutional.

1936: The Virgin Islands
Congress passed a measure long fought for by the Union, providing for permanent civil government for the Virgin Islands—including universal suffrage and a Bill of Rights. The Union continued its battle for self-determination and civil liberties for U.S. colonies which culminated in independence for the Philippines, commonwealth status for Puerto Rico, and statehood for Alaska and Hawaii.

1937: Employer's Free Speech
Although supporting the National Labor Relations Board's defense of the rights of trade unions to organize, strike, and bargain collectively, the ACLU took exception to the N.L.R.B.'s denial of free speech for employers when not accompanied by coercion. When the Ford Motor Company was required to resist all anti-union propaganda, the Union assisted in carrying a successful appeal on that issue to the U.S. Supreme Court.

1938: Mayor Hague
The ACLU, together with the C.I.O., took its fight against Mayor "(I Am the Law)" Hague's denial of free speech and assembly in Jersey City to the U.S. Supreme Court, which ended all municipal bans on peaceful public assembly anywhere in the U.S.

1939: Martin Dies on ACLU
Repeated efforts to get the Union a hearing by the Dies Committee on Un-American Activities, before which many witnesses had maligned the ACLU, were unavailing. However, in the course of examining Dr. Harry F. Ward, appearing for the American League for Peace and Democracy, Congressman Dies stated: "This Committee found last year . . . there was no evidence that the American Civil Liberties Union was a Communist organization. That being true, I do not see why we should be justified in going into it."
THE FORTIES: WORLD WAR

1940: Totalitarians Barred

A controversy, long latent, arose in the Board of Directors over the participation in the Union's affairs of those whose devotion to civil liberties was qualified by other loyalties. On February 8, the Board adopted what has come to be known as the 1940 Resolution, under which Communists, Fascists, Ku Kluxers, and others failing to meet "the test of consistency in the defense of civil liberties in all aspects and all places," are barred from the Union's governing councils and staffs.

Only one person now presented a problem in terms of the Resolution—Elizabeth Gurley Flynn, who had recently become a Communist. She was removed from the Board in accordance with the Resolution. Dr. Harry F. Ward, who had relinquished the Chairmanship in January 1940, resigned in protest against adoption of the 1940 Resolution.

Holmes Elected Board Chairman

The Rev. John Hayne Holmes was elected Chairman of the Board, and Professor Edward A. Ross of the University of Wisconsin Chairman of the National Committee.

C.O. Committee Formed

As the draft law began to raise civil liberties problems, the ACLU created a special National Committee on Conscientious Objectors, headed by Ernest Angell, a New York lawyer and member of the American Legion. It handled hundreds of cases during the war.

1941: First Smith Act Case

Twenty-nine members of the Trotskyite Socialist Workers Party and the C.O. Teamsters Union in Minneapolis were charged in mid-1941 under the Smith Act with advocating the overthrow of the government by force and violence. The prosecution rested its case chiefly on statements of policy in S.W.P. publications, not on incitements to violence. The Union helped appeal the case of those convicted, but the U.S. Supreme Court in 1942 refused to review.

1942: Home Front Tragedy

In an open letter to President Roosevelt, the Union challenged the constitutionality of the military order evacuating over one hundred thousand Japanese Americans from their homes on the Pacific Coast, as "depriving American citizens of their liberty and use of their property without due process of law," and urged on him a number of suggestions to correct injustice. ACLU affiliates in California and Washington joined the national organization in a number of test cases in which—until the war was over—the courts rejected the Union's contentions. The confinement of the Japanese, their treatment, their final release, and the restoration of their rights were all matter of major ACLU concern during and after the war.

1943: Jehovah's Witnesses

The Union's long fight for the rights of Jehovah's Witnesses was won in the U.S. Supreme Court, which reversed its previous decision that schoolchildren could be expelled for refusing to salute the flag, and which held unconstitutional a Mississippi law punishing persons who "adopt an attitude of stubborn refusal to salute the flag." On a rehearing petition, backed by the American Newspaper Publishers' Association, which took over the case from the ACLU, the Supreme Court reversed its earlier ruling and voided the law and other non-commercial literature distributors.

Race Relations Committee Active

The Union's Committee on Race Discrimination in the War Effort, under the chairmanship of Pearl Buck, helped coordinate the efforts of the many organizations in the field in cooperation with the President's Fair Employment Practices Committee; after outbreaks of racial violence in mid-1943, it published "How to Prevent a Race Riot," a widely distributed pamphlet.

1944: Texas White Primary

The Union filed a brief in support of the N.A.A.C.P.'s victorious Supreme Court appeal against the Texas white primary law: it backed cases to force the Boiler Makers' Union to end discrimination; and it aided in the successful fight against segregation of Negro children in the schools of Trenton, N.J.

