

21:26 Meeting Minutes

1945-1950

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# ANNUAL REPORT

June 1, 1944 -- June 1, 1945

NORTHERN CALIFORNIA BRANCH, AMERICAN CIVIL LIBERTIES UNION  
216 Pine St., San Francisco 4, Calif.

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The impact of the war on the community has produced most of the cases handled by the Branch during the past twelve months. Racial issues have been predominant. Questions involving Negroes, drawn here in large numbers by our war industries, have been especially numerous. Of paramount importance have been the issues arising out of the Army's mass exclusion from the Pacific Coast of citizens of Japanese ancestry and their detention in concentration camps, together with the problems arising from the lifting of the mass exclusion on January 1 and the substitution of a program of individual exclusion. Protection of the constitutional rights of returning Japanese, particularly in agricultural communities, looms large at this writing.

The war has continued to produce issues involving conscientious objectors, and it is responsible for a couple of labor issues and a miscellaneous group of cases pertaining to martial law, denaturalization and due process in the armed forces. In addition, the Branch has handled a large batch of cases that bear no relation to the war. By reason of the all-out support of the war by the Communists and their embrace of capitalism, no issues involving them have arisen during the past twelve months, although the usual red-baiting legislation was introduced in the State Legislature.

In submitting this report, it is, of course, out of the question to detail every bit of business that the office has handled during the past year. The report undertakes to cover merely the more significant issues.

## NEGROES

HOMER TURNER CASE: Refusal of District Attorney Francis P. Healey of Contra Costa county to prosecute three Southern whites, who, armed with a tire iron, a tire wrench and a piece of bumper, beat Homer Turner, Richmond, Calif. Negro to death while he and two other Negroes were at work collecting garbage, led to an immediate demand by the Branch that Attorney General Robert Kenny exercise his powers under the State Constitution to take over prosecution of the case. Instead, all involved were prosecuted but acquitted on riot charges. The Union continued to urge intervention by Mr. Kenny when no Contra Costa county judge would issue a murder warrant on the complaint of Homer Turner's sister in the face of an adverse recommendation from the district attorney. A delegation from the Branch and the United Negroes of America then met with the attorney general, but he still refused to intervene. Shortly thereafter, however, the director of the Branch conferred with the local city attorney and the police magistrate, and the latter agreed to sign murder warrants. Last October, eight months after the incident occurred, the three men were tried on murder charges but acquitted. The prosecution was handled by the attorney general's office when the district attorney stepped out of the case.

"JIM CROW" UNIONS: The Boilermakers Union's system of "Jim Crow" unions, under which all Negro workers were herded together into "Auxiliary" lodges, was attacked in the case of Joseph James vs. Marinship Corporation, in which the A.C.L.U. appeared as amicus curiae. Operating under a closed shop contract, the Boilermakers took dues from the Negro workers, but, in effect, restricted the rights and privileges of collective bargaining to the so-called Supervising or white lodge. The California Supreme Court last December sustained an injunction issued by the Superior Court of Marin county restraining the company from firing Negroes for failure to pay dues into the Auxiliary lodge. The court held the Boilermakers would either have to disband the Auxiliary and take Negroes into the union with full privileges, or give up its closed shop contract with the employer, because the discrimination was contrary to public policy.

WAR MANPOWER COMMISSION: Another incident growing out of the Boilermakers system of "Jim Crow" unions arose in connection with the War Manpower Commission. Negroes who received job clearances and who applied to the U. S. Employment Service for job referrals, were first required to have their clearances approved by the "Jim Crow" union. That union withheld approval, with a consequent denial of further employment, unless the men paid up their dues in the auxiliary. The A.C.L.U. demanded that the U.S.E.S. quit acting as a dues collection agency for the "Jim Crow" unions. Thereafter, the War Manpower Commission withdrew its recognition of the "Jim Crow" union as a referral agency, and also reminded the various unions that it was not to be used as a dues collection agency.

MASS MUTINY TRIAL: The Branch has been active in the case of the 50 Negro seamen,

survivors of the Port Chicago disaster, who were convicted on mutiny charges by a court martial in San Francisco on October 24 and sentenced to prison terms ranging from 8 to 15 years for refusing to load ammunition. It was the first mutiny trial during the present war and the largest mass trial in the history of the Navy. The prosecutor was particularly vicious and prejudiced. The case is still pending before the office of the Judge Advocate General of the Navy.

**WAR HOUSING:** Racial discrimination in Richmond's war housing has given rise to a number of cases. The Housing Authority operated dormitories for single white women but refused to grant accommodations to single Negro women. After protests by the Union, the Authority opened a 67-room dormitory for two colored women, even though space was available in the so-called white dormitories.

The worst situation arose, however, in connection with so-called "lockouts" in which Negroes were the chief victims. Instead of abiding by O.P.A. eviction regulations and California law, the Richmond Housing Authority engaged in the practice of merely padlocking a tenant's apartment. When the local management refused to desist from the practice, it was called to the attention of the regional director of the U. S. Public Housing Authority. When that official failed to act, the complaint was directed to his Washington office, where immediate steps were taken to end the unlawful action, and assurances were given that the rights of all colored persons would be respected. In the meantime, however, the O.P.A. filed an injunction proceeding in the U. S. District Court against the Richmond Housing Authority to end the practice of "lockouts" and certain overcharges in rent. The legal matter is still pending.

**ANGLING & CASTING CLUB:** Also pending at this writing is a complaint involving the Golden Gate Angling & Casting Club of San Francisco. The club has been given a monopoly on the use of a club-house in San Francisco's Golden Gate Park as well as use of casting pools. Some time ago, the Club dropped Henry Fujita, a champion caster, from membership solely because of his race. Now the club has adopted a by-law limiting membership to Caucasians. The matter is presently under discussion with the San Francisco Park Commission.

**MISCELLANEOUS CASES:** The Branch has received numerous complaints of harsh and discriminatory treatment of Negroes by police officers in various communities, and discriminatory treatment of Negroes by restaurants, hotels, and other places catering to the general public. Segregation of Negroes at a restaurant in Blythe, California, used as a meal stop by the Pacific Greyhound, was challenged by the Branch and the Greyhound company promised to secure an end to the segregation or a change in the meal stop.

#### J A P A N E S E

**EXCLUSION:** The Korematsu case, testing the right of the Military to exclude citizens of Japanese ancestry from the Pacific Coast, ended unsuccessfully with the 6 to 3 decision of the U. S. Supreme Court upholding the exclusion on the ground of military necessity at the time it took place. The case was handled from its inception by the Branch and the legal work was all done by Attorney Wayne M. Collins of San Francisco. The day before the decision in the Korematsu case, the Western Defense Command revoked its mass exclusion order, effective January 1, and instituted a program of individual exclusions. Thus far, no test of the present program has been brought in the courts in Northern California. Four possible test cases have arisen in recent months, but in each instance the Army has revoked its exclusion orders when the A.C.L.U. intervened.

**DETENTION:** In the Endo case, the U. S. Supreme Court ruled that loyal citizens of Japanese ancestry could not be kept in concentration camps which are euphonicly called relocation centers. The Local Branch of the Union participated in the case as *amicus curiae*, through Attorney Wayne M. Collins of San Francisco, at all stages of the proceedings and worked very closely with attorney James Purcell of San Francisco who represented Miss Endo.

Still unsettled is the question whether the army may continue to hold citizens in the segregation center at Tule Lake. It has been very difficult to secure a test case on this issue, but at the moment four cases of segregees, who have protested their classification, have been referred to the Branch and test suits may be filed if the Western Defense Command refuses to release the four. The army has promised a decision early in June.

**STOCKADE INCIDENT:** A number of serious issues have arisen at the Tule Lake Segregation Center. In July, 1944, the Branch discovered that 18 citizens of Japanese ancestry had been imprisoned in the center's stockade for over eight months without any charges being filed against them. The prisoners were not allowed to receive visits from their families and a beaverboard wall was erected on one side of the stockade in order to prevent relatives standing 100 yards or more

from the stockade from waving to them. The local director of the Branch protested to Mr. R. R. Best, director of the camp, when he visited the camp in order to interview certain complainants, only to be evicted on the excuse that his presence was interfering with the investigation of a murder. The gasoline tank of Mr. Besig's car was liberally filled with salt, causing considerable damage but not interrupting his return to San Francisco. Faced with habeas corpus proceedings, the War Relocation Authority finally capitulated and released all of the imprisoned men by August 24.

**UNLAWFUL ARRESTS:** Following the stockade incident, a number of citizens were removed from the center to the county jail without the benefit of warrants. After being subjected to questioning for several days, they were returned to the center. Protests were filed by the Branch, and written assurances were received from Dillon S. Myer, national director of the W.R.A., that in the future segregationists would not be removed from the center without proper warrants.

**VIOLENCE:** Return of the Japanese to California has thus far been marked by 82 acts of violence, mostly of a minor nature. Only two prosecutions have occurred. In Auburn, a jury returned a "not guilty" plea on charges of arson and attempted dynamiting after the defense attorney contended this was a "white man's country". In Parlier, Levi Multanen plead guilty to exhibiting a deadly weapon in a rude and threatening manner and received a six-months' suspended sentence. The Branch has asked Attorney General Kenny to prosecute Multanen on felony charges of assault with a deadly weapon, because the district attorney is not enforcing the law. Most of the gun play against returning Japanese has occurred in the San Joaquin Valley.

**MISCELLANEOUS:** More recently, the director of the Tule Lake Segregation Center has put into effect at the camp certain regulations limiting the rights of freedom of speech, press, and assemblage of the segregationists. These regulations go far beyond war-time restraints imposed by statute. It is hoped to secure a case to test the legality of these regulations.

Charges of brutality against members of the Internal Security police at Tule Lake were never satisfactorily concluded. There is substantial evidence on hand to indicate that certain segregationists were taken into the administration building in November, 1943, and beaten with baseball bats.

The government was unsuccessful in its program to prosecute segregationists at Tule Lake for violation of the Selective Service Act in failing to report for induction. U. S. District Judge Louis Goodman in July, 1944, dismissed indictments against 26 citizens of Japanese ancestry on the ground that they were not free agents.

#### J E H O V A H ' S W I T N E S S E S

Issues involving Jehovah's Witnesses have diminished in the last few years since the leaflet and flag-saluting questions have been decided, but their insistence upon being classified as ministers under the Selective Service Act has produced the largest single class of conscientious objector cases in this war.

**SEIZURE OF BAIL:** The Jehovah's Witness draft problems were complicated during the past year by a new rule of the U. S. District Court in this area, that bail posted in behalf of a defendant would be treated as his property, and that in the event of a conviction and fine, which the defendant was unable to pay, the bail could be seized in payment of the fine. The rule was first applied on November 16, 1944, in the case of Carl Danstrom of San Jose, who was convicted for failing to report for induction in the armed services and sentenced to two years and \$1000 fine, which he was unable to pay. The court then refused to return the \$2500 cash bail that had been deposited by Danstrom's friends. Two months later, following protests by the Branch, the bail was returned and the rule modified. As it now stands, bail will be returned in spite of an unpaid fine if the bondsman files an affidavit declaring that none of the money belongs to the defendant and that none of it will be paid to him when it is released.

**UNFIT PARENTS:** About to be argued in the Third District Court of Appeals in Sacramento is the case of Mrs. Kathleen Cory, who lost the custody of her two children to her former husband during nine months of each year, solely because she is a Jehovah's Witness. The trial court held that the opposition of "Witnesses" to flag-saluting and participation in war would prevent the children from "becoming loyal American citizens" and from "associating with loyal Americans", including the Boy Scouts and Elks. The Union is submitting an amicus curiae brief.

**EJECTED FROM BUSES:** In Eureka, a couple of bus drivers of the Eureka City Lines forcibly ejected Jehovah's Witnesses from their busses with the declaration that "any one that will not salute the flag can't ride these busses." The employer, however, assured the Union that there would be no further discrimination against "Witnesses", and that a provision against discrimination because of

race, color, or creed had been added to its rules and posted on its bulletin board.

### C O N S C I E N T I O U S O B J E C T O R S

**DEATH SENTENCE:** A death sentence imposed by a Camp Roberts court martial upon Pvt. Henry Weber, who, as a conscientious objector, refused to drill with a gun, brought immediate intervention by the Branch. As the issue attained national prominence, the sentence was reduced by the court to life imprisonment, at the suggestion of the convening authority, then to 20 years by the reviewing authority, and finally to 5 years imprisonment, where it stands at the present time. The Union's National Committee on Conscientious Objectors is seeking clemency in the case. Weber has always been willing to perform non-combat duties in the army. The case has been complicated by the fact that Weber, as a member of the Socialist Labor Party, also holds political objections to the present war. The army's bungling of the case points up its inconsistent handling of conscientious objectors inducted by mistake. In two such cases in California in the past, such objectors have received honorable discharges.

**REFUSAL TO TAKE OATH:** Habeas corpus proceedings in the case of Joseph P. Edwards, conscientious objector and member of the Christadelphian religious society, who claimed he was being held in the army even though he had refused to take the oath of induction, ended unsuccessfully before U. S. District Judge Michael Roche in San Francisco. Edwards had been in the army almost a year before he sought his release. Edwards decided against an appeal.

**QUINCY RATION BOARD:** The Branch is presently engaged in a case where the Quincy ration board has denied occupational gasoline rations to two conscientious objectors at the Beldon camp who had part-time jobs outside the camp, which is permitted by camp rules. The regional office of the O.P.A. in Sacramento allowed the gasoline, but the local board failed to abide by the ruling and insisted that they secure a letter from the director of Selective Service in Washington, stating they were allowed to work outside the camp. Finally, the ration board members prevailed upon the men's employers to withdraw their requests in order to make the men ineligible for the ration. It appears that the Quincy Ration Board has also discriminated against the camp itself in allotments of food and gasoline, and that the Veteran's organizations are the prime movers in the discriminatory program.

