

**FEDERAL BUREAU OF INVESTIGATION**  
**FREEDOM OF INFORMATION/PRIVACY ACTS SECTION**  
**COVER SHEET**

**SUBJECT: American Civil Liberties Union**

IRVING FERMAN  
8912 SENECA LANE  
BETHESDA 14, MD.

December  
10  
1956

Mr. Tolson	.....
Mr. Boardman	.....
Mr. Nichols	.....
Mr. Belmont	.....
Mr. Ladd	.....
Mr. Clegg	.....
Mr. Glavin	.....
Mr. Harbo	.....
Mr. Rosen	.....
Mr. Tracy	.....
Mr. Egan	.....
Mr. Gurnea	.....
Mr. Hendon	.....
Mr. Pennington	.....
Mr. Quinn	.....
Mr. Nease	.....
Tele. Room	.....
Mr. Holloman	.....
Miss Gandy	.....

My dear Mr. Hoover:

I have your letter dated December 7, 1956, concerning my review of "The FBI Story."

My only wish is to have a forum someday to express my feeling that the FBI has been the positive force, perhaps the strongest, for the preservation of our liberty during the cold war period.

With best wishes for a happy holiday season,

Very truly yours,

Irving (Ferman)

Mr. J. Edgar Hoover  
Federal Bureau of Investigation  
Washington 25, D. C.

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

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ORegon 5-5990

WEEKLY BULLETIN #1800

Alan Reitman, Assistant Director  
in Charge of Public Relations  
Received 10, 1958

PLAN TO REVIEW CENSORSHIP PRESSURE ON MOVIES OFFERED BY ACLU

A plan to relieve censorship pressure exerted on the motion picture industry by self-appointed reviewing groups was proposed last week by the American Civil Liberties Union and its anti-censorship affiliate, the National Council on Freedom from Censorship.

The proposal, submitted to the Motion Picture Association of America, calls for the MPAA to collect information that will help it to decide if objections to certain film subjects "are based on solid evidence and represent the opinion of the motion picture audience rather than the opinion of one particular group." This could be determined, the civil liberties groups said, if opinions were solicited from: (1) a cross-section of movie goers, (2) experts on the film subject to be covered, and psychologists and social scientists, "who have some knowledge of human behavior and what stimulates it."

The plan was presented to MPAA president Eric Johnston in a letter from ACLU executive director Patrick Murphy Malin and Elmer Rice, noted playwright and chairman of the National Council on Freedom from Censorship.

While reaffirming its total opposition to the MPAA's own code as a restraint on freedom of expression, the civil liberties organizations said they were presenting their views on "certain glaring faults that...should be corrected even if the code is to be retained in general.

"We believe that one of the most serious restrictions on freedom of expression is the code's prohibitions against any treatment of certain topics, including the use of certain words....It is generally understood that these prohibitions were incorporated into the code in the past because of the strong objections of certain self-appointed reviewing groups. By their continuing pressure these groups, in effect, have required the industry to accept their standard of socially-acceptable film subjects and treatment.

"Needless to say, these groups have a constitutional right to express their opinions, and the Union defends this right, but when the expression hampers free expression and deprives other members of the community to see certain subject matter treated in films, then it is proper to offer objection.

"...in framing the code to meet the demands of these groups, the MPAA has not only given up an important measure of freedom, but it has done so without determining if the public agrees with their opinion and whether the evils inveighed against by these groups could reasonably be expected to follow. We submit that if the MPAA adopted a firmer basis to appraise the likelihood of these evils it would probably find it unnecessary to include the taboos it now does in its code."

In another movie censorship development the National Legion of Decency, Roman Catholic film-reviewing agency, gave a "C" or "Condemned" rating to the Elio Kazan film, "Baby Doll." The picture has received the MPAA's seal of approval. In its statement, the Legion said: "Subject matter of the film is morally repellant both in theme and treatment. It dwells almost without variation or relief upon carnal suggestiveness in action, dialogue and costuming. Its unmitigated emphasis on lust and the various scenes of cruelty are degrading and corruptive...it is gravely offensive to Christian and traditional standards of morality and decency."

The film, set in the South, deals with a young woman married to a man twice her age who becomes involved with a younger man. In comment on the Legion's action, Kazan said: "I made 'Baby Doll' as I saw it. I did the best I could to get on film what I felt in the South. Not the way things should be, really, but they will someday be but the way they appeared to me there and then. I wasn't trying to be moral or immoral, only truthful."

A REGULAR WEEKLY SERVICE. FURTHER INFORMATION FURNISHED ON REQUEST.

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HOUSE COMMITTEE ON ARMED SERVICES DEFENSE SECURITY INQUIRY

A special House government information subcommittee, headed by Congressman John E. Moss of California, has postponed inquiries into Defense Department information policies until January. Congressman Moss said that one reason for the postponement was a lack of cooperation from Robert Tripp Ross, Assistant Secretary of Defense for legislative and public affairs. Moss alleged that Secretary Ross had refused to give the subcommittee the recommendations of a Pentagon group concerned with easing restrictions on the flow of technical and scientific information.

The House committee has been engaged for more than a year in an investigation of government information practices. The committee planned to give special attention to a report made by a civilian investigating committee appointed last August by Secretary of Defense Charles E. Wilson, with instructions to plug the leaks in defense information to "unauthorized persons." This group, headed by Charles A. Coolidge, Boston attorney and former Assistant Secretary of Defense, had indicated that Department policies were satisfactory for the most part, but had criticized the Department's over-classification of information. The Coolidge committee also said that the Department's security organization is so large and complex that it could not function efficiently.

Prior to the decision to put off the inquiry, the House committee had planned to question the three secretaries of the armed forces, heads of research and development units in the Department of Defense, units that review Pentagon speeches and news releases, and public information officials.

At the committee's meeting on November 15 Congressman Moss objected to the way in which Lee Hargus, deputy director of the Department's Office of Security Review, had handled a Saturday Evening Post article on Spain. The committee released the text of a letter from Mr. Hargus indicating that the article in question would be offensive to Spanish officials. The article, according to Mr. Hargus, had "not missed a single chance to insult the Spaniards in their most sensitive spots." Congressman Moss complimented the Post for publishing the article, which appeared on January 28, and said that the Post had deleted two sentences containing military information at the request of Mr. Hargus.

The American Civil Liberties Union has long campaigned against government news suppression, particularly in recent years when tight security rules impeded the flow of information to the public. It sponsored a major report on the subject in late 1955 by veteran newsmen Allen Raymond which was credited with helping focus public and congressional attention on the problem.

TIMES' PUBLISHER STRESSES NEWSPAPERS' CONCERN FOR CIVIL LIBERTIES

Arthur Hays Sulzberger, publisher of The New York Times, recently emphasized the importance of newspapers and national organizations in defending civil rights and liberties, in an address before the American Jewish Congress. Occasion for the address was the presentation by the Congress of the 1955 Stephen S. Wise award to the Times for "outstanding contribution in the extension of civil rights and civil liberties in the United States."

Noting that the civil liberties atmosphere is better than it was two or three years ago, the publisher declared:

"The country is regaining its sense of humor and its sense of proportion. Primary credit for this improvement must certainly be given to the Federal courts, which have stood like a rock against the waves of intolerance and even of panic. But I think it not amiss to claim some credit for the various organs of public opinion, including many of the national voluntary associations such as yours, and also including some of the nation's great liberal newspapers among which The New York Times fortunately does not stand alone."

Citing weaknesses in the Federal internal security program, Mr. Sulzberger stated that his paper was opposed to "this kind of nonsense," not only within the Government, but in all phases of our national life. He also spoke out against the refusal by the Department of State to issue passports to a group of reporters who had been invited to visit Communist China.

"A free press," he said, "is guaranteed by a free society in order to keep free the channels of information, in order to ensure for the public its right to know what is going on in the world, in the nation, in the state, and city. We in the field of communication are privileged by the Constitutional guarantee but we have no moral claim to it unless we on our part carry out the reciprocal obligation it implies: a full and honest presentation of the news, as fairly presented as humans with all their faults are capable of presenting it."

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Mr. Sulzberger concluded that "the responsible journal is fully conscious of the fact that a free society and a free press are inseparable, and will rise or fall with them."

#### LAWYERS DECRY ATTACKS ON SUPREME COURT

A representative group of lawyers from 31 states and territories of the United States recently expressed their concern over attacks against the Supreme Court. The statement was released by George Wharton Pepper, former U.S. Senator and prominent Philadelphia attorney.

The lawyers spoke out in strong terms against what they termed "reckless attacks" which were "dangerous in fomenting disrespect for our highest law." The statement urged that these attacks be repudiated by the legal profession and by thoughtful citizens.

The statement said that efforts to resist high court decisions by "lawful means" constitute a self-contradiction. "The privilege of criticizing a decision of the Supreme Court carries with it a corresponding obligation - a duty to recognize the decision as the supreme law of the land as long as it remains in force." The lawyers stated that the amending process, and not resistance, is the proper way for bringing about desirable changes in constitutional law.

In an appendix to the statement, the lawyers placed the reasons for the Supreme Court's decisions in their historical perspective by citing several decisions which allegedly took over jurisdiction from the separate states. In this connection the appendix quoted a statement made by Chief Justice John Marshall in 1809: "If the legislatures of the several states may, at will, annul the judgments of the courts of the United States, and destroy the rights acquired under these judgments, the Constitution itself becomes a solemn mockery; and the nation is deprived of the means of enforcing its laws by the instrumentality of its own tribunals."

Noting that current attacks resulted from the Supreme Court's decision on school desegregation, the statement said that "whether as individuals we agree or disagree with the school decisions, we recognize that they were the culmination of a steady line of growth in the application of the concept of equal protection under the law, and that each stage was preceded by sincere and determined opposition."

#### FEW PENDING CASES PRESSED AS GOV'T. DROPS HOUSING LOYALTY OATH

A survey by the American Civil Liberties Union indicates that few pending test cases are being pressed by local officials since the Department of Justice announced that it would no longer try to force persons seeking residence in publicly-supported housing projects to sign loyalty oaths.

Before the department acted, the Public Housing Authority had lost more than a score of test cases heard since the oath requirement -- the so-called Gwinn Amendment -- became law. The ACLU had challenged the law as a violation of free speech-association and due process in many of these suits.

Reports to the civil liberties organization show that in nine states the oath no longer is required and the few pending cases in these areas are expected to be dismissed. They are Arkansas, California, Illinois, Montana, Nebraska, New York, Ohio, Tennessee and Texas.