1945: A Veto by Earl Warren

As urged by the ACLU's California affiliates, Governor Earl Warren vetoed a bill to require all prospective state employees to state their views on war (intended to discourage employment of C.O.s). The Governor called it encouragement to "witch-hunting."

1946: $1,000 Reward

For years the ACLU had posted rewards for information leading to the conviction of violators of other persons' rights. In 1946, for the first time in its history the Union paid such a reward, $1,000, to a hotel proprietor in Centerville, Calif., who identified a man who had shot from an automobile into two Japanese residences—in the wave of violence which greeted Nisei returning to the Coast.

1947: MacArthur's Guest

On the invitation of General Douglas MacArthur, Roger Baldwin spent three months in Japan and Korea as a representative of the ACLU, the Japanese American Citizens League, and other groups; he gathered information useful in formulating recommendations to policy on the Occupation, to the Union, and to other organizations. He also helped the Japanese and Koreans set up civil liberties organizations of their own.

1948: ACLU Team in Germany

On the invitation of the Department of the Army and of General Lucius T. Clay, Military Governor of the U.S. Zone, Roger Baldwin, Arthur Garfield Hays, and Board Member Norman Cousins spent the fall in Germany making a survey of civil liberties for the Occupation. Baldwin also attended the U.N. General Assembly in Paris that adopted the Universal Declaration of Human Rights.

Arizona-N.M. Indians Win Franchise

In separate Arizona and New Mexico cases, both supported actively by the Union, Indians won the right to vote. These two states were the last to deny Indians the vote.

1949: The Peekskill Riots

In a special report on the anti-Paul Robes- son riots in Peekskill, N.Y., the Union protested the denial of freedom of assembly. Later the ACLU challenged the constitutionality of an ordinance designed to prevent such outbreaks from recurring by denying the right to hold meetings which might arouse controversy; the law was voided.

THE GROWTH OF THE UNION

This chart shows growth of enrollment from about 1,000 contributors in 1920 to 48,000 members in January 1960. Included are those belonging separately to un-integrated affiliates—ranging from an estimated 500 in the early 1920's to 5,000 in the early 1940's; when all affiliates but Northern California formed their separate 3,500 members with the national ACLU.

ELECTED IN 1940's

These men and women were among those elected to the Board and National Committee in the 1940's. Those marked * are still active.

Ernest Angell* Robert M. Hutchins*
Stephen Vincent Benet Charles S. Johnson
Francis Biddle* Mordecai Johnson*
Henry Seidel Canby* Sadhu B Calo* Allan K. Chalmers Freda Kirshney
W. H. Chamberlain Max Lerner*
Marie L. Cooke* Edward Lindeman
George S. Counts* Archibald MacLeish
Norman Cousins John P. Marquand
Elsie Davis Felix Morley
Marvin Douglass A. Philip Randolph*
Edward J. Ennis Wilfrid Rogers, Jr.
Dorothy Canfield Fisher Elmo Rogers*
James Lawrence Fly A. Schlesinger Jr. *
Harry E. Footlock* Lilyan Smith*
F. Walter Goldhorn* Raymond G. Swing
William H. Haas Ray Wilkins

MEMBERSHIP IN THOUSANDS

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THE FIFTIES: COLD WAR

1950: Malin Executive Director
Patrick Murphy Malin, professor of economics at Swarthmore College, succeeded Roger N. Baldwin as the Union’s Executive Director on February 1, 1950. Baldwin, head of the ACLU since its founding in 1920 and since the creation of its predecessor in 1917, became International Work Adviser.

Angell Becomes Chairman
Ernst Angell, head of the Union’s wartime Committee on Conscientious Objectors and Board member since 1942, was elected Chairman of the Union’s Board of Directors to succeed John Haynes Holmes who for reasons of health resigned the chairmanship.

Dorothy Kenyon Fights Back
Senator Joseph R. McCarthy’s attack in March 1950 on Judge Dorothy Kenyon, a member of the Union’s Board of Directors since 1931, was branded by the ACLU as “unworthy of a member of the United States Senate.” Miss Kenyon’s testimony in reply before the Senate Foreign Relations Committee investigating McCarthy’s charges was so complete that Sen. Bourke Hickenlooper (R., Iowa), who conducted the cross-examination when McCarthy failed to appear, said that “there was not the least evidence” that she had been “ abusive or disloyal.”

1951: Loyalty-Security Program
The Union’s decade-long battle against the excesses of the federal security program, challenging its scope, its denial of due process, and its impact on freedom of speech and association, became a major effort.