### L A B O R

**NAVY BLACKLISTING:** Last August a dispute in San Francisco's machine shops led to their seizure by the navy under executive order. Among the sanctions imposed against recalcitrant workers failing to comply with navy orders were denial of work clearances and job referrals by the United States Employment Service. In effect, this allowed blacklisting of workers for the duration of the war. These sanctions were applied to Martin A. Joos of San Francisco and Arthur B. Burke of Palo Alto. In the former case, after court proceedings were initiated by the Machinists' Union, the navy capitulated and allowed Mr. Joos to secure another job after he had been idle for a period of four weeks. In the Burke case, appeals were taken to the War Manpower Commission. Paul McNutt, chairman of the W.M.C., took jurisdiction of the case and finally ordered the granting of a clearance and job referral. The ACLU cooperated in the handling of both of these cases.

**DISCHARGE AT ARMY'S REQUEST:** In Richmond, California, the Kaiser shipyards discharged O. C. Downing, a warehouseman-checker, from its employ at the request of the army. Downing protested his discharge but could not discover the reasons for it. After intervention by the Branch, a hearing was secured before a hearing officer of the Industrial Employment Review Board and early in May, Downing was advised that the discharge was unwarranted and that he would receive compensation for lost time and the difference in wages between his old job and the one he presently holds. The claim runs into the neighborhood of \$600. The hearing disclosed fantastic charges against Downing. He was asked whether he had ever declared that "Uncle Sam" was a fool and a Santa Claus; whether he had ever stated it would be easy to get information to Germany via Mexico; whether he knew about a letter written by a relative of his to a third person referring to a "plan in Nicaragua which wasn't working out"; he was questioned about the advocacy by a relative in Nicaragua of Nicaragua becoming a part of the Spanish Empire; and finally, he was asked whether he had boasted about the greatness of Nicaragua.

**LICENSES FOR SOLICITING MEMBERS:** On April 16 the Branch filed an amicus curiae brief in the state supreme court in the case of James Porterfield, a union business agent who was convicted under an ordinance of the city of Peding for soliciting members in the General Labor Union. The ordinance, among other things, provides that the City Council shall grant licenses after a hearing at which it is to determine whether the applicant is "likely to use force, violence, threats, omissions, or corrupt means in his proposed work of solicitation". The case is now awaiting a decision by the state supreme court.

**JOB CLEARANCES:** The Branch has continued to assist workers to secure job clearances from the War Manpower Commission, and this it has been successful in doing in all cases it has handled. In one instance, it was necessary to carry an appeal all the way to Paul McNutt, chairman of the War Manpower Commission in Washington, before the clearance was granted.

### LEGISLATION

The Branch opposed more than a dozen suppressive measures in the current session of the state legislature. With adjournment scheduled for June 16, only a couple of bills have made any progress.

**CONSCIENTIOUS OBJECTORS:** A Legion sponsored bill to prohibit conscientious objectors from holding any state, elective, or civil service jobs, was finally withdrawn after the legislative counsel ruled that it was unconstitutional. In its place, a measure was proposed requiring all job applicants and candidates for office to file statements with the Secretary of State declaring whether or not they were opposed to the bearing of arms. At this writing, Governor Warren has vetoed the measure as an indirect violation of religious liberty and his veto is still pending before the state legislature, with excellent chances that it will be upheld.

**"SUBVERSIVE ELEMENTS:"** The only other suppressive bill that has made substantial progress is a proposed amendment to the Civic Center Act by red-baiting Senator Jack B. Tenny of "Little Dies Committee" fame. Under the bill already adopted by the state senate "subversive elements" would be barred from use of school houses as meeting places. And for the purpose of determining whether a person or group was a "subversive element", school boards could demand affidavits from the applicants.

**RACIAL DISCRIMINATION:** A proposed state FEPC has had tough sledding and will very likely go down to defeat. The bill was first bottled up in an Assembly committee and at the present time is before the Assembly's Ways and Means Committee. Even if adopted by the Assembly, it would still have to pass the Senate. It is quite likely that the legislature will adopt a bill supported by the governor establishing a "state commission on political and economic equality" which would have authority to investigate racial discrimination. However, this bill is still tied up in the Assembly's Ways and Means Committee.

**"RIGHT TO WORK":** At the November general election, the Branch opposed adoption of a so-called "Right to Work" amendment which would have outlawed the closed shop in California. The measure was defeated.

**MISCELLANEOUS:** Among the proposed suppressive bills defeated at this session of the legislature, were: an anti-nudist bill, bills empowering labor unions and employers to ban radicals, a proposal requiring persons between the ages of 12 and 25 years to carry "identification cards", and a bill to make the practice of "mediumship" a misdemeanor.

### OTHER WAR - TIME CASES

**DENATURALIZATION:** The Ninth Circuit Court of Appeals in San Francisco on June 26, 1944, in conformity with the Supreme Court's decision in the Baumgartner case, announced only a few weeks before, reversed the decision of the District Court in cancelling the citizenship of Friederich Walter Bergmann of Long Beach, who was alleged to be a pro-Nazi. Bergmann was naturalized in April, 1937, and the government sought to cancel his citizenship by reason of statements made three years thereafter. The court declared that a naturalized citizen's right to freedom of expression is no less than that of a native born citizen, and that it would become "unreal and academic . . . if his citizenship would be cancellable because of opinions held and expressed as to current events happening after his admission to citizenship." The Local Branch filed an amicus curiae brief in the case over the objections of the National Office of the Union.

**CARABEL CASE:** The strange case of Pvt. Morton A. Carabel is presently occupying the attention of the Branch. Carabel was arrested on July 13, 1944; but not until the Branch made inquiries of the Commanding Officer of the Marine Barracks at Mare Island, was a summary court martial awarded and charges served on April 20, 1945, more than nine months after the arrest. The three-day trial on six specifications, at which Carabel was represented by the local director, ended on May 15. One of the charges was dismissed by the court and no decision has as yet been announced by the reviewing authority on the others. The maximum punishment Carabel faces is two months' imprisonment and a bad conduct discharge. An investigation of the case has been requested of the Senate and House Naval Affairs Committees, in the hope that steps will be taken to insure members of the armed forces the right to the same speedy trial as is enjoyed by civilians.

**MARTIAL LAW:** The Ninth Circuit Court of Appeals on November 1 reversed the action of Hawaii's U. S. District Court in granting writs of habeas corpus to Lloyd Duncan and Harry E. White, two civilians convicted by military tribunals while "qualified" martial law was in force, and the civil courts were open for business. Attorney Wayne M. Collins filed an amicus curiae brief for the A.C.L.U. The Supreme Court will hear the cases next fall.

**"FRIENDS OF PROGRESS":** The Third District Court of Appeals in Sacramento on April 24 reversed the convictions of nine members of the "Friends of Progress", a native fascist organization, for failing to register under the Subversive Organization Registration Act. While expressing doubt as to the constitutionality of the law, the court merely held that the evidence was insufficient to support the conviction. Included in the group were Robert Noble and Ellis C. Jones. The State Supreme Court on May 24 voted 4 to 3 against reviewing the case. The Northern and Southern California Branches of the Union intervened in the case as friends of the court.

#### M I S C E L L A N E O U S

**DEPORTATION:** During the past year, the Branch brought to a successful conclusion the deportation case of Samuel J. Alba of San Francisco. Alba, a seaman, believed he was born in the U. S. He married in Australia and sought to secure the admission of his wife. In order to do this, it was necessary to produce his own birth certificate. He then discovered that he had been brought here at the age of three and was still an Italian citizen. In an effort to straighten out the matter, he turned to the Immigration Service only to be arrested as an illegal entrant. He was ordered deported and after that got in touch with the A.C.L.U. In the meantime, he had remarried, this time to a citizen of the U.S., so his case was reopened, hearings held, and, in due course, an order was entered cancelling the deportation warrant and allowing him to legalize his entry.

**CHURCH AND STATE:** The question of separation of Church and State has arisen in connection with the recently enacted California law permitting local school boards to release children from school for religious instruction. In San Francisco, the Branch joined in the opposition to a proposal to release pupils in the fourth, fifth and sixth grades for one hour a week. The Board of Education turned down the proposal by a vote of 4 to 3. The Branch's Executive Committee is on record to file a suitable case to test the constitutionality of the law.

**QUARANTINE:** The Branch has been very much concerned with the practice in San Francisco of rounding up women who frequent the cheaper taverns and quarantining them for three days while the Health Department determines whether they are suffering from a venereal disease. During this three-day period, they are not subject to bail. The Branch has complained to Dr. Geiger, health director, and to Dr. Richard Koch, director of the Venereal Disease Control Program, that the department is without authority to quarantine these women unless there is reasonable cause to believe they are suffering from a venereal disease. These protests were met by the enactment of a county ordinance which pays lip service to the rights of the individual but there has been little or no improvement in the objectionable practices. The Health Department deputized three jail matrons who are supposed to determine in each case whether there are sufficient facts to warrant the quarantine, but in doing so they accept the written recommendation of the police officers who make the arrests. The Branch's Executive Committee has authorized the filing of a suitable test case against Dr. Geiger, Dr. Koch, and arresting officers in order to put an end to the wholesale imprisonments that are without legal justification. In connection with this problem it is noteworthy that the police do not pick up the men who associate with the arrested women. Also, insofar as infected women are concerned, the present practice is to detain them in jail during a period of treatment whether or not they have been convicted of an offense, instead of hospitalizing them.

**FREEDOM OF ASSEMBLAGE:** In Richmond, Alvin J. Surrat, pastor of the Jesus Name Pentecostal Church, was convicted during April, 1945, on a charge of holding religious meetings in his home. The prosecution was based on a zoning ordinance which requires a permit from the City Council before churches are "located". Surrat's application for a permit was denied. Attorneys for Surrat have filed notice of an appeal and the Branch will intervene in the case if further investigation discloses that the issue is one of freedom of assemblage.

**HABEAS CORPUS AND RIGHT TO COUNSEL:** The Branch, through Attorney Wayne M. Collins, has filed a petition with the United States Supreme Court for a writ of certiorari in the case of Louis Burall, an Alcatraz convict. The questions presented in this case are whether a U. S. District Court judge may refuse to take any judicial action on a petition for a writ of habeas corpus that is presented to him, but may refer the case to the clerk of the court for assignment on a rotative basis among the various judges; and, second, whether the constitutional guarantee of the right to counsel applies to a preliminary hearing before the U. S. Commissioner.

ORGANIZATION

COMMITTEE CHANGES: A number of changes have occurred in the Branch's Executive Committee during the past year. Judge Jackson H. Ralston retired from active committee work and was elected Honorary Chairman, while Sara Bard Field was elected an Honorary Member. Elected to membership on the Committee were Margaret Hayes of Berkeley, Dr. Howard Thurman, on leave from Howard Univ., and attorneys John H. Brill and Ralph N. Kleps of San Francisco. Prof. Ernest R. Hilgard, who has been on leave, has returned to the area and an active role on the Committee.

AUSTIN LEWIS DIES: The cause of civil liberties suffered a severe loss in the death of Attorney Austin Lewis, who for many years single-handedly carried on the affairs of the Union in this area. He served as the Union's first counsel when the Branch was reorganized in 1934.

RELATIONS WITH NATIONAL OFFICE: Roger Baldwin addressed two tenth anniversary meetings of the Branch last November, in addition to appearing before many other groups during a four-day visit to the bay area, his fourth trip to the Pacific Coast. During his visit, Mr. Baldwin considered with the Committee the strained relations between the National Office and the Local Branch, that have existed ever since June of 1942 when the Branch declined to drop the Korenatsu test case at the request of the National Board. The National Office thereafter objected to the Branch handling the Yasui case, the Wamser individual exclusion case, the Bergmann denaturalization suit, the Hawaiian martial law cases, the Tule Lake stockade cases, and others. The Board's Resolution of October 19, 1942, and the new by-laws adopted last fall, imposing certain restraints upon affiliates of the Union, added fuel to the differences. The discussions with Mr. Baldwin served for a better understanding, although they did not result in resolving the differences. Since that time, however, no issues have arisen to cause conflict between the Local Branch and the National Office, so at this writing there again exist harmonious relations between the two bodies.

MEMBERSHIP: The Branch's paid-up membership stands at 785, a 7% increase from the 731 of June 1 of last year, and the highest in the Branch's history. The Branch has continued to publish its monthly four-page A.C.L.U. NEWS, now in its tenth year, which is sent to all members besides 106 separate subscribers.

INCOME: The general income for the current fiscal year, which ends October 31, 1945, will amount to about \$6000. This is an increase of about \$1000 over that of the previous year and constitutes a high point in the Branch's history. General expenses are also running about \$6000 for the current year. If the income of the Branch continues to increase, it may be able to move into larger quarters and to hire a full-time office secretary, as the Executive Committee has recommended.

THANK YOU! KEEP UP THE GOOD WORK: I want to express my appreciation to the membership for the support they have extended to the Branch during the ten years I have served as director. Without your help, the foregoing work could not have been done, and we will continue to operate only so long as you extend your support. After almost eleven years, our numbers are still small and at \$6000 our budget does not compare with the amount of work that we do. We need your continued help in enlarging the support for the Branch. After you have read this report, won't you please hand it over to some good prospect for membership and ask him to send along a \$2 check for a year's dues?

*Ernest Besig*  
ERNEST BESIG, DIRECTOR

NORTHERN CALIF. BRANCH, AMER. CIVIL LIBERTIES UNION  
216 Pine Street  
San Francisco 4, California (Please check appropriate blank or blanks.)

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MINUTES of the regular meeting of the Executive Committee of the American Civil Liberties Union of Northern California, held at the Y.W.C.A., 620 Sutter St., San Francisco, Thursday noon, October 4, 1945.

PRESENT: Bishop Persons, presiding; Messrs. Besig, Adams, Green, Lowther, Kleps, Rust and Thompson; Margaret Hayes, Ruth Kingman, Helen Salz, and Kathleen D. Tolman.