The Philadelphia Housing Authority indicated it would not enforce the Federal oath or institute one of its own, as the FHA suggested each local group might. The Seattle Housing Authority, however, instructed its attorneys to prepare a new oath statute that would follow closely the federal Subversive Activities Control Act.

Denver housing authorities have declined comment on whether they will consider rescinding local resolutions implementing the Gwinn Amendment. A test case is pending before the Colorado Supreme Court.

In Hawaii there is no formal requirement for an oath by tenants, but those who are willing to sign one are asked to do so.

#### CIVIL LIBERTIES BRIEFS

Des Moines and St. Louis became the 40th and 41st cities to approve municipal ordinances dealing with fair employment practices, according to the publication of the National Association of Intergroup Relations Officials... A test case of New York state's vagrant law will be carried to the state Court of Appeals by Emanuel Redfield, counsel for the NYCLU. He holds the law is "vague and uncertain," imposes "involuntary servitude," and discriminates against an adult who refuses to work when he has no visible means of support. The appeal will be taken in the case of a New York City resident who pleaded guilty to vagrancy in Larchmont, N.Y., and served a six-month term. His punishment was sustained by the Westchester County Court.

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THE AMERICAN LEGION GIR 1

# FIRING LINE

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AMERICAN CIVIL LIBERTIES UNION, PART III

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Readers will recall that the October 15th and November 1st issues of The Firing Line were devoted to reports relative to recent activities of the American Civil Liberties Union, Inc. (ACLU). With national offices located at 170 Fifth Avenue, New York City, this 36 year old organization, together with 19 state affiliates, claims a total membership of about 35,000. Continuing The American Legion's investigation of the ACLU, this issue of The Firing Line studies another phase of its background and current activities. (See ACLU "Civil Liberties", February 1956, page 3 and ACLU 35th Annual Report: "Clearing The Main Channels", 1955, pages 132-134).

### DIRECTORS OF ACLU - NATIONAL LEADERSHIP

Based upon a September 1956 letterhead, the following 24 individuals are listed as members of the Board of Directors or National Committee of the American Civil Liberties Union:

BISHOP JAMES C. BAKER, ACLU National Committee member was a 1947 Vice President of the Methodist Federation For Social Action. According to a recent report of the Senate Internal Security Subcommittee, the Methodist Federation For Social Action was formed by the Communist Party as a religious front organization. In 1948, BAKER sponsored the Committee of One Thousand, a "Communist created and controlled front organization"; and was listed as a 1951 initiator and sponsor of the National Committee To Repeal the McCarran Act, another Communist front. (See HUAC, Review of the Methodist Federation For Social Action, 1952, page 82; Committee of One Thousand letterhead, 1948; "Daily Worker", 3-23-51, page 2; Internal Security Subcommittee, "A Handbook For Americans", 1956, page 91 and HUAC, Guide To Subversive Organizations and Publications In The United States, 1951, page 38).

ROGER N. BALDWIN, ACLU National Committee member and Advisor, International Work, has been affiliated with over 15 organizations which have been cited as subversive and Communist according to a report in the February 1, 1955 issue of The Firing Line, page 14. A World War I draft evader, BALDWIN testified before the Special Committee To Investigate Communist Propaganda in the United States in 1930 "which was to the effect that the American Civil Liberties Union upholds the right of aliens or nationals to advocate murder, assassination, and the overthrow of our Government by force and violence." BALDWIN wrote in the Harvard University Year Book of 1935 that he was for "socialism, disarmament and ultimately for abolishing the State itself as an instrument of violence and compulsion. Communism is the goal." (See Special Committee on Un-American Activities, Investigation of Un-American Propaganda Activities In The United States, Volume I, 1938, pages 161 and 153).

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VAN WYCK BROOKS is another ACLU National Committee member. The Firing Line of August 1, 1955 reported that BROOKS had been affiliated with 28 subversive organizations. He has supported the American Committee For Democracy and Intellectual Freedom; League of American Writers; Veterans of the Abraham Lincoln Brigade and was listed as a Contributing Editor to the Communist periodical New Masses. BROOKS was listed as a Vice Chairman of the Progressive Citizens of America and Director of the Independent Citizens Committee of the Arts, Sciences and Professions. (See HUAC, Appendix IX, 1944, pages 331, 976 and 1648; "Congressional Record", 10-20-42; and HUAC, Testimony of Walter S. Steele Regarding Communist Activities In The United States, 1947, pages 147 and 148).

STUART CHASE, ACLU National Committee member has been affiliated with the following subversive organizations: American Committee To Save Refugees; Russian Reconstruction Farms, Inc.; Public Use of Arts Committee; Consumers National Federation; Descendants of the American Revolution and Friends of the Soviet Union. In 1948, CHASE signed a letter denouncing the Thomas Committee (House Committee On Un-American Activities) on behalf of the National Institute of Arts and Letters, a "Communist front for writers, artists and musicians." (See HUAC, Appendix IX, 1944, pages 362, 472, 584, 659, 689 and 759; California Legislature, Fourth Report of the Senate Fact-Finding Committee on Un-American Activities, 1948, page 330; and HUAC, Guide To Subversive Organizations and Publications In The United States, 1951, page 84).

RUFUS E. CLEMENT, ACLU National Committee member and an incorporator of the Southern Regional Council, has been affiliated with the following subversive organizations: American Committee for Democracy and Intellectual Freedom, American Committee for Protection of Foreign Born and the American Council on Soviet Relations. He was an Executive Board member of the Southern Conference For Human Welfare, sponsored the Scientific and Cultural Conference for World Peace in 1949 and was affiliated with the Progressive Citizens of America. (See "The New York Times", 10-17-55; HUAC, Appendix IX, 1944, pages 331, 349, 369 and 1585; and HUAC, Review of the Scientific and Cultural Conference For World Peace, 1949, pages 33 and 58).

GEORGE S. COUNTS, another ACLU National Committee member was reported to have been affiliated with 13 subversive organizations according to the February 1, 1955 issue of The Firing Line, page 15. According to page 9 of the subversive American Committee for Protection of Foreign Born's 1953 pamphlet entitled The Walter-McCarran Law, COUNTS was named as having made the following statement before the President's Commission on Immigration and Naturalization in October 1952: "Under a fresh and wholesome approach to immigration, permanent-resident aliens and naturalized citizens - except for cases of fraud or illegal entry - would no longer be subjected to the archaic and anachronistic penalty of deportation which also should be eradicated from our immigration laws."

J. FRANK DOBIE, ACLU National Committee member was mentioned as having cooperated with the Civil Rights Congress campaign "directly aimed against the Congressional Committee on Un-American Activities and in opposition to all legislative efforts to destroy Communist forces in the United States." The Civil Rights Congress is now a defunct subversive organization. In 1950, DOBIE sponsored the National Conference to Defend the Bill of Rights which was held under the auspices of the American Committee for Protection of Foreign Born and was also affiliated with the Committee of One Thousand in 1948. DOBIE also sponsored the subversive Mid-Century

Conference For Peace. (See HUAC, Testimony of Walter S. Steele Regarding Communist Activities In The United States, 1947, page 143; "Daily Worker," 9-22-50, page 5; "New Republic," 9-27-48; and HUAC, Report on the Communist Peace Offensive, 1951, page 147).

REV. FREDERICK MAY ELIOT, another member of the ACLU National Committee, signed an open letter to the President on behalf of the now defunct subversive American Council on Soviet Relations. In 1943, ELIOT signed a statement on behalf of the National Council of American-Soviet Friendship and was listed as a sponsor of the Joint Anti-Fascist Refugee Committee the same year. He also sponsored the Congress of American Soviet Friendship, signed a message on behalf of the National Federation for Constitutional Liberties and was an Editorial Advisor of the now defunct Protestant magazine. According to a 1948 letterhead, ELIOT was listed as a sponsor of the American Committee for Protection of Foreign Born, "one of the oldest auxiliaries of the Communist Party in the United States." (See HUAC, Appendix IX, 1944, pages 369, 487, 941, 1248 and 1455; American Committee For Protection of Foreign Born letterhead, 1948; and HUAC, Guide To Subversive Organizations and Publications in the United States, 1951, page 13).

OSMOND K. FRAENKEL, ACLU General Counsel and member of the Board of Directors has been affiliated with the following subversive organizations: American Student Union; Citizens Committee to Free Earl Browder, Film Audiences for Democracy, International Juridical Association; and the National Committee for the Defense of Political Prisoners. Currently, FRAENKEL is Executive Vice-President of the National Lawyers Guild, a "Communist front which is the foremost legal bulwark of the Communist Party, its front organizations and controlled unions." (See HUAC, Appendix IX, 1944, pages 519, 619, 730, 795 and 1176; National Lawyers Guild letterhead, 1956; and HUAC, Guide to Subversive Organizations and Publications in the United States, 1951, page 85).

WALTER F. GELLHORN is a member of the ACLU Board of Directors. According to the testimony of LOUIS F. BUDENZ before the Select Committee to Investigate Tax-Exempt Foundations on December 23, 1952, GELLHORN was identified as a member of the Communist Party. On page 52 of the May 31, 1956 Three-Year Report of The Fund for the Republic, Inc., GELLHORN was listed as having received a "Grant-aid" for "research costs incurred in preparing the 1956 EDWARD DOUGLASS WHITE lectures at Louisiana State University on Administrative restraints on freedom of expression." He was also a former member of the subversive National Lawyers Guild and the National Emergency Conference for Democratic Rights. (See Hearings, Tax-Exempt Foundations, 1952, page 725; and HUAC, Appendix IX, 1944, pages 1210 and 1277).

FRANK P. GRAHAM, Vice Chairman of the ACLU National Committee and Chairman of the National Sharecroppers Fund, Inc., has been affiliated with 16 subversive organizations according to the March 8, 1955 issue of The Firing Line, page 30. He was a 1947-1948 Honorary Chairman of the Southern Conference for Human Welfare, a now defunct Communist front which served "the Soviet Union and its subservient Communist Party in the United States." GRAHAM has also supported the American Committee for Democracy and Intellectual Freedom; American Committee for Protection of Foreign Born; International Labor Defense; National Council of American-Soviet Friendship; and the American League for Peace and Democracy. (See HUAC, Report on Southern Conference for



Human Welfare, 1947, pages 1 and 14; National Sharecroppers Fund Letterhead, 1956; and HUAC, Guide To Subversive Organizations and Publications in the United States, 1951, page 104).

