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ACLU ASKS PROBE OF POLICE BRUTALITY PACT IN NEW YORK CITY

ACLU has asked for an investigation into the alleged secret pact between the Justice Dept. and the New York City police whereby the FBI would observe a hands-off policy when charges of brutality against New York policemen were raised.

According to the New York World-Telegram and Sun, which disclosed the alleged agreement, investigation of such cases was to have been undertaken by the city police themselves. The paper charged that the arrangement had been made by Police Commissioner George Monaghan and the former chief of the Justice Department's criminal division, James P. McInerney. When it was made known to former Attorney General James P. McGranery in January, said the newspaper, the agreement was abrogated.

In a letter to Attorney General Herbert Brownell, ACLU's executive director, Patrick Murphy Malin, said: "We, of course, have no way of knowing of the accuracy of these reports, but the source is so well respected that it seems to us that this charge should immediately be investigated.....We urge that you ask the grand jury, soon to probe the brutality charge against the New York police, to investigate also whether or not this agreement was in fact entered into and if so, whether it was a violation of federal law."

Malin's statement, joined in by the New York Civil Liberties Union, continued: "The World-Telegram and Sun's disclosure only highlights what is a growing civil liberties problem in our city - police brutality. In 1950 the NYCLU investigated 40 different complaints; this total was doubled in 1951; the past year has seen no marked reduction in the number of cases coming to our attention. It is difficult to obtain data relating to pending civil damage actions against the city resulting from police brutality, false arrest, or other abuses of police authority; but a conservative estimate is that they amount to more than $3,000,000."

ACLU is only one of many civil groups that has demanded an investigation of the alleged pact. The National Association for the Advancement of Colored People is another organization seeking a federal investigation.

Meanwhile, a federal grand jury in New York has been reviewing brutality charges against New York police.

ACLU IN CHICAGO PRESSES FIGHT AGAINST "THE MIRACLE" BAN

ACLU has now gone into Cook County circuit court to get clearance for showings in Chicago of the motion picture "The Miracle".

In a suit filed against Mayor Martin H. Kennelly and Timothy J. O'Connor, acting commissioner of police, the Chicago division of ACLU asked the court to declare unconstitutional the censorship provisions of the city's municipal code. The Union, together with Charles Liebman, had asked for a permit to show the film, but were turned down by Commissioner O'Connor. A later appeal was rejected by Mayor Kennelly.

ACLU contends that parts of the municipal code violate both the state constitution and the First and Fourteenth Amendments to the U.S. Constitution. The code makes it unlawful to show any movie without a permit. And it says it is the duty of the police commissioner to refuse a permit for any picture that is "immoral or obscene, or portrays depravity, criminality, or lack of virtue of a class of citizens.....and exposes them to contempt.....or tends to produce a breach of the peace....".

This, ACLU maintains, is contrary to the law of the land. It says the ordinance deprives people of the freedom of speech and of the press guaranteed by the constitutional provisions.

The U. S. Supreme Court held last spring that a New York State ban against "The Miracle"---on the grounds that it was sacrilegious---was unlawful censorship. It also ruled that motion pictures, as such, were entitled to free-speech guarantees.

OHIO UN-AMERICAN ACTIVITIES COMMITTEE MAKES REPORT

In a report to the state legislature, the Ohio Un-American Activities Commission has called for some of the toughest anti-subversive legislation yet proposed. The commission, which went out of existence on December 31, also asked the lawmakers to revive its investigation into Communist operations in the state.

The strongest proposals of the commission were those calling for laws that would make it a felony, carrying a penitentiary sentance, to: (1) help form, contribute to, or knowingly remain a member of a subversive organization; (2) commit or aid any act dedicated to violent overthrow of the state or federal government; (3) destroy records or secret funds of subversive groups.

The commission went on to stress "the clear and present danger of the Communist Party" and asked for laws to dissolve Communist organizations, bar Communists and members of other subversive organizations from holding special privileges or licenses, and make refusal to testify about Communist activities prima facie evidence of Communist or front-organization membership.

During its statewide investigations, the commission cited 20 witnesses for refusing to say whether they were or had been Communists. So far, seven of the witnesses have been indicted by grand juries. The commission has estimated that there are about 1,300 Communists in the state.