1. The minutes of the meeting of September 6 were approved as sent out.
2. Financial report as of October 1, 1945:

Cash on hand, General Fund . . . . . \$404.10

3. Membership report as of October 1, 1945:

Paid up members . . . . . 841  
 Seperate Subscribers to NEWS . . . . . 131

4. It was voted to raise a \$7000 budget for the fiscal year beginning November 1, and to increase the director's salary from \$3000 to \$3600 a year. A special letter from the committee is to accompany this year's "appeal" for funds. The budget, as approved, stands as follows:

Salaries:	
Director . . . . .	\$3600
Pt. Time Sec'y. . . . .	1080
Printing & Stationery . . . . .	823
Rent . . . . .	457
Reserve Fund . . . . .	400
Postage . . . . .	200
Telephone & Telegraph . . . . .	175
Traveling . . . . .	100
Taxes & Insurance . . . . .	65
Miscellaneous . . . . .	75
Publications . . . . .	25
	\$7000

5. Plans for the membership meeting at the California Club, October 19, were approved. It was agreed to add a question period with written questions. Oscar Green consented to make an appeal for new members just before the question period begins.
6. The Committee considered a letter from Dr. Clinton J. Taft, director of the Southern California branch, offering to share certain monies remaining in the treasuries of the Heart Mt. and Gila River cooperatives. It was voted to accept this generous offer and to cooperate in the distribution of refunds to claimants.

A resolution was also adopted expressing regret at Dr. Taft's resignation as Southern California director and expressing appreciation for his outstanding and sacrificial contribution to the cause of civil liberties for the past 22 years.

7. The Committee noted a letter from Abe Fortas, Under Secretary of the Interior, in answer to our protest against the forced evacuation of Japanese from relocation centers in the face of insufficient and inadequate housing to take care of the evacuees. The Committee considered a report on available housing and voted to renew its protests.
8. The Committee considered at length the pressing problems arising from the renunciation of citizenship by thousands of Nisei at Tule Lake, and concluded that the matter is so urgent that if New York now fails to take immediate action, then it leaves the Committee no other choice than to go ahead. The Committee also expressed the view that this is a matter that does not depend on the wise discretion of the Justice Department, but is one for court action.
9. The Committee noted several protests against the Union's policy on the Equal Rights for Women Amendment and ordered them filed. It was voted to take up with the Public Utilities Commission of San Francisco its announced policy that in the future platform jobs will be filled by men only.

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PLAN TO ATTEND THE MEMBERSHIP MEETING, FRIDAY, OCTOBER 19

The regular meeting of the Executive Committee of the American Civil Liberties Union of Northern California will be held at the Y.W.C.A., 620 Sutter St., San Francisco,

THURSDAY, NOON, NOVEMBER 1.

The agenda for the meeting is as follows:

1. Approval of the minutes of the meeting of October 4, as sent out.
2. Financial and membership reports.
3. Ratification of action in making donation to Henry George Foundation instead of sending flowers to Judge Ralston's funeral. Letter from Mrs. Ralston.
4. Report of the finance committee, by Joseph S. Thompson.
5. Consideration of correspondence with New York and Los Angeles concerning the Tule Lake renunciation cases. (Letters are attached.)
6. Violation of the right of the Ham & Eggs group to meet in civic centers and public auditoriums in San Francisco and San Jose respectively.

\* \* \* \* \*

Letter from Baldwin to Besig:

October 17, 1945.

I have just spent a couple of days in Washington dealing among other matters with the problems we all confront at Tule Lake, and incidentally, at Santa Fe and Bismarck, where there are some hundreds of the renunciants. The situation is as yet unclear and complicated and will be cleared up, I think, only by the courts. WRA has no indication from the Department of Justice as to the precise policies or program to be followed. Nor does the WRA have funds for maintaining Tule Lake after February 1st. A bill pending in Congress which will certainly pass the House, if not the Senate, knocks another five million off the funds appropriated to wind it up.

If Tule Lake has to be liquidated by February 1st (unless the Department of Justice can find funds) it is going to mean immense pressure for deportations. That is a far more pressing question than the validity of the renunciations. Even if some of the renunciations could be knocked out in court, most would stand and the larger question would remain as to what is to become of these people. Whether they are aliens, stateless or citizens is less important than where they are to live their lives.

It is quite possible that a sufficient number of court cases, carefully selected, would result in favorable decisions against deportation (1) on the ground of the validity of any deportations at all under the 1798 statute, which is the only authority the Department of Justice has and which is very shaky (but the Department figures, as I told you, that if that won't stick, Congress will pass a special statute aimed at renunciants); (2) of minors between 18 and 21; (3) persons found to be stateless; and (4) those about whose renunciation there is any element of coercion. It is even possible that some court might take a broad view of coercion and even go back to the evacuation as itself coercive of their action in renouncing their citizenship. A good deal would depend upon the kind of plaintiffs who brought the cases and the attitude of the district judge, as well as the manner of presenting the issue in court. We evidently would have a chance in three jurisdictions, Northern California, New Mexico and North Dakota.

While deportation cannot be challenged until orders are issued, petitions at least can be prepared in advance, ready to file at once. That leaves the problem of getting hold of plaintiffs who are likely to be ordered deported, or at least making contacts with those who can advise us of them. We are inclined to think that here we have to depend on the JACL as the agency most likely to have the contacts, though there are some of course, who will not deal through them. That being the case, it seems to us better to have Al Wirin, as counsel for the JACL and for us in so many of the Japanese American cases, go to Tule Lake and Santa Fe to see prospective clients. He would have the cooperation of the WRA officials in getting at their files to prevent selecting any persons against whom there is a prejudicial record. We are asking him whether he would be willing to undertake it.

As to the challenge to renunciation itself, that requires similar proceedings with an even more careful selection of plaintiffs, and on the basis of the challenges already covered in our correspondence. We have not had a further reply as to what the renunciants themselves are proposing to do. How far do

Baldwin to Besig, Cont.--Oct. 17, 1945.

you suggest we assume the obligations I indicated we might undertake? We would appreciate your committee's prompt reaction to these suggestions. You have seen by the minutes and committee report how far our Board is willing to go. I see no substantial difference of view between us. It is only a question of selection of cases and who is to handle them.

\* \* \* \* \*

Letter of Wirin to Roger Baldwin.

October 22, 1945.

I acknowledge a copy of your letter of October 17 to Besig.

In the first place, I do not care to "invade" the territory of the Northern California Committee. Besig doesn't want me to; and I don't blame him for his attitude.

But in the second place, there have been these developments, so far as my interest in the Tule Lake cases is concerned; a number of Japanese from Heart Mountain, which I represented in Selective Service cases, now at Tule Lake, requested me to see them, and I made a trip to Tule Lake for that purpose a couple of weeks ago. They discussed with me whether I was available, as private counsel, to represent them and others in connection with possible cases in the courts seeking to protect their rights so far as deportation is concerned; with respect to renunciation also. I told them I was available to represent them, and such others at Tule Lake that might similarly desire my services, as their private counsel. Later on I so advised Besig.

While at Tule Lake I met with Best, Black and Noyes, Director, Assistant Director and Project Attorney respectively; and they all were highly cooperative.

At the same time Wayne Collins has been requested by a large number of Tule Lake residents to represent them in similar cases. In order to avoid duplication of effort, I have agreed to join with Collins in a series of joint cases. (As far as I can gather, Mr. Collins has agreed to cooperate with Mr. Wirin on the few cases he may have at Tule Lake, but it is on the same basis as he would cooperate with any other attorney, and there is no understanding as to joint handling and joint direction.--Editor's Note) While the program of legal action is far from determined, in a general way the cases filed will be carefully selected and will attempt to secure court decision with respect to the four items mentioned in the third paragraph of your letter.

I think I should tell you that so far as the JACL is concerned, it is the present policy of the JACL, as communicated to me by Kido when he was here in Los Angeles last week, not to participate in the cases.

\* \* \* \* \*

Letter of Roger Baldwin to Ernest Besig.

October 22, 1945.

I took up with the Board today my letter of October 17th and your reply of the 20th. They appreciated the force of your objections to Al Wirin because of the embarrassment and misunderstanding it might create, not because of the jurisdictional grounds you claimed. The Board reaffirmed its position that the renunciants and deportees constitute a national issue on which final decisions must rest with us, but on which we hope to have a most cooperative understanding with you.

It may well be that Wirin is not the right man for Tule Lake since he might be suspect as counsel for the JACL among the so-called disloyal who have no use for it. But it is obvious that the selection of cases at Sante Fe and Bismarck must be made by lawyers who can have access to WRA files so that we will not have to rely upon ex parte representations which conceivably might get us into serious embarrassments. The whole problem has to be handled as a single unit, not only in relation to these three centers but in relation to the somewhat difficult legal problems, particularly concerning renunciation which in part depend upon close contact with Washington officials, so that we can get agreements not to deport while cases are pending, and so that we can raise squarely the issues on the basis of their contentions. I can hardly think of any situation in our recent experience where there are as many complicated factors, legal and practical, as in these because of the uncertainty in the Department of Justice and the WRA as to exactly what policies will be followed. Horsky and other lawyers are following it closely in Washington and it requires that kind of attention in order to avoid blunders.

There is nothing feeble about the program, as you suggest. It raises every possible legal issue and covers every possible category of cases.

Letter from Baldwin to Besig--Oct. 22, 1945--Cont.

What we should like to get from your committee on November 1st is a clear-cut statement that the branch agrees that this is a national issue subject to ultimate control here and to the closest possible measure of cooperation by the branch in the selection and conduct of cases in that district. I am sure that the members of your board appreciate the difficulties confronting us all and the reasonableness of that procedure.

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Letter of Baldwin to Besig.

October 22, 1945.

In regard to the last paragraph of your letter of the 20th about Hirose, Clifford tells me that he always replies to letters promptly even if it is only an acknowledgment. Clifford handles all individual legal cases in the office and is usually very attentive.

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Letter of Baldwin to Wirin.

October 25, 1945.

I have your letter of October 22nd and I am delighted to know that you and Collins are working together to represent the renunciants as private counsel to raise the questions involved in both renunciation and deportation. This is a far better way to get the job done to the satisfaction of all parties concerned than for us to attempt to handle them by long distance through counsel on the coast, at Santa Fe and Bismarck. If there are issues which can be or should be raised at Santa Fe and Bismarck in addition to those raised in Pacific Coast courts, or if there is the likelihood of different and more favorable decisions by judges in other jurisdictions, we should be advised promptly so that we can arrange for counsel there. We would like to have your judgment on that.

I assume that the WRA authorities will give you access to their records so that in the selection of cases by you and Collins you will pick the best for the purposes of both impressing the court and the public. You will know better than we how to judge the public relations angle.

If we can be of any help in drawing papers on the points selected, do not hesitate to send us your drafts. Indeed, some of them might be submitted to government counsel who are quite as interested as we are in getting a judicial determination of what they regard as very doubtful legal points. Horsky is in close touch with the Department of Justice in which he once served, and is therefore in a position to take those matters up directly.

The ACLU can go in all the cases as a friend of the court where it appears that any contention needs to be strengthened by intervention of the public interest and we shall depend upon you and Collins to advise us as to that. I think this makes on the whole a very fair disposition of what was becoming an increasingly difficult problem.

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Letter of Charles Horskys to Roger Baldwin.

October 22, 1945.

I have had a chat with Ed Rhettts, and with results which are probably as we would have expected.

He believes that the question of power of a minor to renounce American citizenship is a question which is worthy of litigation, although he does not believe that the answer is foreclosed either way. He believes that the power of the Government to deport stateless persons is a more dubious question, particularly because of the problem of proof of statelessness after the destruction of the Japanese Consular records. He believes that the question of community duress is a question which is almost impossible to litigate since he believes that it would be almost impossible to obtain any proof sufficient to warrant a decision in favor of a plaintiff. Finally, he believes that the issue of the power of the Federal Government to deport any of the renunciants at all is not one which needs to be litigated in ~~the District of Columbia~~ view of the fact that it is being litigated in the District of Columbia in six cases which are actively in prosecution now. (I believe there are also some cases in New York which are habeas corpus cases; the District of Columbia cases are injunction cases. All of them involve Germans.) I got the impression, however, that Rhettts would go along with us in litigating any questions that we want insofar as he thought he could properly do so. On the other hand, he is definitely not enthusiastic about litigating problems involving statutory authority since he is afraid that if they are forced to go to Congress for additional statutory as a result of court action, they would get more than they wanted. Mr. Jack Burling, with whom I also talked, favors that view.

I told Rhetts that I did not know whether your mind was made up on all of this litigation or not, and he asked me to tell you in writing to you that as a matter of political judgment he believed a challenge to the statutory authority was unwise. As I think I told you at luncheon, I personally don't know; it is a question upon which no one can give an answer with any degree of assurance at all. Rhetts, however, was fresh from a session with the Appropriations Committee where gentlemen such as Taber, Wigglesworth and others were pressing him very hard to have the whole Japanese problem cleared up by January 1st. He said he would have no doubt as to the temper of that group at least.

Let me know whether you think there is anything more that I should do about it here.

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Letter of Baldwin to Horsky.

October 24, 1945.

Thanks for the memorandum about Ed Rhetts' views. They are very helpful to our lawyers considering these problems. What we want to get from the Department of Justice is a promise not to deport any of these renunciants while test cases are pending. Certainly Congress can't put on pressure to do that. If necessary to close Tule Lake by February 1st, as indicated all these renunciants can be released on bond or parole just as the enemy aliens have been. There should be no difficulty about that. Will you check on this?

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MINUTES of the regular meeting of the Executive Committee of the American Civil Liberties Union of Northern California, held at the Y.W.C.A., 620 Sutter St., San Francisco, Thursday, Noon, March 7, 1946.

PRESENT: Bishop Parsons, presiding; Messrs. Besig, Adams, Green, Kleps, Rust and Thurman; Margaret Hayes, Helen Salz and Kathleen Tolman.

1. The minutes of the meeting of February 7 were approved as sent out.
2. Financial report as of March 1, 1946:

Cash on hand, General Fund . . . . . \$2053.75

It was voted to increase the salary of the Office Secretary from \$90 a month to \$100 a month for a 25-hour week. The director was requested to explore the possibility of full-time office help.