JOHN HAYNES HOLMES, Honorary Chairman of the ACLU Board of Directors has been affiliated with the following subversive organizations: Medical Bureau, American Friends of Spanish Democracy; Russian Reconstruction Farms, Inc.; Citizens Committee to Free Earl Browder; Friends of the Soviet Union and the League of American Writers. In 1950 he sponsored the Mid-Century Conference For Peace and in 1953 signed a letter to the President asking amnesty for eleven Communist Party leaders convicted under the Smith Act. (See HUAC, Appendix IX, 1944, pages 380, 472, 619, 758 and 977; HUAC Report on the Communist Peace Offensive, 1951, page 149; and "Daily Worker," 1-15-53, page 8).

B. W. HUEBSCH is the ACLU Treasurer and a member of the Board of Directors. He was listed on page 7 of The American Legion's Report On UNESCO of April 1956, as a former member of the United States National Commission for UNESCO who had been affiliated with "nine organizations cited as subversive by the United States Attorney General or the House Committee on Un-American Activities." According to page 36 of the Report on UNESCO, HUEBSCH has supported the American Committee for Democracy and Intellectual Freedom; American League for Peace and Democracy; Book Union, Inc.; Citizens Committee to Free Earl Browder; Joint Anti-Fascist Refugee Committee and the Veterans of the Abraham Lincoln Brigade. In 1950, HUEBSCH sponsored the China Welfare Appeal, Inc., another subversive organization. (See HUAC, Appendix IX, 1944, pages 334, 390, 589, 619, 941 and 1648; and China Welfare Appeal letterhead, 1950).

ROBERT M. HUTCHINS, member of the ACLU National Committee and President of The Fund for the Republic, Inc., needs no introduction to readers of The Firing Line and The American Legion Magazine. In May, 1956, the National Executive Committee of The American Legion in approving Resolution No. 559 (Maryland), stated that "we strongly urge the House Committee on Un-American Activities of the United States Congress to initiate its announced intention of further investigation and hearings on The Fund for the Republic and its activities."

On November 17, 1955, the National Commander of The American Legion stated that "on the basis of our evaluation of the record, the principal direction (of The Fund for the Republic) emanated from DR. ROBERT MAYNARD HUTCHINS, the President of the Fund...DR. HUTCHINS' record (See The Firing Line, 9-15-55, pages 91 and 92) shows a wilful refusal to consider Communism as anything more than a political ideology...the record of DR. HUTCHINS, and the record of The Fund for the Republic under his direction, is replete with evidence that he does not believe Communism is a clear and present danger in this country and that he is more interested in opposing Communism's enemies than in opposing Communism." (See "The Firing Line", 11-15-55, page 123).

JOHN PAUL JONES is a member of the ACLU Board of Directors. JONES has been affiliated with the following organizations which are cited as subversive and Communist by the United States Attorney General or the House Committee on Un-American Activities: Consumers National Federation; International Labor Defense; League for Mutual Aid; National Federation for Constitutional Liberties; People's Institute of Applied Religion; Mid-Century

Conference for Peace; Methodist Federation For Social Action and the Committee of One Thousand. (See HUAC, Appendix IX, 1944, pages 659, 843, 984, 1247 and 1464; HUAC, Report on the Communist Peace Offensive, 1951, page 149; HUAC, Review of the Methodist Federation For Social Action, 1952, page 81; and "New Republic," 9-27-48).

DOROTHY KENYON is a Vice Chairman of the ACLU Board of Directors. In 1950, MISS KENYON appeared before a subcommittee of the Senate Committee on Foreign Relations and admitted under oath that she had sponsored the National Council of American-Soviet Friendship, Inc. in 1948, and was affiliated with the Conference on Pan-American Democracy; League of Women Shoppers; American Committee for Democracy and Intellectual Freedom; Lawyer's Committee on American Relations with Spain and was a member of the Advisory Committee of Descendants of the American Revolution. (See Report, State Department Employee Loyalty Investigation, 1950, page 44).

MAX LERNER, another ACLU National Committee member has a record of affiliations with subversive organizations according to the 1954 Report of Tax-Exempt Foundations, pages 325-328. "On June 2, 1949, the Daily Worker, page 2, reported that LERNER, identified as columnist for the New York Post had asserted that the trial against the leaders of the Communist Party 'has no business being in court. I don't see how anyone with a rudimentary knowledge of the history of Communist movements can doubt the basic rightness of William Z. Foster's plea, in his long manifesto, that under American conditions the attempt to use it would be fantastic.'" LERNER has been affiliated with the following subversive organizations: American Student Union; American Congress for Peace and Democracy; Frontier Films and American Committee for Democracy and Intellectual Freedom. He has been listed as a signer of the Golden Book of American Friendship with the Soviet Union, a cited "Communist enterprise signed by hundreds of well-known Communists and fellow travelers." (See HUAC, Guide To Subversive Organizations and Publications in the United States, 1951, page 55).

ROBERT S. LYND is a member of the ACLU National Committee. According to a congressional report, LYND has been affiliated with the American Committee for Protection of Foreign Born; League of American Writers and the National Council of American-Soviet Friendship. In 1940 he signed a statement defending the Communist Party and was a member of the Board of Directors of the subversive American Russian Institute. In 1949 LYND sponsored the Scientific and Cultural Conference for World Peace and was listed on a 1956 letterhead as an Initiator of the National Committee to Repeal the McCarran Act. This latter organization was cited as a Communist front by the Internal Security Subcommittee this year as one that defends "the cases of Communist lawbreakers." (See HUAC, Appendix IX, 1944, pages 354, 980, 1096, 1125 and 1200; HUAC, Review of the Scientific and Cultural Conference for World Peace, 1949, page 59; Internal Security Subcommittee, "A Handbook for Americans," 1956, page 91; and National Committee to Repeal the McCarran Act letterhead, 1956).

J. ROBERT OPPENHEIMER, member of the ACLU National Committee has been mentioned many times in past by The Firing Line. In June 1954, OPPENHEIMER was denied security clearance and access to classified government information by the United States Atomic Energy Commission. This Commission found that OPPENHEIMER'S "continuing conduct and associations have reflected a serious disregard for the requirements of the security system...(and) have found a susceptibility to influence which could have serious implications for the security interests of the country." In 1943, OPPENHEIMER stated that "he was not a Communist, but had probably belonged to every Communist-front association on the West Coast and signed many petitions in which Communists were mentioned."

Communists were interested." He has made "periodic contributions through Communist Party functionaries to the Communist Party in San Francisco Area in amounts aggregating not less than \$500 nor more than \$1000 a year during a period approximately four years ending in April 1942." (See United States Atomic Energy Commission, "In The Matter of J. Robert Oppenheimer," May 27, through June 29, 1954, pages 4, 7 and 21).

BISHOP G. BROMLEY OXNAM, ACLU National Committee member, appeared before the House Committee on Un-American Activities on July 21, 1953 and admitted affiliation with the following subversive organizations and publications: National Council of American-Soviet Friendship; Protestant Dig; Soviet Russia Today; American Committee for Spanish Freedom; Medical Bureau and North American Committee to Aid Spanish Democracy; and the Methodist Federation for Social Service. OXNAM stated before the Committee that the A renders "very valuable service in maintenance of the civil liberties of this country." (See HUAC, Testimony of Bishop G. Bromley Oxnam, 1953, pages 3599 3629, 3645, 3653, 3656, 3724 and 3734).

BISHOP EDWARD L. PARSONS, Vice Chairman of the ACLU National Committee signed an Amicus Curiae Brief in September 1955 to the Supreme Court of the United States asking that the Court "void" the Internal Security Act of 1950. According to the California Committee on Un-American Activities, PARS has contributed to the Communist Daily Worker, sponsored the subversive Cali Labor School, American Committee for Yugoslav Relief, American Youth For Dem and the San Francisco Branch of the American Friends of the Chinese People. (See "The Firing Line", 10-1-55, page 100; California Legislature, Report of Joint Fact-Finding Committee on Un-American Activities, 1947, page 79; and California Legislature, Fourth Report of the Senate Fact-Finding Committee on Un-American Activities, 1948, pages 132, 144 and 185).

JAMES C. PATTON, ACLU National Committee member is also President of the Farmer's Educational and Cooperative Union of America, commonly known as the National Farmers' Union. PATTON has been affiliated with the National Committee to Abolish the Poll Tax and was listed as an initiator of the National Congress on Civil Rights held in Detroit, Michigan in 1946, out of which emerged the subversive Civil Rights Congress. He sponsored a testimonial dinner which was held under the auspices of the American Slav Congress and submitted a statement to the House Committee on Un-American Activities in 1950 in opposition to proposed anti-Communist legislation. (See HUAC, Appendix IX, 1944, page 1167; HUAC, Report on the American Slav Congress, 1949, page 106; California Legislature, Fourth Report of the Senate Fact-Finding Committee on Un-American Activities, 1948, page 201; and HUAC, Hearings on Legislation to Outlaw Certain Un-American and Subversive Activities, 1950, page 2353).

ELMER RICE, member of the ACLU Board of Directors was reported to have been affiliated with 17 subversive organizations and publications according to "The Firing Line" of February 1, 1955, page 16.

AUBREY WILLIAMS, editor of The Southern Farm & Home and contributing editor to The New Southerner, is a member of the National Committee of the ACLU. According to a report of the Internal Security Subcommittee, "AUBREY WILLIAMS was identified as President of the Southern Conference Educational Fund Inc., who had been a member of the Board of the Southern Conference For Human Welfare...MR. WILLIAMS was identified by a witness as one who had been a member of the Communist Party. He was also identified by another witness as one who accepted the discipline of the Communist Party. "The Firing Line" was instrumental in exposing WILLIAMS in its July 1, 1955 issue. (See Internal Security Subcommittee, Southern Conference Educational Fund, Inc., 1954, pages VI and VII and "The New Southerner," April 1956.)

# FEATHER PRESS SERVICE

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

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ORagon 5-5990

WEEKLY BULLETIN #1881

17061

*File*

Alan Reitman, Assistant Director  
in Charge of Public Relations  
December 17, 1953

*Malin*  
*17061*

## ACLU ANNOUNCES MAJOR ORGANIZATIONAL EFFORT IN SOUTH

Calling the guarantee of full civil rights for every American the "number one civil liberties issue before the nation," the American Civil Liberties Union announced last week a major organizational effort in the South to provide new support for the national campaign to eliminate discrimination.

The Union's decision was disclosed in a statement commemorating the 165th celebration of Bill of Rights Day, the anniversary of the final adoption of the first ten amendments to the Constitution. The statement was released by Patrick Murphy Malin, ACLU executive director.