ACLU groups in Cincinnati and Cleveland have strongly criticized the procedures and tactics of the investigating committee. The Cincinnati branch, after the commission reported, asked the legislature to end the commission's activities and to investigate the latter's "strange and un-American conduct". It called for an inquiry to determine why the commission released testimony of a witness "in reckless disregard of the liberties and lives of the people who might be adversely affected thereby" It also requested an investigation to cover the role of legislative investigating committees in our society and the development of procedures and safeguards to insure against repetition of civil liberties abuses.

U.S. COURT RULES CONGRESSIONAL COMMITTEE PUBLICITY MAY PREJUDICE TRIAL

One of the more unusual legal decisions of the past few months has come from the U.S. Court of Appeals in Boston. In effect, it says that if a congressional investigating committee looking into corruption stirs up nationwide publicity against a government official already under indictment, that official may get an adjournment of his trial in order to lessen the danger of prejudice to him.

The court's ruling came in a case involving Denis W. Delaney, one time collector of internal revenue for the district of Massachusetts. Delaney was indicted in September, 1951, for receiving payments aimed at influencing his decisions and for making false certificates of the discharge of tax liens.

In October of the same year, the House Subcommittee on Administration of the Internal Revenue Laws - the so-called King Committee - began hearings focused on the charges against Delaney. Many of the witnesses called were those who had testified before the grand jury. In addition, the investigators dug into other aspects of Delaney's life, among them an alleged bankruptcy and a charge of embezzlement. Although the testimony against him had wide publicity, Delaney was neither called nor invited to appear before the committee.

Because of the adverse press reports, Delaney asked for, and got, a postponement of his trial - for one month. However, his petition for a further delay was turned down by a district court.

This, said the court of appeals, was an error. Delaney should have had a further continuation to give the furor a chance to die down.

The court made its ruling not as a matter of constitutional law, but as part of what it thought to be proper supervision of procedure in federal courts. Thus, the decision might not apply to cases involving people indicted or investigated by state bodies, or when proceedings are held in state courts. And the court did not rule on what would happen if a person were indicted after a legislative hearing, rather than before the hearing.

SUPREME COURT REFUSES REVIEW OF CALIFORNIA VAGRANCY LAW

The U.S. Supreme Court has refused to review a test case brought by ACLU to test a California vagrancy law that defines a vagrant as a "dissolute person". The high court's action was based on a procedural point.

The case involved Isidore Edelman, a Los Angeles political, economic, and religious orator in Pershing Square, who was arrested in September, 1949, on a complaint under the vagrancy statute. This statute imposes a fine and/or imprisonment for an "idle, or lewd, or dissolute person". The jury returned a verdict of guilty after having been charged by the judge to consider Edelman as "dissolute" if they found him to be a lawless person on the basis of his having begged, or indulged in indecent conduct, or used slanderous, vulgar, and profane language.

The ACLU Southern California affiliate argued before the Supreme Court that the law is loose, uncertain, and vague, and therefore unconstitutional. But Mr. Justice Clark, writing the 7-2 majority opinion, held that this defense had not been raised early enough, appearing for the first time on appeal. He contended that dismissal of the appeal by the California Supreme Court could have rested on adequate state grounds, not involving the federal constitution. Justice Clark suggested, however, that a writ of habeas corpus might now be filed to test the constitutionalit of the state law.

Justices Black and Douglas dissented, contending that the refusal of the Appellate Court of California to review was in itself a denial of due process of law. Pointing out that the legislation was obviously unconstitutional, Justice Black insisted that "courts should be astute to examine and strike down dragnet legislation used to abridge public discussion***", pointing to the fact that the major reason for Edelman's conviction was the content of speeches he had delivered in public.

BOOK NOTES

THE HOUSE UN-AMERICAN ACTIVITIES COMMITTEE by Professor Robert K. Carr, 489 pages, Cornell University Press.

This is another contribution to the excellent series published under the title "The Cornell Studies in Civil Liberty", made possible through a grant of the Rockefeller Foundation.