Paid up members . . . . . 890  
Separate subscribers to "NEWS" 130

4. The Committee noted a letter from the Acting Administrator of the Federal Security Agency declaring, "The Procurement and Assignment Service is not empowered to decide whether a particular physician is or is not eligible for membership in a State or local medical society, nor is it empowered to decide when or where a duly licensed physician may practice." The Committee also noted that Dr. Fletcher had declared publicly that he had received instructions to discontinue classifying doctors as "essential or non-essential." A motion was adopted empowering the director to proceed in line with the program adopted at the meeting of February 7.
5. The director reported that deportations have thus far been stayed in the pending Japanese hardship deportation cases, and that legislation has been introduced in Congress which may grant some relief. The Committee noted that 1786 Tule Lake renunciants have thus far been granted their liberty as a result of the "mitigation hearings", with more releases to come, and that hearings have been granted the renunciants at Bismarck and Santa Fe.
6. The Committee considered the matter of the habeas corpus suit filed on behalf of three Tule Lake renunciants in the U. S. District Court in San Francisco by the national office on Feb. 27 through attorneys Wirin and Tietz of Los Angeles, and voted unanimously to file a strong protest with the national board.
7. The Committee approved the action taken by the director in the cases of the 10 Minersville "objectors" and decided against further intervention.
8. It was voted to express the Union's support to the members of the Traffic & Highway Committee of the San Francisco Chamber of Commerce, who were held in constructive contempt by Judge Twain Michelsen of San Francisco, for publicly demanding his ouster as traffic judge, and to indicate that the Union will intervene publicly when the case gets beyond its present comic opera stage.
9. The Committee noted the resignation of Wm. Spofford from the Nat'l. Board.
10. It was voted to reconsider the Oakland ordinance directed against anonymous literature when and if an issue arises under it.

NEXT MEETING. . . . APRIL 4, 1946

MEETING NOTICE

THE regular meeting of the Executive Committee of the A.C.L.U. of Northern California will be held at the Y.W.C.A., 620 Sutter St., San Francisco,

THURSDAY, NOON, MARCH 7.

The agenda for the meeting is as follows:

1. Approval of the Minutes of the meeting of February 7, as sent out.
2. Financial and membership reports.
3. Report on the "immigrant" doctor problem.
4. Japanese Issues:
  - a. Report on the deportation cases.
  - b. Renunciation cases:
    - a'. Report on the results of the "mitigation hearings", the status of the renunciation suits filed by Wayne Collins, and other developments.
    - b'. Consideration of new suits filed by the national office. On Feb. 27, petitions for writs of habeas corpus were filed in the U.S. District Court in San Francisco on behalf of three Tule Lake renunciants by attorneys Wirin & Tietz of Los Angeles, acting on behalf of the national office of the ACLU. Mr. Baldwin's position is set forth in a letter dated Feb. 28, that will be presented to the Committee. The director recommends the filing of a protest with the Board, publication of the protest in the "News" in order to correct misunderstandings that have arisen, and such other action as seems appropriate.
    - c'. Report on the Tule Lake labor racket and espionage activities by the W.R.A.
5. Civil Rights issues connected with the prosecution of 10 Minersville CO's.
6. Consideration of the decision by Municipal Judge Twain Michelsen of San Francisco, handed down March 1, holding 20 persons, members of the Traffic & Highway Committee of the Chamber of Commerce, in constructive contempt of court for publishing a resolution criticising his conduct of the traffic court and urging his ouster. The director recommends adoption of a statement for publication, condemning Judge Michelsen's action. (The resolution which caused the difficulties is attached.)
7. Resignation of William Spofford from the national board.
8. Oakland ordinance directed against anonymous literature.

PLEASE ATTEND

Following is the text of a Chamber of Commerce traffic and highway committee resolution urging removal of Traffic Judge Twain Michelsen:

"WHEREAS, there exists in San Francisco an automobile and truck traffic and parking problem recognized by all, and

"WHEREAS, by the creation of one way streets, limited and no parking areas, synchronization of traffic signals, sidewalk pavement and curb markings and signs, the condition was helped, and

"WHEREAS, the judge of the traffic court presently presiding, has, for no reason, or for various reasons, condemned and criticized the regulations properly imposed, and has excused violations of the regulations, and

"WHEREAS, the judge of the traffic court has by his public utterances and conduct, brought disrespect, confusion, non-enforcement, violation, a worsened parking and traffic situation, and

"WHEREAS, the judge of the traffic court has by his actions lessened the dignity and efficiency of his office as judge and has impaired or nullified the ability of the officers of the law charged with the enforcement of traffic and parking regulations to carry out their duty, all to the detriment of the city and its people,

"THEREFORE, BE IT RESOLVED, that this committee requests of the proper authorities that the present judge of the traffic court, Twain Michelsen, be immediately removed from his office as unsuited to the duties required of him, and that he be replaced by a judge who will carry out the laws and regulations as they are properly established without discrimination, favor or personal bias."

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The regular meeting of the Executive Committee of the American Civil Liberties Union of Northern California was held at the Y.W.C.A., 620 Sutter St., San Francisco, Thursday, noon, April 4, 1946.

PRESENT: Bishop Parsons, presiding; Messrs. Besig, Adams, Brill, Green and Rust; Margaret Porter and Helen Salz.

1. The minutes of the meeting of March 7 were approved as sent out.

2. Financial report as of April 1, 1946:

Cash on hand, General Fund . . . . . \$2287.03

3. Membership report as of April 1, 1946:

Paid up members . . . . . 944  
Separate subscribers to NEWS . . . . . 153

4. It was voted to fix the membership dues at \$3.00 per year. Mr. Rust voted "No".

5. A motion was adopted to raise the director's salary \$25 per month.

6. Messrs Brill and Besig were requested to take up with the University of California its policy of requiring a non-resident fee of \$150 a term for California Nisei who renounced their citizenship.

7. The office was authorized to intervene in behalf of Harold S. Murata, who was sentenced by a general court martial to a 25-year term at Fort Leavenworth. The case raises issues of racial discrimination.

8. The office was instructed to take appropriate action in the case of T. E. Knight, who was held in solitary confinement at the Camp Shoemaker brig for 76 days awaiting court martial on a desertion charge. During his confinement his 6' by 8' cell was lighted by a 150 watt bulb 24 hours a day "so the prisoners won't have an opportunity to injure themselves", and he was compelled to sleep on a mattress thrown on the floor of the cell.

9. A resolution was adopted to protest to our local Congressmen against the witch-hunting policies of the House Un-American Committee.

10. The Committee considered the request of the national office to arrange a conference with representatives of the J.A.C.L. and the Southern California branch to consider the direction of pending renunciation cases and the handling of finances. It noted the numerous letters that have been received by the director and the chairman, as well as the switch in attorneys in the case filed by the national office. The Committee was of the opinion that since the mass suit was undertaken by a defense committee at Tule Lake in a deal with a private counsel, who did not in any way represent himself as dealing for the A.C.L.U., the Union has no right to interfere in the written contractual relationship that was entered into with each individual, and through the defense committee. Since the correspondence from New York reflects a misunderstanding as to the facts, there was considerable feeling that the Committee should urge Messrs. Baldwin and Hays to come to California in order to discover the true nature of the facts.

NEXT MEETING -- THURSDAY, NOON, MAY 2

The regular meeting of the Executive Committee of the American Civil Liberties Union of Northern California will be held at the Y.W.C.A., 620 Sutter St., San Francisco,

THURSDAY, NOON, MAY 2

1. Approval of the Minutes of the meeting of April 4, as sent out.
2. Financial and membership reports.
3. Request of office building management that Union sign a month to month lease.
4. Requested sponsorship of NAACP meeting concerning the Columbia, Tenn., cases.
5. The cases of the Peruvian Japanese who are scheduled for deportation to Japan as illegal entrants, although brought here from Peru by the U.S. On this matter, Roger Baldwin had the following to say under date of April 18: "Concerning the Peruvian Japanese, we have not handled in the court any of the cases of these South American Germans, Japanese or Italians. We secured from the Department of State an agreement to review all these cases and to permit return to South America of all those acceptable to South American governments. That has been accomplished. I do not know what the attitude of the Peruvian government is to these people and I cannot imagine any claim could be made in the courts that they have a right to remain in the United States. The only question is to what country they should be deported. That is a State Department matter of little concern to us if due process is followed."
6. Claim for reward in Alameda county terrorist case.
7. Two Japanese cases: a. Involving right of Nisei renunciant to return to mainland from Hawaii; b. Right of Japanese Canadian bride of U.S. veteran Nisei to enter U.S.
8. Consideration of following draft of resolution concerning relations with counsel, now under consideration by the national board:

In order to avoid confusion and adverse criticism, the following resolution is adopted to clarify relations between the ACLU and counsel:

(1) No attorney retained on salary by the American Civil Liberties Union or any branch or affiliated committee should take cases involving issues of civil liberty as private counsel, except with the consent of the directing committee to which he is responsible, both as to the character of the cases and his financial arrangements with clients.

(2) An attorney officially designated as counsel for the Union or any branch or affiliated committee is free to act as private counsel in cases involving issues of civil liberty, except where such retainer may require him to take a position opposed to a policy adopted by the Union. In that contingency, the matter should be discussed with the responsible directing committee.

(3) An attorney either officially designated as counsel or recommended to a client by the Union or any branch or affiliated committee with the attorney's knowledge, should, in private cases involving issues of civil liberty, agree to submit to the directing committee, on request, for review and approval, both the nature of the cases and his financial arrangements with clients.

(4) An appeal may be taken to the National Board of the Union in cases of disagreement between a branch or local committee and counsel, or by any minority of a branch or committee, or by three members of the National Board.

(5) Where any attorney covered by the preceding paragraphs deems it advisable to represent privately a group or groups of clients in cases involving issues of civil liberties, a special committee of citizens should be formed to administer the financing of the cases as a trust, with responsibility to collect funds from the interested persons and/or the public, to retain counsel, to pay all disbursements, including reasonable fees to counsel, and generally to administer and account for the funds coming into their hands.

MINUTES of the regular meeting of the Executive Committee of the American Civil Liberties Union of Northern California held at the Y.W.C.A., 620 Sutter St., San Francisco, Thursday noon, May 2, 1946.

PRESENT: Helen Salz, Vice-Chairman, presiding; Messrs. Besig, Adams, Green, Lowther, Rust & Thurman; Margaret Hayes, Ruth Kingman, Margaret Porter & Kathleen D. Tolman.

1. The minutes of the meeting of April 4 were approved as sent out.
2. Financial report as of May 1: Cash on hand, General Fund . . . \$1,996.76
3. Membership report as of May 1: Paid-up Members . . . . . 986  
Separate subscribers to NEWS . . 157
4. The office was empowered to sign a month-to-month lease, which was requested by the building management.
5. The Committee voted in favor of sponsorship of a N.A.A.C.P. meeting concerning the Columbia, Tenn. cases.
6. The director reported that the Murata court martial case had been dropped at the request of Murata.
7. The committee noted a letter from Sheriff H. P. Gleason of Alameda County concerning claims for the Union's reward offer in connection with the case of Robert F. Hailey who was sentenced to one year in the Alameda County jail for terrorizing two Japanese families. The committee was of the opinion that even tho' there was no strict compliance with the reward offer in that Hailey was not sentenced to a state penitentiary, still the facts of the situation come so close to the terms of the reward offer that at least half of the amount ought to be paid, and the director was instructed to advise New York accordingly.
8. The committee considered at length the cases of Peruvian Japanese who were brought to this country by the U. S. government and who are now scheduled for deportation to Japan as illegal entrants. The committee was of the opinion that the entire matter was a shocking denial of due process and voted to intervene in the cases.
9. The committee authorized a public protest to Attorney General Tom Clark against the deportation of Japanese in hardship cases. Sailings are scheduled for May 13 from Seattle and May 29 from S.F. The director was also requested to enter protests with the House Immigration Committee which is considering remedial legislation. It was also suggested that the director secure the help of interested Pacific Coast agencies. (Note: The May 13 sailing has been cancelled but apparently the May 29 sailing still remains.)
10. The committee considered the draft resolution of the Nat'l. Board concerning relations with counsel. The Committee was of the opinion that the issue is whether attorneys associated with the ACLU should be permitted to exploit their connection with the Union for private gain. It was the feeling that the proposed resolution does not pointedly reflect that problem. Moreover, the question was raised whether the proposal does not violate a criminal section of the State Bar Act imposing a duty upon an attorney to maintain inviolate the confidence and to preserve the secrets of his client, besides other sections of the State Bar Act limiting the practice of law to an active member of the State Bar. It was voted to refer the resolution to the various attorneys on the Committee for their opinions.
11. Informally, the name of Prof. Laurence Sears of Mills College, who was associated with the ACLU in the East, was proposed for membership on the committee by Ruth Kingman. The intention was to have the name referred to the membership committee for consideration and report. I presume there will be no objection to this being done, altho' we overlooked taking formal action.-E.B.

NEXT MEETING, THURSDAY NOON, JUNE 6

The regular meeting of the Executive Committee of the American Civil Liberties Union of Northern California will be held at the Y.W.C.A., 670 Sutter St., San Francisco,

THURSDAY, NOON, JUNE 6

The agenda for the meeting is as follows:

1. Approval of the minutes of the meeting of May 2, as sent out.
2. Financial and membership reports.
3. Consideration of attendance record of Committee, attached hereto, together with proposal that non-attending members be dropped. Also, consideration of replacements.
4. Report on the required change in office quarters. Approval is requested of the new month to month lease, expenditures for moving, refinishing two desks and three chairs, and purchase of three new chairs.
5. Berkeley V.D. quarantine case.
6. Lawless enforcement of the law in Vallejo.
7. The case of a marine hospitalized as suffering from "psychopathic constitutional state", who was sentenced to 3 years and 9 mos. for desertion (from the hospital).
8. Report on the Japanese deportation cases.
9. Report on the director's recent trip to Los Angeles.
10. Request that either the July or August meeting be cancelled.

EXECUTIVE COMMITTEE ATTENDANCE  
(June, 1945 through May, 1946, Incl.)