Malin declared that the focus of the ACLU effort would be to build a larger corps of volunteer lawyers who would be available promptly to handle all kinds of civil liberties cases for all groups in the community. Special attention also will be given to establishing new ACLU units in Southern states and localities. The immediate objectives, he said, are North Carolina and Texas, where interest in ACLU activity is mounting. The Union in the last year and one-half has established affiliates in Louisiana, Kentucky and Florida.

"While many civil rights advances continue to be made in the South," Malin said, "the opposition to the Supreme Court's decision has caused serious civil liberties problems. The denial of voting rights in the last election to large numbers of Negroes and the barriers set up to block the work of the National Association of Colored People and the Urban League mean that the First Amendment rights of free speech and association are threatened."

As a result of these attacks, the ACLU head said, there is need for other groups to build local organizations which will stress the full observance of the Bill of Rights. As local violations of civil liberties occur, he said, ACLU volunteer lawyers on the scene will be available to give legal aid as needed.

"Our effort will not be a Northern-imposed campaign," Malin continued. "There are great numbers of people within the South itself who want to uphold the Bill of Rights. Some of them have asked our organizational aid, and we are responding to this need."

Nor does the emphasis on Southern organization mean that other areas of the country have clean records, Malin said. "Segregation and discrimination are still national problems. They exist in the North, East and West, too, and must be equally opposed there." Malin said that the ACLU's twenty-three affiliates are working actively to help achieve integration.

The civil liberties spokesman also called attention to the need for quick Congressional action on two fronts. One is to revise Senate Rule 22, which now serves to allow any minority bloc to filibuster objectionable legislation to death. "The refusal of a Senate minority to permit important civil rights legislation to come to a vote is a thwarting of the democratic process of free discussion upon important issues. We hope and urge that Senators will join the effort to change this obstructive rule when the new Senate convenes on January 31, 1954."

The other major and immediate need in Congress is for legislation aiding refugees of the Hungarian revolution who are seeking political asylum in the United States the ACLU asserted.

"Congress should act swiftly to provide statutory authority for the admirable emergency action in bringing 11,000 refugees to our country. On the basis of experience at the refugee centers in Austria, Congress should consider if speedier means of processing these unfortunate victims of Communist tyranny can be found. And Congress

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should also consider whether the Refugee Relief Act, which expires at the end of this month, should be extended to deal with the pressing need to give these refugees a haven."

The Hungarian tragedy, Malin said, makes dramatically clear the need for general revision of American immigration laws, particularly the need to eliminate discriminatory barriers based on national origin and to provide speedier entry through careful removal of unnecessary security investigations.

#### NUDIST MAGAZINES CHALLENGE NEW YORK CITY CENSORSHIP

The publishers and distributors of two official magazines of nudist organizations have petitioned the New York Supreme Court for an injunction to stop New York City officials from preventing newsstand sale of their publications.

In a new brief on a long-pending case that has been tried twice without a resulting decision, the plaintiffs argue mainly that suppression of their magazines violates the free speech guarantees of both the New York State and the Federal constitutions.

The suit was begun in 1952 after Edward T. McCaffrey, New York's commissioner of licenses, ordered 1,200 city newsstand operators to stop handling Sunshine & Health and Sun Magazine on penalty of losing their licenses. Besides McCaffrey, the suit also named as a defendant former Police Commissioner George P. Monaghan of New York City. Since the case first arose the pressure on the newsstand operators has ceased, but the case is being pushed to win a court ruling that city officials have no authority to act as censors in this manner.

"Under the First Amendment the plaintiffs had as much right to publish and distribute their publications as the daily newspapers in New York have in publishing and distributing their issues," the brief concluded. "McCaffrey's assumed role of censor...particularly with respect to the suppression of future issues...is in direct conflict with rights of the plaintiffs...Indeed, while the classic censor passes upon the propriety of printed matter which he has seen and appraised, the defendant McCaffrey here claims the power to condemn in advance matter not yet written."

The brief argued in addition that McCaffrey had violated due process clauses of the State and Federal constitutions because he failed to notify the magazines' publishers of his action or grant them a hearing; and that the word "obscene," which the license commissioner applied to the magazines, "is not a sufficiently definite one upon which to found any system of prior restraint." In this latter connection, counsel for the plaintiffs reminded the court of changing standards of morality from year to year, as well as over longer periods of time. They held that Sunshine & Health and Sun Magazine could not be judged obscene by any reasonable standards.

#### TEACHERS JOB RIGHTS TANGLED IN LEGAL PROCEEDINGS

A complicated legal skein has been woven by court proceedings involving teachers in New York City who are challenging their employment dismissal for refusing to answer questions of Congressional investigating committees.

The story began in 1952 and 1953, when a number of New York City teachers and college professors were dismissed under Section 903 of the City Charter because they pleaded their privilege against self-incrimination when questioned by Congressional committees probing alleged Communist influence in education. This charter provision declares that the claim of such privilege by a city employee when questioned concerning the performance of his duties or the property or affairs of the City results in a forfeiture of employment. Following their dismissal some of the teachers brought legal proceedings, claiming that they did not come within Section 903 because they were employees of independent bodies, not of the City, and because the provision did not apply to questioning by federal agencies that had no supervision over municipal education. They also claimed that dismissal under the circumstances deprived them of due process as guaranteed by the Fourteenth Amendment to the United States Constitution.

In 1954, the New York state Court of Appeals ruled 4 to 3 that the charter provision did apply and sustained the dismissals without discussion of the constitutional issue of due process. The teachers then all appealed to the United States Supreme Court, which ruled in April 1956, in the case of one of them, Professor Harry Sheehor of Brooklyn College, that his dismissal was a denial of due process. The appeals of the others were dismissed on the ground that they had not maintained their due process claim by explicit mention of it in their briefs in the state Court of Appeals. The teachers then vainly asked the state court to reconsider its position. (The United States Supreme Court has not yet acted on a similar application.)

In time, a Dr. Julius Hlavaty, a high school teacher, had brought a separate proceeding, in which he relied not only on the due process clause, but claimed also that dismissal because of the assertion of his privilege against self-incrimination under the United States Constitution constituted a violation of that part of the Fourteenth Amendment which bars a state from depriving a citizen of privileges and immunities guaranteed by the Constitution. That case was held under advisement for over three years. When the New York Court of Appeals finally adopted the decision of the U. S. Supreme Court with regard to Slochower and ruled that he was entitled to reinstatement with back pay, then Hlavaty's case was decided in his favor; he has actually been reinstated.

While the main cases were pending, a number of additional persons who were dismissed under Section 903 entered into stipulations with the city authorities agreeing to accept the result of these original cases. There are two such groups - those employed by the Board of Education and those employed by the Board of Higher Education. In view of the fact that Slochower was one of the parties to the original proceeding against this latter board, the stipulants in the second group contend that they are entitled to the benefit of his victory. That issue will be brought to court if the U. S. Supreme Court acts unfavorably on the pending application of the original parties.

In sum, therefore, Dr. Hlavaty has been reinstated and Prof. Slochower soon will be, but there are reports that the latter may be suspended on new and different charges. None of the others who were parties to the original litigation or the stipulations have been reinstated.

Their fate depends on what the U. S. Supreme Court will do unless the state courts uphold the contention of the second group of stipulants that they should be treated like the successful Slochower rather than like his original but unsuccessful co-parties. On the other hand, no new persons can be dismissed under Section 903, because of a claim of privilege when questioned by federal authorities not concerned with municipal education.

None of this litigation has any bearing on the right of the educational authorities to dismiss a teacher or other employee under the New York State Feinberg law because of present membership in the Communist Party or for refusal to answer questions put by these school authorities about present or past membership, whether such refusal is based on a claim of privilege or otherwise. The right of the authorities to dismiss teachers who have testified about their own past membership but have refused to inform on others is now in the courts as the result of proceedings instituted by New York City to review the decision of State Education Commissioner Allen last August, to the effect that such questioning was improper.

#### GOVERNMENT RELAXES SECURITY POLICY ON NON-SECRET SCIENTIFIC RESEARCH

Security restrictions finally have been relaxed in the case of scientists working on Federally-supported projects of a non-secret nature, according to an announcement by Sherman Adams, Assistant to President Eisenhower. The Administration's action resulted from recommendations made to the White House by a committee of scientists headed by Dr. J. A. Stratton, of the Massachusetts Institute of Technology.

The new security policy, which has been hailed by the National Science Foundation as "most reassuring to all," provides that Federal aid shall not be withheld because of an allegation of disloyalty involving a scientist engaged in non-secret research. In the future non-secret research projects will be awarded on the basis of a scientist's competence.

The ACLU had raised objections to the government's policy of extending loyalty procedures into non-sensitive work on the ground that the nation might be deprived of scientific advancement because of questions about the "loyalty" of researchers. At that time the Administration's position, as stated by Mr. Adams, was that "only those who are loyal to our government should be the beneficiaries of government grants-in-aid."

The committee of scientists, in making its report to the White House, adopted the general position which had been urged by ACLU.

#### CIVIL LIBERTIES BRIEFS

The Vatican's action in placing two books by Simone de Beauvoir, the French writer, on its Index of Prohibited Books is viewed as a condemnation of existentialism. The volumes were "The Second Sex" and "The Mandarins"...Protests from Catholics regarding reading material available in military post exchanges in Korea and Japan may be responsible, the Washington Post and Times-Herald suggests, for the Defense Department's directive banning "immoral" books and magazines from armed services libraries and post exchanges.



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# FIRING LINE



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December 15, 1956

## AMERICAN CIVIL LIBERTIES UNION, PART III

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 Readers will recall that the October 15th and November 1st issues of The Firing Line were devoted to reports relative to recent activities of the American Civil Liberties Union, Inc. (ACLU). With national offices located at 170 Fifth Avenue, New York City, this 36 year old organization, together with 19 state affiliates, claims a total membership of about 35,000. Continuing The American Legion's investigation of the ACLU, this issue of The Firing Line studies another phase of its background and current activities. (See ACLU "Civil Liberties", February 1956, page 3 and ACLU 35th Annual Report: "Clearing The Main Channels", 1955, pages 132-134).