New Mexico Church-State Case Won
In a church and state case supported by the ACLU, a New Mexico court sustained 100% of the Union’s arguments, forbidding public school teachers to wear religious garb but refusing to bar all members of religious orders per se from teaching jobs.

1952: Radio-TV Blacklisting
“The Judges and the Judges,” the Union’s report by Merle Miller on black-listing in the radio-TV industry, was published by Doubleday. Miller’s book described in detail how the handbook “Red Channels” and the newsletter Counterattack served as the source of the entertainment world’s fear-inspired “anti-Communist” hiring policies. Miller also exposed the techniques used by pro-Communists to blacklist right-wingers.

State Department Sees Passport Case
In the ACLU-supported passport case of Anne Bauer, a federal court ruled that the State Department would have to explain why it denied a passport and grant a hearing.

“Miracle” Decision Rendered
In its unanimous decision in “The Miracle” case, the U.S. Supreme Court brought films for the first time under the general protection of the First Amendment and eliminated serialization as a criterion for denial of a license—the two major points made by the Union in its supporting brief.

1953: Meeting in Catholic Hall
Under pressure from the American Legion, the Union’s Indiana affiliate was denied use of the Indiana War Memorial in which to hold an organizational meeting; no other hall would rent its facilities for so “controversial” a purpose—until Father Victor L. Goossens offered the Union the social hall of his St. Mary’s Roman Catholic church. Edward L. Morrow devoted his CBS “See It Now” TV program to the affair.

1954: School Desegregation
On May 17, 1954, the Supreme Court issued its unanimous decision that segregation in public schools violates the 14th Amendment. The ACLU had filed an amicus brief supporting the N.A.A.C.P.’s historic case.

Censure Recommended for McCarthy
The Union hailed the report of Sen. Watkins’s Senate Select Committee unanimously recommending censure of Senator McCarthy as “one of the great milestones in the history of American civil liberties.”

Press Mourns Arthur Hays
Arthur Garfield Hays, the Union’s General Counsel, died on December 14, 1954. Editorials eulogizing him and praising the ACLU’s defense of the Bill of Rights appeared in papers from coast to coast.

1955: Gov’t News Censorship
The ACLU published a report by veteran newsmen Allan Raymond entitled “The People’s Right to Know,” attacking government news suppression under the Truman and Eisenhower administrations and charging that abuses in denying access to information “were never so rampant as now.”

1956: Free Speech Decisions
The U.S. Supreme Court handed down a series of pro-civil liberties decisions in free speech and association cases backed by the Union—among them the Nelson case, the Guevara case, the Watkins case.

1957: The Civil Rights Act
The Union supported in Congress what became the Civil Rights Act of 1957, but it also made a determined, though losing, fight against the amendment requiring a jury trial for persons charged with contempt of federal court injunctions protecting the right to vote.

1958: The Jenner Bills
A major campaign was mounted by the Union to defeat the Jenner-Butler Bills, which would have crippled the Supreme Court’s power to review cases in a number of key civil liberties areas. The bills died.

1959: Birth Control
In a new statement the Union asserted that state laws prohibiting the sale and use of both control devices are a violation of civil liberties under the Fourteenth Amendment and of the private rights reserved to the people by the Ninth and Tenth Amendments.

Illinois Division Reports on Police
The Union’s Illinois Division issued a 47-page study showing that the Chicago police were illegally detaining some 20,000 annually before bringing them in front of magistrates.

INTERNATIONAL CIVIL LIBERTIES
The work for international civil liberties in which I have been engaged for the ACLU over the last ten years is not new. From its beginning the Union was involved in such international activities as defense of the rights of aliens, protection of U.S. citizens in foreign courts, censorship of imported material or of American journalists abroad. With U.S. membership in the United Nations, our concerns expanded; and either directly or through the International League for the Rights of Man—which the Union is affiliated—we now deal with the U.S. role in universal efforts to protect and expand civil liberties.

—Roger N. Baldwin

ELECTED IN 1950’s
Those elected to the Board and National Committee during the 1950’s include the following, all of whom were active in 1950:

Sarah G. Blodding
Catherine D. Bowes
Juliet P. Boyd
John Howes
Gerald R. Johnson
Ralph J. Brown
Stuart Chase
Greeuise Clark
Henry S. Conover
Albert S. Coolidge
Fred M. DeBlis
Louis H. Hersh
Lafayette Dillingham
August Heckscher
Morris Rubin
Marion A. Wright

MRS. HALEN BOWDREY
1907 ESCAPRA DRIVE
LOS ANGELES 41, CALIF.

SECONI CLASS
POSTAGE PAID AT
NEW YORK, N.Y.