MEMBER	1945							1946					TOTAL
	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	
Parsons	x	x		x	x	x	x	x	x	x	x		10
Besig	x	x	x	x	x	x	x	x	x	x	x	x	12
Adams	x	x	x		x		x	x	x	x	x	x	10
Brill*	x						x				x		3
Carrasco	x					x							2
Collins													-
Cronin													-
Green	x	x			x		x		x	x	x	x	8
Grupp													-
Hayes*		x	x		x	x	x	x	x	x		x	9
Hilgard	-	-	-	x	-	-	-	-	-	-	-	-	1
Kingman			x		x		x		x			x	5
Kleps	x	x	x		x		x			x			6
Lowther					x							x	2
Meiklejohn	-	-	-	ON LEAVE	-	-	-	-	-	-	-	-	-
Porter	x	x		x		x	x	x			x	x	8
Reichert		x	x			x			x				4
Rust	x	x	x		x	x		x	x	x	x	x	10
Salz	x	x		x	x		x	x	x	x	x	x	10
Thompson	x	x		x	x		x						5
Thurman	x					x				x		x	4
Tolman	x	x	x	x	x		x	x	x	x		x	10
TOTALS:	13	12	8	7	12	8	12	8	10	10	8	11	(119)

\*Brill joined the Committee as of June, 1945 and Hayes, as of July, 1945.

The regular meeting of the Executive Committee of the American Civil Liberties Union of Northern California was held at the Y.W.C.A., 620 Sutter St., San Francisco, Thursday, noon, June 6, 1946.

PRESENT: Bishop Parsons, presiding; Messrs. Besig, Adams, Carrasco and Thompson  
Margaret Hayes, Helen Salz and Kathleen D. Tolman.

1. The minutes of the meeting of May 2, 1946, were approved as sent out.
2. Financial report as of June 1, 1946:

Cash on hand, General Fund . . . . . \$1886.82

3. Membership report as of June 1, 1946:

Paid up members . . . . . 1006  
Separate subscribers to NEWS . . . . . 174

4. The Committee examined its attendance records and instructed the director to ascertain from Messrs. Cronin, Grupp and Hilgard whether they wish to withdraw from the Committee because of their inability to attend meetings. It was voted to refer the names of Prof. Laurence Sears of Mills College and Seton Manning, Secretary of the Urban League, and the Rev. John Leffler, to the membership committee. It was voted to enclose return cards with future meeting notices, providing for notice as to attendance, together with a statement of the reason for non-attendance. It was also voted to take a postcard vote on the question of occasional evening committee meetings.
5. The Committee approved the new month to month lease of quarters at 421 Sheldon Building, 461 Market St., and also approved expenditures for moving, refinishing two desks and three chairs, and the purchase of 3 new side chairs.
6. The Committee voted to intervene in the case of two Berkeley women who were picked up by police in a restaurant on suspicion of having venereal disease and quarantined for five days.
7. The Committee heard the director's report on the lawless enforcement of the law in Vallejo and endorsed a program of attempting to secure prosecutions under the federal Civil Rights statutes, to seek redress from the Federal Housing Authority for those aggrieved, and to support civil suits for those damaged.
8. It was voted to take appropriate action in the case of the marine hospitalized as suffering from "psychopathic constitutional state," who was sentenced to 3 years and 9 months for deserting from a psychopathic ward in a navy hospital.
9. The director reported that an agreement had been reached with the Immigration Service whereby pending the final determination of test suits filed in San Francisco on May 29, no Japanese treaty traders or hardship cases would be deported.
10. The director reported that he had discussed with Mr. A. A. Heist, director of the Southern Calif. Branch, without result, problems that have arisen between the two offices during the past eight months.
11. It was voted not to hold the Committee's July meeting.

NEXT MEETING, THURSDAY NOON, AUGUST 1

MINUTES of the regular meeting of the Executive Committee of the American Civil Liberties Union of Northern California, held at the Y.W.C.A., 620 Sutter St., San Francisco, Thursday, noon, May 1, 1947.

PRESENT: Dr. Meiklejohn, presiding; Messrs. Besig, Manning, Rust and Sears; Margaret Hayes; Ruth Kingman and Helen Salz.

1. The minutes of the previous meeting were approved as sent out, except that the date of the meeting was corrected to read March 26, 1947.
2. Financial Report, as of May 1, 1947:  
Cash on hand, General Fund .... \$2263.34
3. Membership Report, as of May 1, 1947:  
Paid up members ... .. 1134  
Separate subscribers to "News" .. 229
4. The recommendations of the sub-committee,--to do nothing concerning the proposal to outlaw vivisection (A.B. 2307), and to oppose S.B. 1026, limiting courses of instruction in sex and marriage problems in public schools, was accepted.
5. The director was instructed to arrange a special evening meeting of the committee, sometime during the next few months, to consider the Union's underlying principles and the procedures by which they may be put into effective practice.
6. Prof. Sears was requested to present at some future meeting a plan providing for retirement of the Union's employees.
7. A sub-committee reported concerning its discussions with Roger Baldwin, and the director was instructed to answer the letter from Messrs. Hays and Fraenkel.
8. Concerning Roger Baldwin's request that the Committee endorse other pending renunciation suits of Nisei in which the national office is interested, a motion was adopted to ask the national office to furnish us with copies of the petitions in the suits.
9. The Committee noted the report from the State Department of Mental Hygiene concerning employment of parolees from Sonoma State Home, and the director was authorized to pursue his investigation.
10. The committee voted to take no action in the case of Albert Cedeno, a Jehovah's Witness, whom Lodge 68 of AFL Machinists Union of San Francisco refused to refer to a job because he refuses to picket. Cedeno claims the picketing violates his right of conscience. There is a closed shop in the industry.
11. Consideration of the remaining items on the agenda was deferred until the next meeting.
12. The Committee authorized the next meeting to be held Wednesday, noon, May 28, instead of the first Thursday in June, owing to the director's absence on vacation during the first two weeks of June.

NEXT MEETING: WEDNESDAY, NOON, MAY 28.

PLEASE NOTE

The next meeting of the Executive Committee of the American Civil Liberties Union of Northern California will be held at the Y.W.C.A., 620 Sutter St., San Francisco

WEDNESDAY, NOON, MAY 28,

because the director will be on vacation the first Thursday in June. PLEASE NOTE THE DATE ON YOUR CALENDAR. As usual, the agenda will be sent out the Saturday before the meeting.

The regular meeting of the Executive Committee of the American Civil Liberties Union of Northern California was held at the Y.W.C.A., 620 Sutter St., San Francisco, Wednesday noon, May 28, 1947.

PRESENT: Bishop Parsons, presiding; Messrs. Besig, Adams, Kleps, Lowther, Meiklejohn, Rust, Thurman & Thompson; Margaret Porter, Helen Salz & Kathleen D. Polman.

1. The minutes of the meeting of May 1 were approved as sent out.
2. The Committee approved an order for a power driven Elliott addressing machine.
3. The Committee approved Friday evening, October 10, for the annual membership meeting in San Francisco, with Col. John H. Sherman as the suggested speaker, if he is available, to talk on some such subject as, "Are the Civil Liberties of Minority Groups in the Bay Area Imperilled?"
4. The Director's action in the East Bay civic center cases was approved.
5. Financial support for an appeal in the Steiner leaflet case was authorized. Attention was called to police interference with the distribution of campaign cards of four successful candidates for the Oakland City Council. The Director was authorized to request the Council to restrain the Chief of Police from further violation of the right to distribute non-advertising matter.
6. The question whether ACLU committee members should sponsor other civil rights groups, or publicly support their work, was continued to the next meeting, after lengthy discussion. In this connection, the Committee noted a letter from William Short and a Dec. 1940 resolution of the Union's National Board.
7. The question of the exclusion of the AYD chapter from San Jose State College was discussed at length and the matter was continued until the next meeting in order to obtain further facts as well as an interpretation of the second paragraph of the ACLU national board's "Statement of Student Activities on Campus," with reference to the exclusion of groups "moving under false pretenses."
8. The office was authorized to appear as amicus curiae in any appellate action challenging the validity of an injunction issued by the Superior Court of Contra Costa County banning picketing by the PCA and NAACP, calculated to secure the employment of Negroes in a Richmond market.
9. The office was authorized to protest to Att'y Gen'l. Howser against his circular letter urging District Attorneys to suppress the official nudist magazine "Sunshine & Health."

The Director was instructed to request the assistance of the national office in contesting the Post Office Department ban on the Sacramento nudist magazine, "Naturel Health."

10. The report on religious practices in the San Francisco schools was deferred until the next meeting, with the understanding that it will be mimeographed and sent out in advance of the meeting.

NEXT MEETING: THURSDAY, NOON, JULY 3

# U. S. Authorities in Japan Process Requests of Stranded Nisei to Return to America

Roger Baldwin Notes Approximately One-Half Of 10,000 American-Born Still Maintain U. S. Citizenship; Plight of GI Brides Discussed

TOKYO—Approximately one-half of the 10,000 American-born persons of Japanese ancestry in Japan maintained their American citizenship throughout the war, Roger Baldwin, national director of the American Civil Liberties Union and special representative of the National JAACL, reported here last week.

The figure of 10,000 Nisei in Japan does not include Nisei GIs who are in Japan as members of the American army and the civilians who are working for various U. S. government agencies in Japan.

"Many of the 10,000 Nisei are desirous of returning to the United States," Mr. Baldwin reported. "Most of them were here before the war broke out either as students or on visits, while some were returned from the United States after the war at their own request after renouncing American citizenship. Many have since changed their minds and desire to regain their citizenship."

The applications of approximately 3000 stranded Nisei who desire to return to the United States have been processed by the American consulate at Yokohama and 2250 have been cleared as United States citizens.

Regarding the renunciants from the Tule Lake segregation center in California who returned to Japan after the war and who now desire to go back to America, it was stated that those under 18 years of age at the time of their return are processed like all other stranded Nisei. Those who were over 18 years of age, however, are being informed that it is the opinion of the state department and the U. S. department of justice that they have lost all claim to American citizenship under the 1944 amendment to the Nationality act of 1940 and cannot return. The only hope held out for members of this group is in a case now in the United States federal court, in which the petitioners seek to prove that the renunciation procedures carried on at the Tule Lake center were illegal.

Approximately 100 cases of stranded Nisei are being processed

weekly by the American consulate, Mr. Baldwin indicated, and there is a waiting list of 200. The schedule for examinations now is fixed two months ahead, instead of six months when the first rush was on.

"Some of the stranded Nisei have doubtless lost United States citizenship by service in the Japanese army or in the employ of the Japanese government," Mr. Baldwin declared. "Each case must be determined by the United States consul according to state department interpretations of the Nationality act of 1940 and previous statutes.

"These would not apply, however, to the Nisei who renounced citizenship during the war and who have not become Japanese citizens. That issue is before the United States courts, probably not to be decided for over a year. These so-called renunciants will therefore have to wait until that decision is handed down, presumably by the United States Supreme court."

Mr. Baldwin noted that a number of United States residents of Japanese nationality (Issei) were caught in Japan while on visits by the outbreak of war and that these persons are being permitted to return when they are in possession of reentry permits. The war is regarded as an interruption not affecting the validity of the reentry permits. Those without reentry permits are not being permitted to return. In cases of loss of the permits, new ones are being issued when issuance is verified.

Mr. Baldwin also reported that property owned in Japan by Japa-

nese nations who are legal residents of the United States, as well as by other foreign nationals under absentee landlord provisions, will be taken by the Japanese government under the new Land Reform act. It was presumed that these absentee owners will be entitled to compensation in blocked yen, but it was stated that the legal question of their rights remains to be determined.

"The plight of United States soldiers who wish to marry Japanese girls and take them back is apparently impossible to settle as long as the Oriental Exclusion act holds," Mr. Baldwin stated. "Marriage is forbidden, with rare exceptions, but is performed, without permission of the military, under Japanese law and probably is valid."

*Lat. - May 10, 1947*  
*Paula C. C. C.*

The Executive Committee of the American Civil Liberties Union of Northern California will meet at the Y.W.C.A., 620 Sutter St., San Francisco,

WEDNESDAY, NOON, MAY 28.

The agenda for the meeting is as follows:

1. Approval of the minutes of the meeting of May 1, which were sent out.
2. Proposed purchase of a power driven Elliott Addressing machine.
3. Fall membership meeting in San Francisco. The office suggests Friday evening October 10, with Col. John H. Sherman to speak on, "The Negro Problem in the Bay Area," if the Colonel is available.
4. Report by the director on the following cases: (items held over from the last meeting):
  - a. Civic Center Act issues in the East Bay;
  - b. Steiner leaflet case, which is being appealed.
5. Should ACLU committee members sponsor other civil rights groups, or support their work publicly? This item was placed on last meeting's agenda at the request of Clarence Rust and was put over when he had to leave. With reference to this subject, attention is called to a resolution adopted by the national Board of Directors, December, 1941, as follows: "In order to keep the personnel of local affiliated committees distinctive so that the public may not confuse their identities with other organizations in the same field, it is desirable that officers should not be also identified with another in the same field. It is therefore suggested that all local committees might well adopt the following resolution, already adopted by some: 'In order to keep the Union's personnel distinctive and to avoid confusion in the public mind as to identities the officers are requested not to affiliate publicly with other organizations in the civil liberties field, particularly those which are the objects of political controversy, without first consulting their local boards.'"
6. Also held over from the last meeting is the following item: Recently, the So. Cal. branch of the Union published an exact report from our Minutes of this Committee's action on pending legislation. The office would like to know whether the Committee wishes its minutes to be treated confidentially, at least, until they are approved.
7. Bishop Parsons has asked that the question of the exclusion of American Youth for Democracy from San Jose State College be placed on the agenda for discussion. In this connection, attention is called to the following item from the Board minutes for May 12, 1947:

"After noting the policies recommended by the Committee on Academic Freedom on the chartering of American Youth for Democracy, alleged to be a Communist dominated organization, the Board adopted the following statement:

  - "i. Any avowed Communist organization should be allowed to organize and be recognized on the campus.
  - "ii. Any organization found after investigation and fair hearing as to its character to be moving materially under false pretences as to its objectives may be denied a charter or have its charter revoked or suspended.
8. Nudist problems.
9. Report on religious practices in the San Francisco public schools.

EXECUTIVE COMMITTEE ATTENDANCE  
(June, 1946 through May 1, 1947, Incl.)