### DIRECTORS OF ACLU - NATIONAL LEADERSHIP

Based upon a September 1956 letterhead, the following 24 individuals are listed as members of the Board of Directors or National Committee of the American Civil Liberties Union:

*note*  
 BISHOP JAMES C. BAKER, ACLU National Committee member was a 1947 Vice President of the Methodist Federation For Social Action. According to a recent report of the Senate Internal Security Subcommittee, the Methodist Federation For Social Action was formed by the Communist Party as a religious front organization. In 1948, BAKER sponsored the Committee of One Thousand, a "Communist created and controlled front organization"; and was listed as a 1951 initiator and sponsor of the National Committee To Repeal the McCarran Act, another Communist front. (See HUAC, Review of the Methodist Federation For Social Action, 1952, page 82; Committee of One Thousand letterhead, 1948; "Daily Worker", 3-23-51, page 2; Internal Security Subcommittee, "A Handbook For Americans", 1956, page 91 and HUAC, Guide To Subversive Organizations and Publications In The United States, 1951, page 38).

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 ROGER N. BALDWIN, ACLU National Committee member and Advisor, International Work, has been affiliated with over 15 organizations which have been cited as subversive and Communist according to a report in the February 1, 1955 issue of The Firing Line, page 14. A World War I draft evader, BALDWIN testified before the Special Committee To Investigate Communist Propaganda in the United States in 1930 "which was to the effect that the American Civil Liberties Union upholds the right of aliens or nationals to advocate murder assassination, and the overthrow of our Government by force and violence." BALDWIN wrote in the Harvard University Year Book of 1935 that he was for "socialism, disarmament and ultimately for abolishing the State itself as an instrument of violence and compulsion. Communism is the goal." (See Special Committee on Un-American Activities, Investigation of Un-American Propaganda Activities In The United States, Volume I, 1938, pages 161, 462 and 533).

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VAN WYCK BROOKS is another ACLU National Committee member. The Firing Line of August 1, 1955 reported that BROOKS had been affiliated with 28 subversive organizations. He has supported the American Committee For Democracy and Intellectual Freedom; League of American Writers; Veterans of the Abraham Lincoln Brigade and was listed as a Contributing Editor to the Communist periodical New Masses. BROOKS was listed as a Vice Chairman of the Progressive Citizens of America and Director of the Independent Citizens Committee of the Arts, Sciences and Professions. (See HUAC, Appendix IX, 1944, pages 331, 976 and 1648; "Congressional Record", 10-20-42; and HUAC, Testimony of Walter S. Steele Regarding Communist Activities In The United States, 1947, pages 147 and 148).

STUART CHASE, ACLU National Committee member has been affiliated with the following subversive organizations: American Committee To Save Refugees; Russian Reconstruction Farms, Inc.; Public Use of Arts Committee; Consumers National Federation; Descendants of the American Revolution and Friends of the Soviet Union. In 1948, CHASE signed a letter denouncing the Thomas Committee (House Committee On Un-American Activities) on behalf of the National Institute of Arts and Letters, a "Communist front for writers, artists and musicians." (See HUAC, Appendix IX, 1944, pages 362, 472, 584, 659, 689 and 759; California Legislature, Fourth Report of the Senate Fact-Finding Committee on Un-American Activities, 1948, page 330; and HUAC, Guide To Subversive Organizations and Publications In The United States, 1951, page 84).

RUFUS E. CLEMENT, ACLU National Committee member and an incorporator of the Southern Regional Council, has been affiliated with the following subversive organizations: American Committee for Democracy and Intellectual Freedom, American Committee for Protection of Foreign Born and the American Council on Soviet Relations. He was an Executive Board member of the Southern Conference For Human Welfare, sponsored the Scientific and Cultural Conference for World Peace in 1949 and was affiliated with the Progressive Citizens of America. (See "The New York Times", 10-17-55; HUAC, Appendix IX, 1944, pages 331, 349, 369 and 1585; and HUAC, Review of the Scientific and Cultural Conference For World Peace, 1949, pages 33 and 58).

GEORGE S. COUNTS, another ACLU National Committee member was reported to have been affiliated with 13 subversive organizations according to the February 1, 1955 issue of The Firing Line, page 15. According to page 9 of the subversive American Committee for Protection of Foreign Born's 1953 pamphlet entitled The Walter-McCarran Law, COUNTS was named as having made the following statement before the President's Commission on Immigration and Naturalization in October 1952: "Under a fresh and wholesome approach to immigration, permanent-resident aliens and naturalized citizens - except for cases of fraud or illegal entry - would no longer be subjected to the archaic and anachronistic penalty of deportation which also should be eradicated from our immigration laws."

J. FRANK DOBIE, ACLU National Committee member was mentioned as having cooperated with the Civil Rights Congress campaign "directly aimed against the Congressional Committee on Un-American Activities and in opposition to all legislative efforts to destroy Communist forces in the United States." The Civil Rights Congress is now a defunct subversive organization. In 1950, DOBIE sponsored the National Conference to Defend the Bill of Rights which was held under the auspices of the American Committee for Protection of Foreign Born and was also affiliated with the Committee of One Thousand in 1948. DOBIE also sponsored the subversive Mid-Century



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AMERICAN CIVIL LIBERTIES UNION  
Southern California Branch, etc.

Mr. Louis Joughin  
American Civil Liberties Union  
National Office - 170 Fifth Avenue  
New York 10, New York

Dear Lou:

I have already sent you a wire to report tersely our decision of last evening. Let me elaborate.

After a lengthy and searching discussion, the Board concluded, but not unanimously, that it would be both fruitless and hazardous to press for an appearance before the Walter Committee. Instead, it was decided that we should try to get our views before the public by way of press, radio, and television, although we recognize that there is little prospect of fair handling of our statement. If we can find a small buried treasure we will buy advertisement in the LOS ANGELES TIMES.

There will be here a First Amendment case. One of the people subpoenaed plans to oppose the Committee on pure constitutional grounds. When he is cited it is our present interest to shepherd his case into court as a frontal test of the Committee's power. It would be helpful to us here to have soon a review of ACLU relationship in any of the other cases now going up on similar points of contest of the Committee.

Certainly, our greatest sense last evening was one of frustration at finding ourselves here in the same futile corner we have occupied so many times. The Committee, I am sure, has spent more hours in Los Angeles than in any other city, except perhaps Washington, D. C. This is old business for us, and it is indeed discomfoting to find that we are in no stronger position today respecting this Committee than we were 5 or 10 years ago. We feel strong need of National organization strategy and the confidence of knowing that a program is underway over the country to which we can relate our efforts. We have no such confidence at this time. We strongly recommend, therefore, that, at the earliest possible time the National leaders of the Union address themselves to the task of organizing a project of the most effective sort, aimed at the abolition of the House Committee. We can be counted upon to pitch in in every practical way to support and to participate in such a well-conceived and substantial undertaking.

I enclose our ballot on Constitutional Revision. I will write you again soon concerning other matters.

ENCLOSURE

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Cordially yours,

61-190-633

/s/

Eason (Monroe)

Conference For Peace. (See HUAC, Testimony of Walter S. Steele Regarding Communist Activities In The United States, 1947, page 143; "Daily Worker," 9-22-50, page 5; "New Republic," 9-27-48; and HUAC, Report on the Communist Peace Offensive, 1951, page 147).

REV. FREDERICK MAY ELIOT, another member of the ACLU National Committee, signed an open letter to the President on behalf of the now defunct subversive American Council on Soviet Relations. In 1943, ELIOT signed a statement on behalf of the National Council of American-Soviet Friendship and was listed as a sponsor of the Joint Anti-Fascist Refugee Committee the same year. He also sponsored the Congress of American Soviet Friendship, signed a message on behalf of the National Federation for Constitutional Liberties and was an Editorial Advisor of the now defunct Protestant magazine. According to a 1948 letterhead, ELIOT was listed as a sponsor of the American Committee for Protection of Foreign Born, "one of the oldest auxiliaries of the Communist Party in the United States." (See HUAC, Appendix IX, 1944, pages 369, 487, 941, 1248 and 1455; American Committee For Protection of Foreign Born letterhead, 1948; and HUAC, Guide To Subversive Organizations and Publications in the United States, 1951, page 13).

OSMOND K. FRAENKEL, ACLU General Counsel and member of the Board of Directors has been affiliated with the following subversive organizations: American Student Union; Citizens Committee to Free Earl Browder, Film Audiences for Democracy, International Juridical Association; and the National Committee for the Defense of Political Prisoners. Currently, FRAENKEL is Executive Vice-President of the National Lawyers Guild, a "Communist front which is the foremost legal bulwark of the Communist Party, its front organizations and controlled unions." (See HUAC, Appendix IX, 1944, pages 519, 619, 730, 795 and 1176; National Lawyers Guild letterhead, 1956; and HUAC, Guide to Subversive Organizations and Publications in the United States, 1951, page 85).

WALTER F. GELLHORN is a member of the ACLU Board of Directors. According to the testimony of LOUIS F. BUDENZ before the Select Committee to Investigate Tax-Exempt Foundations on December 23, 1952, GELLHORN was identified as a member of the Communist Party. On page 52 of the May 31, 1956 Three-Year Report of The Fund for the Republic, Inc., GELLHORN was listed as having received a "Grant-aid" for "research costs incurred in preparing the 1956 EDWARD DOUGLASS WHITE lectures at Louisiana State University on Administrative restraints on freedom of expression." He was also a former member of the subversive National Lawyers Guild and the National Emergency Conference for Democratic Rights. (See Hearings, Tax-Exempt Foundations, 1952, page 725; and HUAC, Appendix IX, 1944, pages 1210 and 1277).

FRANK P. GRAHAM, Vice Chairman of the ACLU National Committee and Chairman of the National Sharecroppers Fund, Inc., has been affiliated with 16 subversive organizations according to the March 8, 1955 issue of The Firing Line, page 30. He was a 1947-1948 Honorary Chairman of the Southern Conference for Human Welfare, a now defunct Communist front which served "the Soviet Union and its subservient Communist Party in the United States." GRAHAM has also supported the American Committee for Democracy and Intellectual Freedom; American Committee for Protection of Foreign Born; International Labor Defense; National Council of American-Soviet Friendship; and the American League for Peace and Democracy. (See HUAC, Report on Southern Conference for

Human Welfare, 1947, pages 1 and 14; National Sharecroppers Fund Letterhead, 1956; and HUAC, Guide To Subversive Organizations and Publications in the United States, 1951, page 104).