Prof. Carr traces the history of this controversial House committee since it became a permanent group in 1945. Examined against a general background of Congress and the campaign against subversion, the areas covered are the committee's personnel, staff, publications, the press' treatment of its work, and court review of its activities. The book ends with an evaluation by Prof. Carr of the committee's record.

EQUALITY BY STATUTE by Morroe Berger, with a foreward by Robert MacIver, 238 pages, published by the Columbia University Press.

A valuable contribution to the literature on the problem of discrimination and segregation. The author compares civil rights today and during the Reconstruction Period and discusses the role of the Supreme Court in two periods, 1868-1937 and 1937-1950, in meeting this issue. One chapter is devoted to an analysis of the New York State Law against Discrimination; there is also a general discussion of the control of prejudice through law.

Faculties themselves can be counted on to cleanse their ranks. However, membership in the Communist Party or any other organization which gives explicit instructions "to betray their professional trust is prima facie evidence of professional unfitness.

"Those unthinking individuals who miscall themselves liberals, and who believe that 'anything goes' in the academic world until the teacher is caught in the act of indoctrination, and those inquisitorial individuals who cannot distinguish between education heresy.....and educational conspiracy, are equally the gravediggers of academic freedom."

Oliver Pilat, feature writer, The New York Post: Perhaps 400 to 500 artists are directly affected by radio-TV blacklists. Networks, agencies, and sponsors all use blacklists with varying severity. "Former collaboration with a Communist front, the usual cited reason for blacklisting, may come close to subversion or mean nothing .....The worst part of the situation now is that a person accused.....may not know of the accusation, or if he receives a hint of it, may be unable to face it, or win clearance on factual grounds."

Vincent W. Hartnett, co-author of "Red Channels": There is "blacklisting" in the entertainment industry today——occasioned by the very tactics of the Communist movement.

Anti-Communist sponsors and patrons of the commercial theatre have "understandably and rightly reacted to Communist tactics of exploitation by refusing to hire or patronize Communists and those who notably support them.....There is no violation of civil rights.....in such refusal to hire or patronize Communists or their supporters. It is elementary common sense."

SEGREGATION IN WASHINGTON, D.C. RESTAURANTS UPHELD IN 5-4 COURT DECISION

Segregation in restaurants in the District of Columbia was upheld in a recent court decision when a U.S. Court of Appeals, in a five-to-four decision, denied that so-called "lost" laws of 1872 and 1873 on which the case was based had any validity.

The case grew out of charges that Thompson's Restaurant in Washington refused to serve three Negroes in 1950. The case went through two lower courts and is now headed for the Supreme Court. A brief urging the courts to uphold the validity of the Equal Service Acts of eighty years ago was filed by Former U.S. Solicitor General Philip B. Perlman; similar briefs were filed by ACLU, and the American Veterans Committee.

The appeals court turned the argument of the plaintiffs down on technical grounds:

(1) It is argued that the "lost" laws, which barred discrimination in eating places because of race, were "of the character of general legislation" and that therefore the District of Columbia Legislative Assembly of those years had no power to pass them.

(2) These laws were repealed in any case by the District of Columbia code of 1901.

A strong dissent concurred in by four judges asserted that the legislation "was enacted by a legislative body and has always been subject to legislative modification or repeal. No modification or repeal has been enacted."

NEW YORK ACLU PROTESTS BAN AT JELKE TRIAL

The New York Civil Liberties Union has protested against the banning of the press at the trial of Minot Jelke on charges of compulsory prostitution. The group stated that Judge Francis L. Valente's ban "involves a serious violation of both the defendant's and the public's civil liberties".

A group of eight newspapers and press services, in an effort to upset the ban, carried a legal protest to the State Supreme Court. This week Justice Benjamin F. Schreiber upheld Judge Valente on the grounds that the latter could invoke his discretion to keep sodomous material away from the press and public. Schreiber also stated that his court had no power to upset the ban. The plaintiffs can now appeal to a higher court.

NYCLU protested on the grounds that freedom of the press had been violated by denying to newspaper reporters access to the source of news, and the defendant's constitutional rights to a fair and public trial have been jeopardized by the ban.

NYCLU states that it"will endeavor at the proper time on appeal to file a brief as a friend of the court on the issue of a fair and public trial, if the trial does not result in an acquittal".