MEMBER	1946							1947					ELEVEN MEETINGS WERE HELD
	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	MAR. 26	MAY	
Parsons	x	--		x		x		x	x	x	x		7
Besig	x	--	x	x	x	x	x	x	x	x	x	x	11
Adams	x	--	x	x	x		x	x	x	x	x		9
Brill		MEETING		x				x	x		x		4
Caldwell*						x	x	x	x		x		5
Carrasco	x	M											1
COLLins		NO											0
Green		--	x	--	--	--	--	ON	LEAVE	--	--	--	1
Hayes	x	--	x	x	x	x		x	x	x	x	x	10
Hilgard		G			x						x		2
Kingman		IN		x	x		x	x	x	x	x	x	8
Lowther		ET											0
Manning*		ME				x	x	x		x	x	x	6
Meiklejohn	ON	LEAVE		x	x	x	x	x	x	x	x	x	9
Porter			x	x	x	x		x		x	x		7
Reichert						x	x	x		x			4
Rust		NO		x	x	x		x	x	x	x	x	8
Salz	x			x	x		x	x			x	x	8
Sears*						x	x	x		x		x	5
Thompson	x			x	x			x		x			5
Thurman				x			x						2
Tolman	x				x	x	x	x	x	x	x		8
TOTAL	8	-	5	13	11	11	11	17	11	14	14	8	123

\*Messrs. Caldwell, Manning and Sears joined the Committee in November, 1946.

AMERICAN CIVIL LIBERTIES UNION  
OF NORTHERN CALIFORNIA

-o-o-0-o-o-

I will be present at the Executive Committee meeting  
on MAY 28 1947

I will not be present at the meeting because: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
NAME

THIS SIDE OF CARD IS FOR ADDRESS



AMERICAN CIVIL LIBERTIES UNION  
461 MARKET STREET  
SAN FRANCISCO 5, CALIF.

THE REGULAR MEETING of the Executive Committee of the American Civil Liberties Union of Northern California will be held at the Y.W.C.A., 620 Sutter Street, San Francisco,

Thursday, noon, March 2, 1950

The agenda for the meeting is as follows:

1. Approval of the minutes of the meeting of February 2 which were sent out.
2. Financial and membership reports.
3. Report concerning the Roger Baldwin meeting to be held at the Western Women's Club, Friday evening, April 14.
4. Consideration of Item 9 of the minutes of the meeting of the National Board of Directors held Monday, February 6, 1950 and reading as follows:  
"9. Court Picketing Referendum. Mr. Forster called attention to the minutes of the Policy Committee meeting held January 17, as circulated, in the section dealing with the complaint of the Northern California Branch on the referendum regarding legislative proposals to prohibit obstructive picketing of federal courts. The Board approved the Committee's recommendation that an inquiry be made of affiliates as to whether their position would be changed if the questions asked of them were precisely as formulated on the ballot sent to the Corporation members; but that affiliates were to be advised that the question would not be resubmitted to the Board, because the affiliates' votes were purely advisory."
5. Letter from Chairman John Haynes Holmes, advising A.C.L.U. Affiliates that "It is our tentative proposal that another meeting of the Board members and Branch representatives be held here in New York next September."
6. Report by Dr. Meiklejohn, chairman of the sub-committee on Academic Freedom, concerning the Fox and U. C. loyalty issues.
7. Report by the Director concerning activities of Roman Catholic nuns in the John Hancock School in San Francisco.
8. Request by the office for authority to investigate certain practices in the San Francisco Unified School District which are allegedly resulting in segregated schools.
9. Federal Loyalty issues. The office asks approval of its action in intervening in the following two cases which were continued from last month's agenda.
  - a. The case of a Negro laboratory attendant in the cancer experiment project, accused of membership in the seamen's branch of the Communist Party in 1944. Following a hearing, this case was successfully disposed of during the past month.
  - b. The case of a typist for the Army Recruiting Service who is charged with holding opinions that "coincide with those of the Communists".New cases:
  - a. The case of a statistician who is accused of permitting the "Daily Worker" to be distributed in S.R.A. departments as well as association with three Communists (Silvermaster, Silverman and Ulmann) who

gained notoriety during the past few years.

- b. The case of an engineer who is charged with having held memberships in the American Russian Institute and the Washington Book Shop Association. He is also alleged to have "expressed and exhibited Communist sympathies and un-American tendencies" and to have a brother and sister-in-law who are alleged Communists.
10. Should the Union intervene in the case of Wesley Robert Wells now before Judge Louis Goodman in the United States District Court in San Francisco? Wells, a "lifer", has been sentenced to death for attacking a Folsom prison guard with a cuspidor.
11. Should the Union post bail in the case of a Russian stowaway from Shanghai whom the government is unable to deport at this time?
12. Consideration of the recommendations of a "Conference of Affiliates" of the A.C.L.U. held in Des Moines, Iowa, January 14-15, 1950.
13. Seaton Manning, Chairman of the sub-committee considering the problem of the Special Women's Court in San Francisco, requests that the matter be deferred until the next meeting because his crowded calendar has not allowed his sub-committee to carry out Executive Committee instructions to meet with a sub-committee of lawyers.

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# A STATEMENT

to members and friends

*of the*

AMERICAN CIVIL LIBERTIES UNION

*Concerning the Resolution  
Fixing Qualifications for  
Membership on our Guid-  
ing Committees and Staff*

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AMERICAN CIVIL LIBERTIES UNION  
216 PINE STREET  
SAN FRANCISCO, CALIF.

May, 1940

AMERICAN CIVIL LIBERTIES UNION  
31 UNION SQUARE, WEST  
NEW YORK CITY

*To members and friends:*

The policy stated in the resolution adopted at the annual meeting on February 5th affecting elections to our governing bodies and appointments to our staff has raised questions on which we owe you a full statement of the facts. We would have addressed you before save that action under the resolution affecting one Board member had not been determined. It has not yet been finally disposed of, but we cannot longer delay giving all the facts to you.

We ask all members after careful reading to indicate their views on the enclosed card.

### *How the Issue Arose*

IT is hardly necessary to say that we all deeply regret a public controversy over the Union's internal policies—the first in our twenty year history. Every effort was made to avoid it, but, as you will see, it was quite inescapable.

It arose from increasing criticism within our own ranks of Communist participation in guiding our policies. The critical attitude to Communist participation was intensified after the Nazi-Soviet Pact, when it became evident that Communist support of democracy had undergone a sharp change. It resulted in a number of resignations from the Union, from our National Committee of John Dos Passos and from our Board of Directors of Mrs. Margaret DeSilver, whose husband was one of the founders of the Union and its associate director in its early years.

Members of the Board of Directors reflected these

sharpened cleavages, dividing into groups in favor of collaboration with Communists, opposed to it, and a neutral group who regretted the issue and who endeavored to surmount it. The Board's business was inevitably subordinated to this issue—and for some months it functioned with increasing difficulty. Various proposals to achieve harmony were made, but none accepted.

The matter came to a head when the nominating committees were appointed for the annual election in February. When the issues dividing the Board were reported to the members of the National Committee in charge of nominations they unanimously adopted a resolution intended to make our policy clear, both as to future elections and present membership, in the belief that it would create greater harmony on the basis of undivided loyalty to civil liberties. The members of that nominating committee were John Nevin Sayre, chairman, John S. Codman, Sherwood Eddy, Mrs. Agnes Brown Leach, A. J. Muste, William Pickens, Amos Pinchot, Joseph Schlossberg, L. Hollingsworth Wood, and Oswald Garrison Villard.

The resolution was then submitted by mail to the members of the National Committee and adopted by a vote of 30 to 10. In revised form at the annual meeting, at which the Board of Directors was also present, it was adopted by 43 to 14 (including mail vote of absentees). Some members of both committees did not vote.

The resolution reads:

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

That consistency is inevitably compromised by persons who champion civil liberties in the United States and yet who justify or tolerate

the denial of civil liberties by dictatorships abroad. Such a dual position in these days, when issues are far sharper and more profound, makes it desirable that the Civil Liberties Union make its position unmistakably clear.

“The Board of Directors and the National Committee of the American Civil Liberties Union therefore hold it inappropriate for any person to serve on the governing committees of the Union or on its staff, who is a member of any political organization which supports totalitarian dictatorship in any country, or who by his public declarations indicates his support of such a principle.

“Within this category we include organizations in the United States supporting the totalitarian governments of the Soviet Union and of the Fascist and Nazi countries, (such as the Communist Party, the German-American Bund and others); as well as native organizations with obvious anti-democratic objectives or practices.”

The resolution is a statement of *propriety* affecting the Union's governing bodies and staff. It is not an amendment to the by-laws. It is a guide to nominating committees and a declaration to the public of our adherence to undivided loyalty to civil liberties.

### *The Reaction among Members and in the Press*

THE resolution was thereupon sent to all local committees of the Union and was reported to the membership in the March Quarterly. Most members apparently approve it. Many inquiries have been received, and some criticism. Dr. Ward, long chairman of the Union, resigned on grounds that he had already made clear to the Board, and which are covered by the following points to which reply is made.

Seventeen persons signed an open letter to the Board requesting revocation of the resolution. The

seventeen included 2 members of the National Committee, 7 members of the Union, and 8 non-members. In addition three members of the National Committee independently raised similar objections.

Between thirty and forty members of the Union have resigned. Others who had previously resigned or had refrained from joining because of Communist collaboration in the Union's affairs sent in their contributions.

Of the 32 local committees of the Union, five of the most active committees took unfavorable action, one took favorable action, and two regarded action as unnecessary. The others have not acted. None, so far as we are aware, has had to confront the same issue which arose in the national organization. The unfavorable position taken by the five locals rested in some cases on the same grounds as the minority view in our Board and National Committee, in some on misunderstanding, and in others on misrepresentations attributable largely to the Communist press, whose articles in opposition appeared along with dispatches reporting the Union's continuing defense of Communists' rights!

There is no question but that the Union has been greatly strengthened in public opinion by this action. The unanimous and strongly worded approval of newspapers in editorial comment throughout the country, is a clear revelation of this. The only dissenting voices have been those of the *Daily Worker* and the *New Masses*.

### *History of the Union's Policy Affecting Personnel*

IT cannot be too strongly emphasized that the resolution only states in substance an unwritten policy followed by the Union for twenty years. We have never originally elected nor appointed to our governing committees or staff any persons falling within the categories described. Consistency in support of civil liberties has necessarily been an unwritten requirement of those who make our policies. The Union therefore never elected nor

appointed originally any known member of the Communist Party to the governing committees or staff. But we have retained on our National Committee and Board two persons who joined the Communist Party during their membership. They were even re-elected, because re-elections have been a matter of course when no question was raised. This is doubtless the reason the Union's general policy has not been clear, causing the criticism of a change in fundamental principle. But retention of an associate committed to a political view regarded as a disqualification for election is understandable, if not wholly consistent.

Conflicts of loyalty on the part of members of our governing committees have arisen in the past which prompted requests for resignations or displacement of Union representatives.

Some years ago it was found that some members of the Union's local committees were also members of the Ku Klux Klan. They were displaced. Only a little over a year ago the vice-chairman of one of our local committees was found to be supporting the candidacy of a notorious anti-Semite for Governor of Kansas. He was removed. A number of members of the National Committee have, during the course of twenty years, been requested to resign or offered their resignations when they ran into a conflict between the Union's position and a contrary view. Andrew Furuseth, a member of the National Committee in the early 1920s and president of the Seamen's Union, was requested to resign when he advocated the prosecution under the criminal syndicalism laws of members of the I.W.W. whom the Union was defending. Another member of the National Committee who publicly condemned the defense of the rights of Communists resigned when the inconsistency of his position was apparent. Another member of the National Committee, a distinguished southerner, resigned when the Union took a position in the defense of Negroes' rights which he could not support. In each of these cases—and others—a conflict of loyalties was apparent, some evidenced by mere membership, others by personal attitudes.

### *The Case of Elizabeth Gurley Flynn*

The only application of the resolution to the present membership of our governing committees has concerned the one Communist Party member of the Board, Elizabeth Gurley Flynn who is on the leading committee of the Party. Despite the request of a substantial majority of the Board, Miss Flynn declined to resign. One member then filed a charge intended to disqualify her. Miss Flynn thereupon attacked the Union vigorously in the Communist press. In an article in the *New Masses* she stated:

"These pseudo-liberals take fright at the giant on the horizon which points the possible future everywhere—the Soviet Union. I don't mind being expelled by this kind of people. I don't belong with them anyhow. I'll fight them to expose them, not from a desire to associate with them any longer. Labor can defend its own civil liberties—so can the Communists, without the ACLU."

Proceedings were then instituted by two more members of the Board to remove Miss Flynn on the ground that her attitude to the Union as expressed in the Communist press disqualifies her for continued service. At a hearing held by the Board on May 7th and attended by 23 of the Board's 32 members (including Miss Flynn), the charges were sustained by majority vote and Miss Flynn's removal was voted, subject to approval by the National Committee, to which the pertinent material is being presented by mail. Miss Flynn meanwhile remains on the Board.

By way of comment on the proceedings it may be said that Miss Flynn herself raised the question of the propriety of her further service on the Board when she joined the Communist Party three years ago. The members of the Board saw then no objection to her continued service. The Communist Party was following a policy of democratic co-operation and Miss Flynn had long been associated with the Union.

Some of our critics hold that since we re-elected Miss Flynn after knowing she was a member of the Communist Party we are morally obligated

to permit her to serve out her three-year term until 1942. As only one of a board of 32 members, they say, she can do the Union no harm. But Miss Flynn is not so much an issue personally as she is a symbol of inconsistency in our Board membership in the light of the changed conditions which aroused the difficulties described.

Any comment which members may have to make on the application of the resolution to Miss Flynn may be inserted on the enclosed postal.

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### *Queries and Comments*

Following are the chief questions raised by the resolution, with our comments:

*1. Does not the resolution indicate a change in the Union's policy of defense of civil liberties?*

Ans. The resolution indicates no change whatever in our defense of everybody's rights without distinction. So far as Communists are concerned, we regard defense of their rights as the acid test of fidelity to civil liberty, because they are the minority most detested and attacked. On purely practical grounds we can do a far better job of defense of Communists if we are not subject to the charge of acting as sympathizers because we have one or more Communists on our controlling committees. Even the Communist Party should see the good sense of that. Certainly it cannot be argued that the Union should include in its governing committees representatives of all groups whose civil rights we defend, for we defend those opposed to civil liberty as well as for it. As one editorial put it:

"Although we may, in order to be consistent with our ideals, have to extend free speech to those who would destroy free speech, we are certainly under no obligation to accept guidance from them."