JOHN HAYNES HOLMES, Honorary Chairman of the ACLU Board of Directors has been affiliated with the following subversive organizations: Medical Bureau, American Friends of Spanish Democracy; Russian Reconstruction Farms, Inc.; Citizens Committee to Free Earl Browder; Friends of the Soviet Union and the League of American Writers. In 1950 he sponsored the Mid-Century Conference For Peace and in 1953 signed a letter to the President asking amnesty for eleven Communist Party leaders convicted under the Smith Act. (See HUAC, Appendix IX, 1944, pages 380, 472, 619, 758 and 977; HUAC Report on the Communist Peace Offensive, 1951, page 149; and "Daily Worker," 1-15-53, page 8).

B. W. HUEBSCH is the ACLU Treasurer and a member of the Board of Directors. He was listed on page 7 of The American Legion's Report On UNESCO of April 1956, as a former member of the United States National Commission for UNESCO who had been affiliated with "nine organizations cited as subversive by the United States Attorney General or the House Committee on Un-American Activities." According to page 36 of the Report on UNESCO, HUEBSCH has supported the American Committee for Democracy and Intellectual Freedom; American League for Peace and Democracy; Book Union, Inc.; Citizens Committee to Free Earl Browder; Joint Anti-Fascist Refugee Committee and the Veterans of the Abraham Lincoln Brigade. In 1950, HUEBSCH sponsored the China Welfare Appeal, Inc., another subversive organization. (See HUAC, Appendix IX, 1944, pages 334, 390, 589, 619, 941 and 1648; and China Welfare Appeal letterhead, 1950).

ROBERT M. HUTCHINS, member of the ACLU National Committee and President of The Fund for the Republic, Inc., needs no introduction to readers of The Firing Line and The American Legion Magazine. In May, 1956, the National Executive Committee of The American Legion in approving Resolution No. 559 (Maryland), stated that "we strongly urge the House Committee on Un-American Activities of the United States Congress to initiate its announced intention of further investigation and hearings on The Fund for the Republic and its activities."

On November 17, 1955, the National Commander of The American Legion stated that "on the basis of our evaluation of the record, the principal direction (of The Fund for the Republic) emanated from DR. ROBERT MAYNARD HUTCHINS, the President of the Fund...DR. HUTCHINS' record (See The Firing Line, 9-15-55, pages 91 and 92) shows a wilful refusal to consider Communism as anything more than a political ideology...the record of DR. HUTCHINS, and the record of The Fund for the Republic under his direction, is replete with evidence that he does not believe Communism is a clear and present danger in this country and that he is more interested in opposing Communism's enemies than in opposing Communism." (See "The Firing Line", 11-15-55, page 123).

JOHN PAUL JONES is a member of the ACLU Board of Directors. JONES has been affiliated with the following organizations which are cited as subversive and Communist by the United States Attorney General or the House Committee on Un-American Activities: Consumers National Federation; International Labor Defense; League for Mutual Aid; National Federation for Constitutional Liberties; People's Institute of Applied Religion; Mid-Century

Conference for Peace; Methodist Federation For Social Action and the Committee of One Thousand. (See HUAC, Appendix IX, 1944, pages 659, 843, 984, 1247 and 1464; HUAC, Report on the Communist Peace Offensive, 1951, page 149; HUAC, Review of the Methodist Federation For Social Action, 1952, page 81; and "New Republic," 9-27-48).

DOROTHY KENYON is a Vice Chairman of the ACLU Board of Directors. In 1950, MISS KENYON appeared before a subcommittee of the Senate Committee On Foreign Relations and admitted under oath that she had sponsored the National Council of American-Soviet Friendship, Inc. in 1948, and was affiliated with the Conference on Pan-American Democracy; League of Women Shoppers; American Committee for Democracy and Intellectual Freedom; Lawyer's Committee on American Relations with Spain and was a member of the Advisory Committee of Descendants of the American Revolution. (See Report, State Department Employee Loyalty Investigation, 1950, page 44).

MAX LERNER, another ACLU National Committee member has a record of affiliations with subversive organizations according to the 1954 Report of Tax-Exempt Foundations, pages 325-328. "On June 2, 1949, the Daily Worker, page 2, reported that LERNER, identified as columnist for the New York Post had asserted that the trial against the leaders of the Communist Party 'has no business being in court. I don't see how anyone with a rudimentary knowledge of the history of Communist movements can doubt the basic rightness of William Z. Foster's plea, in his long manifesto, that under American conditions the attempt to use it would be fantastic.'" LERNER has been affiliated with the following subversive organizations: American Student Union; American Congress for Peace and Democracy; Frontier Films and American Committee for Democracy and Intellectual Freedom. He has been listed as a signer of the Golden Book of American Friendship with the Soviet Union, a cited "Communist enterprise signed by hundreds of well-known Communists and fellow travelers." (See HUAC, Guide To Subversive Organizations and Publications in the United States, 1951, page 55).

ROBERT S. LYND is a member of the ACLU National Committee. According to a congressional report, LYND has been affiliated with the American Committee for Protection of Foreign Born; League of American Writers and the National Council of American-Soviet Friendship. In 1940 he signed a statement defending the Communist Party and was a member of the Board of Directors of the subversive American Russian Institute. In 1949 LYND sponsored the Scientific and Cultural Conference for World Peace and was listed on a 1956 letterhead as an Initiator of the National Committee to Repeal the McCarran Act. This latter organization was cited as a Communist front by the Internal Security Subcommittee this year as one that defends "the cases of Communist lawbreakers." (See HUAC, Appendix IX, 1944, pages 354, 980, 1096, 1125 and 1200; HUAC, Review of the Scientific and Cultural Conference for World Peace, 1949, page 59; Internal Security Subcommittee, "A Handbook for Americans," 1956, page 91; and National Committee to Repeal the McCarran Act letterhead, 1956).

J. ROBERT OPPENHEIMER, member of the ACLU National Committee has been mentioned many times in past by The Firing Line. In June 1954, OPPENHEIMER was denied security clearance and access to classified government information by the United States Atomic Energy Commission. This Commission found that OPPENHEIMER'S "continuing conduct and associations have reflected a serious disregard for the requirements of the security system... (and) have found a susceptibility to influence which could have serious implications for the security interests of the country." In 1943, OPPENHEIMER stated that "he was not a Communist, but had probably belonged to every Communist-front association on the West Coast and signed many petitions in which Communists

Communists were interested." He has made "periodic contributions through Communist Party functionaries to the Communist Party in San Francisco Area in amounts aggregating not less than \$500 nor more than \$1000 a year during a period approximately four years ending in April 1942." (See United States Atomic Energy Commission, "In The Matter of J. Robert Oppenheimer," May 27, through June 29, 1954, pages 4, 7 and 21).

BISHOP G. BROMLEY OXNAM, ACLU National Committee member, appeared before the House Committee on Un-American Activities on July 21, 1953 and admitted affiliation with the following subversive organizations and publications: National Council of American-Soviet Friendship; Protestant Di Soviet Russia Today; American Committee for Spanish Freedom; Medical Bureau and North American Committee to Aid Spanish Democracy; and the Methodist Federation for Social Service. OXNAM stated before the Committee that the renders "very valuable service in maintenance of the civil liberties of this country." (See HUAC, Testimony of Bishop G. Bromley Oxnam, 1953, pages 359 3629, 3645, 3653, 3656, 3724 and 3734).

BISHOP EDWARD L. PARSONS, Vice Chairman of the ACLU National Committee signed an Amicus Curiae Brief in September 1955 to the Supreme Court of the United States asking that the Court "void" the Internal Security Act 1950. According to the California Committee on Un-American Activities, PAR has contributed to the Communist Daily Worker, sponsored the subversive Cal Labor School, American Committee for Yugoslav Relief, American Youth For De and the San Francisco Branch of the American Friends of the Chinese People. (See "The Firing Line", 10-1-55, page 100; California Legislature, Report of Joint Fact-Finding Committee on Un-American Activities, 1947, page 79; and California Legislature, Fourth Report of the Senate Fact-Finding Committee on Un-American Activities, 1948, pages 132, 144 and 185).

JAMES G. PATTON, ACLU National Committee member is also President of the Farmer's Educational and Cooperative Union of America, commonly known as the National Farmers' Union. PATTON has been affiliated with the National Committee to Abolish the Poll Tax and was listed as an initiator of the National Congress on Civil Rights held in Detroit, Michigan in 1946, out of which emerged the subversive Civil Rights Congress. He sponsored a testimonial dinner which was held under the auspices of the American Slav Congress and submitted a statement to the House Committee on Un-American Activities in 1950 in opposition to proposed anti-Communist legislation. (See HUAC, Appendix IX, 1944, page 11; HUAC, Report on the American Slav Congress, 1949, page 106; California Legislature, Fourth Report of the Senate Fact-Finding Committee on Un-American Activities, 1948, page 201; and HUAC, Hearings on Legislation to Outlaw Certain Un-American and Subversive Activities, 1950, page 2353).

ELMER RICE, member of the ACLU Board of Directors was reported to have been affiliated with 17 subversive organizations and publications according to "The Firing Line" of February 1, 1955, page 16.

AUBREY WILLIAMS, editor of The Southern Farm & Home and contributor to The New Southerner, is a member of the National Committee of the ACLU. According to a report of the Internal Security Subcommittee, "AUBREY WILLIAMS was identified as President of the Southern Conference Educational Inc., who had been a member of the Board of the Southern Conference For Human Welfare...MR. WILLIAMS was identified by a witness as one who had been a member of the Communist Party. He was also identified by another witness as one who accepted the discipline of the Communist Party. "The Firing Line" was instrumental in exposing WILLIAMS in its July 1, 1955 issue. (See Internal Security Subcommittee, Southern Conference Educational Fund, Inc., 1954, pages VI and VII and "The New Southerner," April 1956.)

December 19, 1956

Mr. L. B. Nichols

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I thought you might be interested in an experience which Rowland Watts related to me.

About three weeks ago, a Dr. Al Blumberg, of the Communist Party, called on Watts, to urge him to get the national ACLU to start a full-scale attack on the House Un-American Activities Committee, indicating that such a project loomed larger than ever in the minds of the Communists.

Watts seemed surprised to see Blumberg, since the representative of the Communists that has been seeing him has been S. Gerson.

Soon after this visit, the attached letter from Los Angeles came to the national office.

Irving ~~Ferman~~

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AMERICAN CIVIL LIBERTIES UNION, 170 FIFTH AVENUE, NEW YORK

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WEEKLY BULLETIN #1662

Alan Reisman, Assistant Director  
in Charge of Public Relations

December 24, 1956

460 NEGRO TEACHERS LOSE JOBS OVER INTEGRATION BUT EMPLOYED IN OTHER TEACHING POSTS

More than 460 Negro teachers in border states have been released from their jobs during the last year because of integration of public schools, the Southern School News reports after a survey. But, it adds, "Many, if not most" of these instructors "have been placed in other teaching jobs--some of them at higher pay--with the possible exception of those in Oklahoma."