*2. Has not the Union's sole test of membership on governing committees and staff in the past been loyalty to the Bill of Rights?*

Ans. Yes, and that is the only test now. We never elected nor appointed persons in the first

instance who favored civil liberties for one class and opposed them for another, nor persons who advocated civil liberty as a principle in the United States and denied it as a principle elsewhere.

**3. Has not the Union departed from its policies by taking a position in regard to foreign governments?**

Ans. The Union has taken no position except to support the principle of the Bill of Rights and to oppose the principle of dictatorship which denies it. It has merely named certain organizations in the United States which support dictatorship elsewhere, and in so doing has specified the leading dictatorships.

**4. Does not the resolution penalize mere opinions in the absence of any acts, and is this not contrary to the principles of the Union?**

Ans. The Union must, of course, base its selection of governing committees and staff on the ground of opinion—namely, support of the principle of civil liberties. The test of acts as against opinions applies only to restraints by law, not to selection of the personnel of the Union.

**5. Does not the resolution set up a test of orthodoxy?**

Ans. It does. The Union has always had an orthodoxy—namely consistent support of the Bill of Rights.

**6. Is not mere membership in an organization made a test for excluding persons from the governing committees and staff? And does this not violate the Union's opposition to prosecutions for mere membership?**

Ans. A test of consistency in support of the Bill of Rights is quite different from our attitude to a criminal prosecution. Mere membership may be a sufficient indication of a point of view inconsistent with civil liberties. Certainly it would not be argued that a "mere member" of the Ku Klux Klan would be suitable for our governing committees.

**7. If we have never originally elected Communist Party members to our governing committees and staff, why did we re-elect two members who joined the Communist Party after election?**

Ans. To be consistent we should not have. Consideration toward our associates and the usual routine of re-electing all persons serving on our committees overcame that consideration. In the case of William Z. Foster, who joined the Communist Party some few years after his election as a member of the National Committee, he resigned some years later when confronted by the Union's condemnation of bail-jumpers who were received by the Communist International as refugees. In the case of Elizabeth Gurley Flynn, a member of the National Committee since 1920, but who did not join the Communist Party until three years ago (when she was serving on the Board) proceedings are pending as indicated.

**8. Since only one member of the Communist Party was serving on the Board of Directors, and none on the National Committee or staff, was it necessary to raise such an issue over so insignificant a minority?**

Ans. The issue went deeper than that. As already stated, it divided our Board of Directors into groups favorable to and opposed to participation of Communists in our deliberations, and involved the whole attitude toward collaboration with Communists in defense of civil liberties, both inside and outside the Union. The one Communist Party member was a symbol rather than the cause of the controversy.

**9. Does not the action of the Union constitute a form of "red-baiting" against Communists?**

Ans. It does not, unless the whole history of the Union for twenty years in not appointing nor originally electing Communists is to be regarded as "red-baiting."

**10. Does not the resolution make the Union's position inconsistent in defending the rights of Communists to hold public office or to teach in schools?**

Ans. The qualifications for membership on a Board defending civil liberties for everybody are quite different from those of holding public office or teaching in schools. A member of the Civil Liberties Union's Board supports the principles of civil liberty without qualification. A person holding public office supports the Constitution of the United States *as interpreted by the courts*. The Civil Liberties Union often differs from the courts. Schools should tolerate teachers with all sorts of political views to promote freedom in education. A school, unlike the Civil Liberties Union, is not bound by any precise loyalty to a concept of civil liberty.

**11. *Why was the action taken at this time, when the position of Communists and others against whom the resolution was aimed, has been the same for many years?***

Ans. This has been answered above in the discussion of how the resolution came to be adopted after the issues of changed Communist policy became acute. If it represented a sharp change in our policy the criticism would be valid. The chief change is to apply to our present membership a policy long applied to original elections and appointments.

**12. *Would not the resolution apply to many others besides Communists, and will it not be necessary for the Union to test constantly the views of its governing committees and staff?***

Ans. The only fair test is as to how it is applied in practice. It is highly improbable that it would be applied in any except a very clear case of conflict between the Union's position and a contrary loyalty.

**13. *Did not the Union's action reflect outside pressure from reactionary and intolerant sources?***

Ans. The Union has withstood all sorts of pressure for a great many years. There was no evidence whatever during the several months of debate on this matter of any outside pressure reflected by a single member of the Board or National Committee, nor the slightest desire to be-

come "respectable" to conservatives. It was the changed situation confronting us, not pressure, which was responsible for the declaration.

**14. *Is not the Union going conservative? Is it not ceasing to defend labor cases, is defending Henry Ford, and is leaning toward the right?***

Ans. For twenty years the common charge against the Union was that it leaned toward the left, defended only Communist and left-wing cases. To that we replied incessantly that we did not make our cases, they were made for us by those who violate the Bill of Rights. We defended them as they came. It is ironical now that the charge should come from the other direction. We can only remind the newer critics, as we did the former—"we do not make our cases; they are made for us by those who infringe the civil liberties of others."

These charges reveal a biased attitude toward civil liberties on the part of the persons making them. Those who would have us defend only the rights of employers and conservatives think that the Bill of Rights is intended only for their friends. Those who would have us defend only labor and left-wing cases think precisely the same. Each would look cheerfully upon the suppression of the civil liberties of the other. Therein each differs from the ACLU, which does not look cheerfully upon the suppression of anyone's civil liberties.

**15. *Does not the Union's position set a bad example for other organizations in the exclusion of Communists and possibly other members of unpopular minorities?***

Ans. It should not. The requirements of most other organizations are quite different from those of the Civil Liberties Union, which has a narrow and definite principle to support.

**16. *Was not the resolution badly timed in the midst of hysteria, against Communists particularly?***

Ans. The resolution was not "timed." It was the product of a changed international situation affecting American life, in which the Communist

Party played a changed role, arousing controversy in our midst, and bringing to a head feelings long latent as to the propriety of Communist participation in our governing committees.

*17. Is not the Union, in removing or asking the resignation of any member of its Board for political views, itself violating the civil liberties of that member?*

Ans. This surprising opinion has been uttered by persons whose knowledge of civil liberties is limited. There is no "civil liberty" in being a member of any board of directors, whether of the ACLU, the Communist Party, or United States Steel—and views are the basis of membership in most controlling boards.

*18. If the resolution does not represent a basic change of policy, why did Dr. Ward, chairman of the Union for twenty years, resign in protest?*

Ans. Dr. Ward differed from the majority of the Board on the propriety of the service of Communists on the Union's governing committees. His resignation was in substance a protest against their exclusion plus opposition to any declaration dealing with attitudes to foreign governments. Others who have served the Union for an equal period took the opposite view.

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Comment should be added on the political movements which would avowedly suppress civil liberties when the opportunity offers to establish their own economic or political program. The American Civil Liberties Union cannot entertain such a doctrine. Our function is to defend the Bill of Rights, not to protect an individual or a minority movement, but to protect freedom as essential for peaceful progress. Beneath this divergence of views lies the fundamental cause of the current controversy.

The American Civil Liberties Union would not have given twenty years to the defense of the Bill of Rights had it not been absorbed by the conviction that this document represents a goal worthy

of endless human striving. The Union is in a stronger position before the public when no question whatever can be raised as to the uncompromising loyalty of all the members of its governing bodies and staff to the principles it serves.

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In view of the fact that the Union is organized as a corporation whose voting members are confined to the National Committee, we would appreciate having comment on the enclosed card from those contributing members who wish to express their views. The governing committees always welcome as a helpful guide to their deliberations all expressions from members. The results will be reported in the June *Quarterly*.

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We trust that the explanation of this controversy has covered all the points which have troubled any of our friends, and that the action taken will appear to you wholly in keeping with the Union's tradition and principles. Although the controversy has aroused some pretty heated comment, we are gratified to say that there has been no ill-feeling in the Board of Directors, the National Committee or staff, and that the work of the Union goes on with its usual vigor.

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May we take this occasion to announce the election as chairman of the National Committee of Prof. Edward Alsworth Ross of the University of Wisconsin, long a member of the National Committee? The other officers remain unchanged.

JOHN HAYNES HOLMES, Chairman  
*for the Board of Directors*

JOHN NEVIN SAYRE

AMOS PINCHOT

OSWALD GARRISON VILLARD

*for the National Committee*

ROGER N. BALDWIN

*for the staff*

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PRESENTING~

**The  
American  
Civil  
Liberties  
Union, Inc.**



**The One National Non-Partisan  
Agency for Everybody's Civil  
Rights Without Distinction**

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**What Are Its Principles?**



**How Does It Work?**



**Where Does It Get Its Money?**



**Who Controls Its Policies?**

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170 FIFTH AVENUE, NEW YORK CITY

JUNE, 1941

## Presenting The American Civil Liberties Union

OUR constitutional guarantees of freedom of speech, press and assembly are not self-enforcing. Constant and vigorous efforts are necessary to maintain the Bill of Rights especially in times of crisis when fear and intolerance of dissenting minorities are aroused. On the maintenance of freedom of speech, press and assembly rests the whole structure of our political democracy. And that freedom for all of us is threatened by denying it to any form of expression, however obnoxious and anti-democratic. Nobody's political rights are safe if anybody's rights are sacrificed.

THE American Civil Liberties Union, whose sole object is to protect these constitutional liberties, originated in the crisis of war. When the United States entered the World War, issues of freedom of speech, press and assembly at once arose in hysterical attacks upon opponents of the war and of conscription. A movement for the defense of those rights was imperative. The American Union Against Militarism, which had fought the drift toward war, therefore promptly created the Civil Liberties Bureau. That Bureau quickly became independent and broader in scope—expanding in 1920 into the American Civil Liberties Union—the first non-partisan national organization in American history dedicated to the maintenance of the Bill of Rights for everybody without exception.

Recurring crises since the World War have made necessary the expansion of the Union's work, covering the wide fields of labor's civil rights, defense of radical minorities, academic freedom, censorship of radio, press, movies and the stage, aliens' rights and, recently, the rights of conscientious objectors.

THE Civil Liberties Union stands on the general principle that all thought on matters of public concern should be freely expressed without interference. Orderly social progress is promoted by unrestricted freedom of opinion. The punishment of mere opinion without overt acts

is never in the interest of orderly progress. Suppression of opinion makes for violence and bloodshed. This is the historic American position on civil liberty, stated once and for all by Thomas Jefferson:

"It is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order."

The Union's interpretation of "civil liberty" therefore covers the right of any group to organize, to conduct propaganda, and to engage in all sorts of economic and political activities short of violence, attempted violence, preparations for violence, personal libel or obscenity. Its principles forbid discrimination on the ground of religion or race. They exclude all advance censorship of publication or distribution.

The Union's battleground is chiefly in the courts, where the Union's attorneys volunteer their services in defense of everybody's rights. Not only are violations of rights challenged, but violators are proceeded against. Outside the arena of legal controversy, the Union contests repressive legislation, intervenes with administrative officials for the protection of civil rights and with educational authorities for the protection of academic freedom. It also conducts educational and publicity campaigns in behalf of civil liberty.

THE Union's activities are conducted in accordance with an announced program of objectives each year.

The Union has taken into the courts practically every issue which has arisen where opportunity offered to make a legal case. Its services have been rendered impartially to all organizations and individuals whose rights were affected, from Jehovah's Witnesses to the political parties of the extreme left. Nor has the Union neglected the rights of conservative and reactionary groups when they were challenged. It has intervened in behalf of the rights of the Ku Klux Klan and of the Nazis, of corporations and of employers.

THE national headquarters keeps in close touch with violations of civil rights throughout the country through correspondents and the press. In cases on which help is asked, and in all cases of general public interest, the Union acts at once

by wire or letter to render legal aid to the person or organization attacked and often to urge the authorities to act.

Besides defense of individual cases, the Union engages in campaigns against repression by law, regulations, mob violence, or lawless officials. Test cases are conducted in the courts in an endeavor to void laws in conflict with constitutional guarantees. Publicity is organized around every campaign or test case.

Publicity and information services include weekly news releases to 500 labor, farm and liberal papers; special news releases to daily papers; articles for periodicals; a quarterly review of the Union's activities; books and pamphlets; special local or national radio broadcasts.

**C**ONTROL of the Union's affairs is lodged in the membership of its National Committee, comprising over sixty persons distinguished in public life and residing all over the country, and its Board of Directors, numbering over thirty members, residing in or near New York City. The two committees jointly elect their members for three year terms, choose their own officers, and determine the Union's policies. The Board of Directors, meeting weekly in New York, keeps close control of the Union's activities, handled by an office staff headed by a director, secretary, and office counsel. Provision is made for wide consultation with local affiliated committees and with the membership in elections and on controversial issues. About fifteen active local autonomous committees are affiliated with the Union.

The volume of work requires specialists in the campaigns, organized in standing committees. Chief among them are: the Committee on Academic Freedom, headed by Prof. Eduard C. Lindeman; the National Council on Freedom from Censorship, headed by Quincy Howe; the Committee on Aliens' Civil Rights, headed by David Wainhouse; the Committee on Fair Play to Puerto Rico, headed by Oswald Garrison Villard; the Committee on Indian Civil Rights, headed by Prof. Jay B. Nash; the Committee on Education for Civil Liberties, headed by Carl Carmer; the National Committee on Conscientious Objectors, headed by Ernest Angell; and the Committee on State Relief for Innocent Persons Erroneously Convicted, headed by Prof. Edwin M. Borchard.

**T**HE Union is financed by membership dues and contributions ranging from \$1.00 to \$1,000 a year. The total number of contributors is over 5,000. Dues are fixed in amounts from \$1.00 to \$100. About 40 members contribute annually as much as \$100 or over, their total contributions making up about one-fifth of the Union's total income. Of the 5,000 members, 4,800 contribute less than \$25 a year.

The operating expenses of the Union remain constant on a budget of about \$26,000 a year—divided almost equally between salaries and general administrative expenses.

In addition, the Union helps finance court cases, campaigns, and local work at a cost of \$5,000 to \$15,000 a year, varying according to needs and resources. These special funds are raised by special appeals, with some income from bequests. Over 350 non-members also contribute annually to one special fund or another.

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**THE NATIONAL COMMITTEE**


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- BARNES, HARRY ELMER — Writer and educator; former professor of sociology, Smith College; former professor of history, Clark University; former vice-president, American Association for Advancement of Science.
- BEARDSLEY, JOHN — Judge of the Superior Court, Los Angeles; former chairman of Southern California branch of the Union.
- BETTMAN, ALFRED — Lawyer, Cincinnati; formerly assistant to Attorney General of U.S., War Division, 1917-19.
- BIGELOW, HERBERT S. — Pastor of the People's Church, Cincinnati; member of City Council; former member of Congress; former President of the Ohio Constitutional Convention.
- BLAKE, EDGAR — Bishop, Methodist Church, Detroit.
- BORCHARD, EDWIN M. — Professor of Law, Yale University Law School; former assistant solicitor to Department of State; former Law Librarian of Congress.
- BROOKS, VAN WYCK — Author, "Flowering of New England," "America's Coming-of-Age," etc.
- BUCK, PEARL — Author, winner of Nobel and Pulitzer Prizes for Literature.
- COCHRAN, WILLIAM F. — Business man, Baltimore; Treasurer, Church League for Industrial Democracy.
- CODMAN, JOHN S. — Business man, Boston; long identified with the defense of free speech.
- COUNTS, GEORGE S. — Professor of Education, Teachers College, Columbia University.
- DOUGLAS, MELVYN — Actor, Hollywood.
- EDDY, SHERWOOD — Writer and lecturer; former Secretary for Asia, YMCA.
- FISHER, DOROTHY CANFIELD — Author, Arlington, Vermont.
- FOSDICK, HARRY EMERSON — Pastor, Riverside Church, New York.
- GALLAGHER, WILLIAM HENRY — Lawyer, Detroit.
- GARRISON, LLOYD K. — Dean of University of Wisconsin Law School.
- GARTZ, KATE CRANE — Active in behalf of free speech and pacifism in California.
- GAUSS, CHRISTIAN — Dean, Princeton University.
- GILKEY, CHARLES W. — Dean, Chicago University Theological School.

- GRAHAM, FRANK P. — President, University of North Carolina; chairman, National Advisory Council on Social Security.
- HAPGOOD, POWERS — National representative of C.I.O. Industrial Union of Marine and Shipbuilding Workers.
- HARRISON, MARVIN C. — Lawyer, Cleveland.
- HOUSTON, CHARLES H. — Lawyer, Washington, D. C.; special counsel, National Association for the Advancement of Colored People.
- HUNT, HENRY T. — Lawyer; former general counsel to Federal Emergency Administration Public Works; Principal Hearings Examiner, Labor Department.
- KINGDON, FRANK — Former President, University of Newark; Educational Director, Citizenship Educational Service; Chairman, Emergency Rescue Committee.
- KIRCHWEY, FRED — Editor, *The Nation*.
- LAPP, JOHN A. — Former professor of sociology, Marquette University, Milwaukee; labor arbitrator; formerly member Petroleum Labor Policy Board, and chief of Labor Relations, P.W.A.
- LASSWELL, HAROLD D. — Political scientist, Washington, D.C.; lecturer, New School for Social Research, New York; visiting Sterling lecturer, Yale School of Law.
- LEACH, AGNES BROWN — Member of Board of Directors, Foreign Policy Association; trustee and member of Board of Directors, Bryn Mawr College; former state chairman, League of Women Voters.
- LEWIS, WILLIAM DRAPER — Director, American Law Institute, Philadelphia; former professor of law, University of Pennsylvania.
- LOVETT, ROBERT MORSS — Government Secretary, Virgin Islands; former professor, University of Chicago.
- MATHER, KIRTLEY F. — Professor of Geology, Harvard University.
- MCCONNELL, FRANCIS J. — Bishop, Methodist Church, New York.
- MEIKLEJOHN, ALEXANDER — Former President of Amherst College and head of Experimental College, University of Wisconsin; founder of School of Social Studies, San Francisco.
- MITCHELL, WALTER — Bishop of the Episcopal Diocese of Arizona, Phoenix.
- MORLEY, FELIX M. — President, Haverford College, Pa.
- MORRISON, CHARLES CLAYTON — Editor, *Christian Century*.
- MUSTE, A. J. — Secretary, Fellowship of Reconciliation; former director of Labor Temple, New York.

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PRESENTING THE A.C.L.U.

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- NEILSON, WILLIAM ALLAN — President emeritus, Smith College.
- OXNAM, G. BROMLEY — Bishop of the Methodist Church, Boston.
- PARSONS, EDWARD L. — Bishop of the Episcopal Diocese of California.
- PICKENS, WILLIAM — Director of Branches, National Association for Advancement of Colored People.
- PINCHOT, AMOS R. E. — New York lawyer, publicist.
- RANKIN, JEANNETTE — Congresswoman from Montana; on staff of National Council for Prevention of War.
- ROSS, EDWARD A. — Emeritus professor of sociology, University of Wisconsin; author and lecturer.
- RUSSELL, ELBERT — Dean of the School of Religion, Duke University, North Carolina.
- SAYRE, JOHN NEVIN — Secretary, Fellowship of Reconciliation, New York.
- SCARLETT, WILLIAM — Bishop, Episcopal Diocese of Missouri, St. Louis.
- SCHLOSSBERG, JOSEPH — General secretary-treasurer emeritus, Amalgamated Clothing Workers of America, New York.
- SCUDDER, VIDA D. — Professor emeritus, Wellesley College.
- SHERWOOD, ROBERT E. — Playwright, author "Abe Lincoln in Illinois," "There Shall Be No Night," etc.
- SILVER, ABBA HILLEL — Rabbi, Cleveland, Ohio.
- SINCLAIR, JOHN F. — Former Minneapolis banker; writer for the North American Newspaper Alliance.
- SKINNER, CLARENCE R. — Clergyman; professor of Applied Christianity; dean, School of Religion, Tufts College, Mass.
- STOKES, HELEN PHELPS — Artist; vice-president of the League for Industrial Democracy; former treasurer of the American Civil Liberties Union, and vice-chairman.
- VILLARD, OSWALD GARRISON — Journalist and editor; former editor of the *Evening Post* and the *Nation*, New York.
- WEST, GEORGE P. — Journalist, San Francisco.
- WHITNEY, A. F. — President, Brotherhood of Railroad Trainmen, Cleveland, Ohio.
- WITT, PETER — Public utilities consultant; leader in reform movements in Cleveland, former member of City Council.

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PRESENTING THE A.C.L.U.

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- WOOD, L. HOLLINGSWORTH — New York lawyer; president, National Urban League; vice-chairman, Board of Trustees of Fisk University; member of board, Haverford College, Pennsylvania.
- WOOLLEY, MARY E. — President emeritus, Mt. Holyoke College; former president, American Association of University Women; member of American Delegation to the Conference for the Reduction and Limitation of Armaments at Geneva, appointed by President Hoover, re-appointed by President Roosevelt.

**BOARD OF DIRECTORS**

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- CARMER, CARL — Author, "Stars Fell on Alabama," "The Hudson," etc.
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- GREENE, NATHAN — New York lawyer; co-author with Felix Frankfurter of "The Labor Injunction."
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- HOLMES, JOHN HAYNES — Minister of the Community Church of New York City; vice-president, National Association for the Advancement of Colored People; honorary president, War Resisters' League; editor of *Unity*.
- HOWE, QUINCY — Editor, Simon and Schuster, Inc., New York; radio commentator.
- HUEBSCH, B. W. — Publisher, Viking Press, New York.
- KENYON, DOROTHY — New York lawyer; former Judge of Municipal Court; director, Consumers League of New York; member executive committee, Citizens Union of New York; member Committee on Legal Status of Women, American Association of University Women.

- LAMONT, CORLISS — author and teacher; lecturer, New School for Social Research; former instructor in philosophy, Columbia University; contributing editor, *Science and Society*.
- LASKER, FLORINA — Chairman, New York City Committee of the American Civil Liberties Union; member of the Board, National Consumers' League and National Refugee Service.
- LINDEMAN, EDUARD C. — Professor, New York School of Social Work; author and lecturer.
- MARSHALL, THURGOOD — Lawyer, counsel for National Association for Advancement of Colored People.
- PRATT, ELIOT D. — Treasurer, Common Council for American Unity; of the Graduate Faculty of New School for Social Research; of the International Student Committee; and Work Camps for America.
- RICE, ELMER — Playwright; president, American Dramatists; member National Institute of Arts and Letters; officer and director, Playwrights Producing Company.
- RIIS, ROGER WILLIAM — Publicity counselor; member, board of Jacob A. Riis Settlement.
- SEYMOUR, WHITNEY NORTH — Lawyer; former assistant Solicitor General of the United States.
- SPOFFORD, WILLIAM B. — Executive Secretary, Church League for Industrial Democracy; president, Christian Social Justice Fund.
- THOMAS, NORMAN — National chairman, Socialist Party; former director, League for Industrial Democracy.
- WISE, RAYMOND L. — New York lawyer, formerly Special Assistant United States Attorney.



## IN DEFENSE OF THE NISEI

### The Record of the American Civil Liberties Union in Defending the Rights of the Japanese Americans

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#### The Evacuation

The order evacuating the Japanese American population from the west coast was promulgated by the War Department early in March 1942.

On March 20 the American Civil Liberties Union, which had already expressed alarm at the first threat of evacuation, wrote to President Roosevelt protesting the measure in the strongest terms as without military justification and contrary to every principle of American freedom. The President was urged that all American citizens subject to evacuation should be given individual examinations as soon as possible and released at once if found loyal.

Throughout the years since then the Union has continued on every occasion to express publicly in the press, in the courts, and in Congress its faith in the loyalty of the majority of the Japanese Americans, and its unqualified opposition to their wholesale evacuation and detention.

The evacuation process was hardly begun when the Union went into action in the courts to test the constitutionality of the whole proceeding. Despite difficulties in finding Japanese Americans willing to test their rights, cases were instituted in Seattle, Portland, San Francisco, and Los Angeles within six months of the evacuation. This was the beginning of a two year legal battle to have the evacuation and detention declared unconstitutional. Four times cases involving the rights of Japanese Americans were carried up to the Supreme Court, twice by the Union and twice with Union support.

During 1943 the Court ruled unfavorably in the Hirabayashi case on the question of racially-applied curfew regulations, but opened the way to a later appeal of the Korematsu case by a favorable ruling on a legal technicality. The long legal battle came to an end in 1944 when the court held the evacuation legal in the Korematsu case, but ruled out the detention in relocation centers of "loyal" citizens in the Endo case. Both were supported by the Union with funds, lawyers, and briefs.

The Union criticized the court's ruling in the Korematsu case as "legalizing racial discrimination," and stands ready to appeal the issue again if any reasonably hopeful case can be brought.

#### Discrimination in the States

During the war years the Union was also active in combatting in the various state legislatures and in Congress bills discriminating against Japanese Americans. A bill prohibiting ownership of land by Japanese aliens was unsuccessfully opposed in Arkansas, but the Union is now engaged in appealing to the United States Supreme Court a simi-

lar law on the California books. A law passed in Arizona discriminating against Japanese Americans in business transactions was appealed to the Arizona Supreme Court, where it was thrown out as unconstitutional. In Colorado a statute prohibiting the ownership of land by persons of Japanese ancestry was defeated with the help of the Union, as were a series of discriminatory-municipal proposals in Utah.

Proceedings brought by the Native Sons of the Golden West, the American Legion and other groups in California to deprive Japanese Americans of their citizenship were also successfully opposed by the Union, as was a bill introduced into the U.S. Senate to intern all persons of Japanese ancestry in the United States for the duration of the war. In addition the Union has been active in combatting discrimination arising from attempts to resettle Japanese Americans in various American cities, notably in New York and Pittsburgh.

#### Rights in the Army and Navy

Early in 1942 the Union intervened with the War Department on behalf of the Japanese Americans who were denied the right to serve in the armed forces, and continued throughout the war years to combat every form of discrimination in the military field. In February 1943 the War Department after numerous representations from the Union and other groups opened up military service in the Army through the creation of separate volunteer battalions. The Union continued to protest against discrimination against Japanese Americans in the administration of the draft law, until their rights were restored in January 1944.

Repeated representations were made to the Navy Department against the policy of excluding all Japanese Americans from the Navy and the WAVES. The policy was finally revoked in November of this year. At the same time the Union has aided directly and indirectly in the defense of a number of Japanese Americans who refused military service because of resentment against their treatment by the government.

#### Cases Now in Court

After the revocation of the west coast ban in January 1945, the Union brought further cases into the courts to test the army exclusion orders against individual Japanese Americans. One of these cases resulted in May 1945 in a favorable decision in the Los Angeles Federal District Court, holding the military authorities could not enforce their own exclusion orders but must rely on the civil authorities. This had the practical effect of cancelling the orders outstanding against hundreds of individual Japanese Americans.

In November 1945 two mass petitions were filed on behalf of more than a thousand Nisei held for deportation at Tule Lake after they had renounced their citizenship during the war. Attorneys for the renunciants with ACLU backing through the Northern California Branch, maintain that the renunciations are invalid because obtained under duress by pro-Japanese groups, and because they were in part the outcome of resentment and misunderstanding of the government's policy toward Japanese Americans. Deportations based on renunciation are being contested.

### Resettlement

Throughout the war the Union has cooperated with other agencies in efforts to smooth the way for the resettlement of Japanese Americans released from the Relocation Centers. Violence and threats of violence against returning evacuees in California were met by the Union with an offer of \$1,000 reward for the conviction of those responsible. At the same time the Union has engaged in a number of suits to protect the land and property rights of Japanese Americans on the west coast. It has also been on the alert to combat, and with considerable success, efforts to discriminate in the granting of business licenses, civil service jobs, fishing permits, and trade union rights.

### The Work Continues

The efforts of the American Civil Liberties Union are continuing. In addition to the Tule Lake cases, and an appeal to test the California alien land law, both in process, damage suits to further test the constitutionality of exclusion orders are under consideration. So too are measures to satisfy, in part at least, the claims for damages due to forced property losses in the hurried evacuation.

December, 1945

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