The publication's tabulation shows 304 Negro teachers dismissed in Oklahoma, 58 in West Virginia, 20 in Missouri, and 20 in Texas. As many as 60 Negro teachers in Kentucky may lose their jobs through consolidation of schools.

Dismissals were high in Oklahoma partly because the state closed 112 Negro schools as a result of desegregation. About one-sixth of the state's 1,657 Negro teachers were displaced. Several found jobs in schools of other Oklahoma communities, the monthly newspaper reported, some located jobs in other states, while some found jobs in other fields.

Missouri has 125 Negro teachers heading classes in integrated schools. In Kentucky, there are 115 Negro teachers instructing white students, but in general they teach in predominantly Negro schools. Maryland and Delaware each has about 100 Negro teachers of mixed classes, Southern School News said. The Negro teachers in Delaware are concentrated chiefly in Wilmington, but are scattered throughout Maryland, it reported.

In South Carolina, 24 instructors at a training school for Negroes either resigned or were released when they declined to answer questions concerning membership in the National Association for the Advancement of Colored People. Southern School News also heard that because of segregation-desegregation issues two Negro teachers had lost their jobs in Virginia, two in Delaware, and one each in Florida and Georgia.

The News is a monthly publication of the Southern Education Reporting Service, a fact-finding agency established to report on developments in education since the Supreme Court ruled school segregation is unconstitutional.

ACLU UNITS SCORE HOUSE COMMITTEE PROSE OF CRITICS OF IMMIGRATION LAWS

Recent local investigations by the House Un-American Activities Committee of alleged Communists and Communist-front organizations critical of U.S. immigration and other security laws have been protested by American Civil Liberties Union affiliates in Chicago, Los Angeles and San Francisco. The national ACLU has long opposed the mandate of the House Committee, asserting that its inquiry into "propaganda" is an invasion of free speech and association.

The main focus of the ACLU affiliates' protests was subpoenas issued mainly to persons associated with the Committee for the Protection of the Foreign Born, an alleged Communist-front group. The House Committee centered its questioning on persons challenging the McCarran-Walter Immigration Act.

The Illinois Division of the ACLU expressed its concern about the purpose of the Chicago hearings and "the scope of the subpoena issued by the Committee. The subpoena calls for the individual...to bring all letters and copies of letters and all leaflets and documents...designed to revise, repeal, and nullify the provision or repeal of the McCarran-Walter Immigration Act, the Smith Act and the Internal Security Act, as well as excerpts from minutes of all meetings "showing all proposals and all consideration given to proposals to these ends."

Stating that the First Amendment prohibits Congress from interfering with the right to assemble and petition government "for a redress of grievances," the Illinois  
A REGULAR WEEKLY SERVICE. FURTHER INFORMATION FURNISHED ON REQUEST

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stated that the subpoena "violates these constitutional guarantees." With the issuance of subpoenas, the press continues to be able to demand the minutes of an organization with a legitimate purpose. The issue of any newspaper editorial conference considering legislative issues. "Such a prior is squarely forbidden by the First Amendment," the ACLU said.

The ACLU statement was noted by the House Committee, which announced at the beginning of the hearing that its purpose was not to debate the merits of legislation but to show how the Communist "conspiracy" undermines anti-subversive legislation.

When the San Francisco hearings opened, the ACLU of Northern California commented that their effect, if not their intention, will be to brand all opposition to the McCarran-Walter law as being Communist-inspired. "Of course, that is most unfair because nearly all of the demands for revision of the law come from anti-Communists, including President Eisenhower," the ACLU said. Charging that the hearings are unfair, unnecessary and a violation of free speech, the Northern California group said: "We don't need public hearings to discover that a handful of Communists have seized upon our harsh and discriminatory immigration laws as a means of making political hay. Setting up front groups to exploit an issue is the usual Communist technique.... What would be more to the point would be an effort by the Committee to discover what there is about our immigration laws that make them so vulnerable to Communist exploitation and then to recommend needed changes."

Opposition in Los Angeles was concentrated on the House Committee's attack on critics of the immigration laws. The Southern California ACLU branch said it was considering supporting a possible test case taking issue with the Committee's action.

#### ARMY ABOLISHES SEGREGATED OFF-DUTY COURSES

The Army has abolished segregated off-duty courses at all of its posts, including three installations in the South. The action resulted from repeated inquiries into reports of segregated classes made by Senator Herbert H. Lehman of New York. Senator Lehman had addressed several letters of inquiry to the attention of Secretary of Defense Charles E. Wilson, beginning last February 8. The original complaint which came to Senator Lehman's attention involved the inability of Negro personnel at Donaldson Air Force Base, Greenville, S. C., to take on-base extension courses conducted by the University of South Carolina. Later, the Senator learned that similar restrictions were being applied to Negro soldiers at Ft. Jackson, Columbia, S. C.

Word of the Army's action was given to Senator Lehman in a letter from Carter L. Burgess, Assistant Secretary of Defense for Manpower, Personnel and Reserve. The letter indicated that "agreement has been reached to permit no segregated classes, university extension or otherwise, on any military post or installation." Secretary Burgess said, however, that service personnel were free to attend classes off their bases, whether segregated or not.

As a result of the Army's directive to end segregated classes, the University of Georgia dropped its extension courses at Fort Benning, and the Richmond County School System dropped its segregated courses at Fort Gordon, Georgia. The Army's contract with the University of South Carolina at Fort Jackson has also been terminated, but it was not known that segregation was the cause of the termination.

#### CINCINNATI BAR ASSOCIATION APPROVES PARADISE MEMBERSHIP

The Cincinnati Bar Association, by a vote of 201 to 82, has approved the membership application of James C. Paradise, Cincinnati attorney and president of the local chapter of the American Civil Liberties Union, climaxing a six-month controversy among members concerning his admission.

One of the main objections to his admission was his position with the Union, which was charged with being connected with Communists, Communist causes and un-American activities. It was made by three members of the Bar Association identified with the American Legion. The Union has repeatedly denied these charges, emphasizing its sole concern is for the defense of civil liberties for everybody.

George E. Foe, a member who spoke in behalf of Paradise's application for membership, said "if Mr. Paradise is refused membership, the blight will not be on him, but on Bar Association members who by their actions might repudiate the principles under which we live." It was reported that at least one member of the Association had resigned because of acceptance of Paradise.

In a letter to the Cincinnati newspapers following the Bar's action, Patrick Murphy Malin, ACLU executive director, commented on the attack against the ACLU and said, in part, "The ACLU has repeatedly denied this charge, which we believe arises from the confusion between defending an individual's civil liberties and agreeing with his philosophy. Our single function is to defend civil liberties for everybody, a function which is as sound and American as is the Constitution." He complimented the Bar Association for recognizing, in its acceptance of Paradise, the "true nature of the ACLU."



ACLU AITS BUSINESSMAN FORMALIZED FOR 5th AMENDMENT

The American Civil Liberties Union has interceded for a hat manufacturer who has been prevented from bidding on government business because he invoked the Fifth Amendment during Federal investigations.

In a letter to Secretary of the Army Wilber M. Brucker, the Union's staff counsel, Rowland Watts, said that these "serious civil liberties questions are raised" by the case:

"The imposing of an illegal sanction upon an individual who exercised his constitutional rights under the Fifth Amendment.

"The depriving of an individual of his property without due process of law through the prolonged and continuing investigating process, which presumably could continue forever without any opportunity for (the individual) to be informed of the charges and the outcome of the investigation, and of an opportunity to properly defend himself.

"A situation where punishment in the form of debarment was promulgated by the Department of the Navy, and now on the same major facts, suspension by the Department of the Army, thus resulting in a double punishment for the same offense, if any."

The case concerned Sol O. Schlesinger of the D/B/A Ideal Uniform Cap Company, who told ACLU he had been under continuing investigation for four years. This fall, he said, he was notified by the Army that "the suspension previously effected shall remain in force until such time as matters pertaining to prior Department of Defense procurement from you have been investigated completely by the Executive and Legislative Branches of the Government."

Schlesinger pleaded the Fifth Amendment during a Treasury Department investigation and later before the Senate Permanent Subcommittee on Government Operations, which was investigating alleged mispractices in the military procurement field. The latter claimed that by this action he had "forfeited any right to engage in future business with the Government.

"In any other Executive branch (of the government), Mr. Schlesinger would have relief under the Administrative Procedures Act," Watts wrote. "I am confident that you will want to see him have at least equivalent relief by the Department of the Army."

CENSORSHIP OF RADIO AND TV CRITICIZED BY FCC COMMISSIONER

Efforts to censor radio and television broadcasters were decried by Robert T. Bartley, a member of the Federal Communications Commission, before a recent meeting of broadcasters.

Addressing a regional conference of the National Association of Radio and Television Broadcasters, Bartley declared that "not only should there be no censorship of the broadcaster by the Government, but there should also be none by any other groups." He referred to various pressure groups which he said are constantly trying to impose censorship upon the broadcaster, and he urged broadcasters to resist such efforts.

Bartley traced the areas in which the FCC must see that the law is carried out. These concerned clear identification of program sponsorship and materials, equal treatment of candidates for public office and for controversial issues; and cases of news-slanting. He said, however, that the broadcaster "should not be reluctant to take an editorial position in various public issues, but...when he takes such a position, he should identify it as such, and should take affirmative steps to see that equal time is provided for all other sides of the question."

He termed cases of news-slanting "an abuse of the license privilege which cannot...be condoned by the Commission."

Bartley called on broadcasters to familiarize Congressional committees with the problems surrounding censorship and urged that program abuses be curbed through self-regulation. He said that the function of the FCC is to review the stewardship of a radio or TV station, and explained that this function had nothing to do with censorship.

CIVIL LIBERTIES BRIEFS

It is reported that large farms in the Princeton, Fla., area now have three sets of toilet facilities: one for whites, one for Negroes, and a third for Puerto Ricans...The New Haven Civil Liberties Council recently held a special dinner to honor defense counsel in the recent Connecticut Smith Act trial. The attorneys were cited "for upholding the finest traditions of the American Bar in the representation of unpopular causes"...The Massachusetts legislature has been asked again to approve a bill clearing the names of 22 persons condemned to death as witches in Salem in 1692-93. This is the first time such a measure has been introduced.

AMERICAN CIVIL LIBERTIES UNION, 175 FIFTH AVENUE, NEW YORK

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WEEKLY BULLETIN #1443

Alan Reitman, Assistant Director  
in Charge of Public Relations  
December 31, 1956

ACLU URGES CHANGE IN SECURITY PROGRAM TO LIMIT BIASED DECISIONS

To guarantee that decisions in loyalty-security cases under the government's employee security program are based on specific criteria rather than personal bias, the American Civil Liberties Union has urged that these decisions be made in a written and reasoned form.

The recommendation was proposed in a letter to President Eisenhower and made public by ACLU executive director Patrick Murphy Malin. The letter recommended that security officers in government agencies "making the decision that charges be preferred against an employee or prospective employee... shall be required to set forth their determination in a written, reasoned decision, relating the evidence to specified criteria."

The security officer, the ACLU said, should be required to present a fair summary of the case, including all the evidence in support and rebuttal of his findings, citing only security-classified evidence. The White House was replied to the ACLU letter, stating that it had been turned over for study to the Government's Security Commission, headed by Lloyd Wright, which is reviewing all of the government security programs and their impact on individual rights.

The ACLU also asserted that there is a lack of training for security officers in the "correct assembling and evaluation of materials considered as evidence," and urged that all agencies should adopt the Department of Defense's policy to provide an intensive training and refresher program for all investigators, security officials and hearing officers. The absence of such training, the ACLU said, has subjected individual employees to unfair decisions and is one of the causes for criticism of the security program.

Asserting that from the Union's experience with the security program, it had observed that much of the abuse in the administration of the program results from the unfairness of initial determinations made by the security officer. We often experience this kind of abuse elsewhere in the administrative process, i.e. the experience of an administrative officer acting quasi-judicially and basing his determination on personal predilection, rather than on specified criteria."

ACLU BRIEF IN FLORIDA SCHOOL SEGREGATION CASE URGES END TO DISCRIMINATION

The Greater Miami Chapter of the American Civil Liberties Union has filed a friend of the court brief in the Dade County school segregation case recently argued before the U. S. District Court in Miami, urging that the United States Supreme Court's desegregation decision be upheld. The case involves a suit brought against school authorities by the Miami chapter of the National Association for the Advancement of Colored People in behalf of the parents of six Negro children. The suit requests that state and local pre-segregation laws be voided.

The ACLU brief contends that any court validation of the pre-segregation acts of the Dade County Board of Public Instruction "would cause a nullification of the equal protection of the laws guaranteed citizens under the Fourteenth Amendment to the Constitution... and would tend to restrain the constitutional rights of Americans generally."

Stating that the constitutionality of the novel subventions law has already been determined by the United States Supreme Court, the ACLU brief states its immediate concern is "with the reaction to the decisions by the executive system and the Legislature of the State of Florida."

The brief charges school authorities with a lack of good faith in having taken no action toward integration since the Supreme Court's decision in 1954. Also cited are

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"calculated... of negation and disavowal" of a court decision by the state legislature, which enacted a "pupil assignment law" designed to retain school segregation practices.

While recognizing that the Legislative act bases its applications "on the... distinctions among pupils of sociological, psychological and other social scientific factors," the ACLU brief asserts that it was the clear intent of the legislature to deal with the school integration problem in a way which was "victative of the Fourteenth Amendment to the Constitution. The courts," states the brief, "will pierce the veil of subterfuge... will search into legislative intent, and will question the constitutionality of apparently non-discriminatory legislation..."

In concluding the brief, the ACLU recognized that local problems exist but urged that the Dade County school authorities meet the integration problem squarely and take steps where "integration is immediately possible."

#### CHURCH GROUPS INVOLVED IN CENSORSHIP FIGHTS OVER "BABY DOLL" AND "MARTIN LUTHER"

Leading Protestant and Catholic churchmen were engaged in a dispute last week over the showing of the controversial film "Baby Doll," and the alleged suppression by a Chicago TV station of the movie, "Martin Luther."

The "Baby Doll" clash arose when Cardinal Spellman, in an unusual personal appearance in the pulpit, warned Roman Catholics against seeing the film under penalty of committing a sin. The motion picture, which depicts life in a Mississippi area, concerns a young girl who is married to a man twice her age and becomes involved with a younger man. It had been placed in the "condemned" category by the Catholic review organization, the Legion of Decency, which termed it "morally repellant both in theme and treatment." In his statement, Cardinal Spellman said it was "astounding and dplorable" that such an "immoral" film had been certified for public exhibition. It has received the seal of approval from the film industry's own Production Code Office and passed the New York State censor.

Cardinal Spellman's position was contested by the Very Rev. James A. Pike, Dean of the Protestant Episcopal Cathedral in New York City. Dean Pike, while defending the right of Cardinal Spellman to establish rules of conduct for his own church members, scored asserted attempts of "minority groups" to impose their will on the community. Taking up Cardinal Spellman's comment that in opposing the film he was acting as a loyal citizen in defense of America, Dean Pike said that "suppression of free expression of ideas, free description of a real situation in a land," was characteristic of Communism. "The true patriot," he continued, "defends freedom against governmental authority and against majority or minority pressure groups, against volunteers in the cause of thought control."

The controversy assumed international proportions when the Rev. John A. Burke, ecclesiastical director of Britain's Roman Catholic Film Institute, said that he could "see no reason why adult Catholics should not see" the film. The Institute is the British equivalent of the Legion of Decency in the United States. Father Burke said "Baby Doll" was "a brilliant piece of work on a decadent subject," but that it "obviously was not the sort of thing for thoughtless people."

While the prelates discussed the moral qualities of the film, there was no sign that local movie exhibitors were withdrawing the picture from public showing. Despite threats of financial pressure from the Catholic War Veterans, there has been no picketing of the film in New York City. Warner Brothers, national distributors of the picture, report that local showings are going ahead as scheduled, and officials opined that local reaction would be governed by the film's box-office success in New York. It was reported that the picture was doing excellent business at New York City's Victoria Theatre.

The American Civil Liberties Union is watching the situation carefully and is ready to intervene if censorship threatens. It has repeatedly stated it defends the right of a church or any other group to advise its own members not to see a particular film, but it also urges local exhibitors not to bow to pressures to withdraw the film and to allow the public to see it.

The TV controversy in Chicago concerned the last-minute ban on the showing of "Martin Luther," on station WGN-TV, operated by the Chicago Tribune. Pressure from Catholic Church officials allegedly caused the cancellation, but this was denied by Msgr. S. M. Burke, chancellor of the Chicago archdiocese. Strong protests were made by Protestant leaders, including one call for a federal investigation of the ban, and the ACLU's Illinois Division. The ACLU affiliate said: "The wave lengths belong to the people and this means all the people. They are licensed to private corporations to be used in the public interest. Anyone has a right to protest a presentation, to refrain from viewing it, and to attempt to provide others are to see it. But it is obnoxious to freedom of communication, on which our democratic order rests, to have any group seek to impose a general censorship on material of which it disapproves

accordance with the special standards of that group. The issue is censorship, not the merit of a particular picture. A station which is itself to be censored by special interest groups abdicates its responsibility to operate the station in the public interest."

#### CHARLOTTESVILLE, VA. BAN ON LEAFLET DISTRIBUTION

Efforts of the Seaboard White Citizens Council to distribute pro-segregation leaflets were halted by a Charlottesville, Virginia ordinance. The ordinance provides that pamphlets shall not be publicly distributed without a permit issued by the city authorities.

The Council sought such a permit, which was refused. The pamphlets were nonetheless distributed, and the team of six persons responsible for the distribution were arrested, but were freed by the state's attorney for lack of evidence. Subsequently, a city councilman proposed the adoption of an ordinance designed to close Charlottesville's parks to any group brought together to discuss either segregation or integration. The ordinance was, however, not passed by the city council.

The pro-segregation pamphlets were described as "vicious," and were reported to contain photo montages showing whites and Negroes together, as well as "venomous anti-Semitism." According to information reaching the ACLU from Charlottesville, the action by city authorities nonetheless constituted a violation of freedom of speech.

#### ART MAGAZINES CRITICIZE GOVERNMENT BAN ON ART TOUR

Two leading art magazines, Arts Magazine and Art News, have criticized the U.S. Information Agency for withdrawing its sponsorship of several proposed exhibits of American paintings which were to have toured abroad this year.

Arts Magazine asked President Eisenhower to "intervene so that these acts of censorship will not colterate the freedoms guaranteed by the Bill of Rights." Art News reviewed the controversy over art exhibits and questioned any future cooperation by artists with the government on any project.

Central issue in the cancellation of USIA support of the touring exhibits was that "subversive" charges had been brought against some of the artists.

One of the exhibits, a collection of paintings by 100 American artists, had been scheduled to go to Europe until the information agency informed the American Federation of Arts, which was responsible for assembling the exhibit, that ten of the suggested 100 artists were "politically unacceptable." The Federation refused to go into the artists' political beliefs and the project was abandoned.

Theodore C. Streibert, then director of the information agency, told a Senate Foreign Relations sub-committee last June that it was not the agency's policy to include paintings by politically suspect artists in any of its shows. Senator William Fulbright, chairman of the sub-committee, said he believed that art should be judged "on its merits."

#### ACLU NIAGARA FRONTIER QUESTIONS POLICE ACTION IN ALCOHOLIC CASE

Death in a jail cell of a man suspected of alcoholism has brought a protest from the Niagara Frontier Branch of the American Civil Liberties Union.

Writing to Joseph DeCillis, Buffalo police commissioner, the civil liberties organization pointed out that newspaper accounts of the death did not mention whether the arrested man had been given medical attention but did make clear that as a Roman Catholic he did not receive the last rites and that his family was not notified at the time of his arrest.

In 1953, after the deaths of two men in their Buffalo jail cells, the police commissioner issued an order that any person "taken into custody who shows any indication, however slight, that he or she is in need of medical attention, will be immediately transported to a hospital before being placed in a cell."

#### CIVIL LIBERTIES BRINGS

A strong majority of students at Florida State University and the University of Florida declared in an opinion poll that they would accept racial integration in classes without question or would try to make it successful if desegregation were ordered. The poll was requested by the Florida Supreme Court after it conditionally approved the enrollment of a Negro in the University of Florida law school...The Minnesota Attorney General has ruled that under the state's Fair Employment Practices Act an employer may require a job applicant to supply a photograph prior to hiring only when it can be shown that a photograph is needed to establish a bona fide occupational qualification.