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Freedom, Justice, Equality: Report on Civil Liberties, January, 1951–June, 1953, by the American Civil Liberties Union (1953)

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not. *Volkrech* is a mirage which we (being blessed by a fair correspondence between our authoritative institutions and our "national consciousness") certainly do not have to conjure up. And this means that there is no reason why we should not recognize *juristenrecht* as the reality behind our constitutional law.

KENNETH C. COLE*

FREEDOM, JUSTICE, EQUALITY: Report on Civil Liberties, January, 1951—June, 1953; American Civil Liberties Union, New York. Pp. 158, \$50.

Published by ". . . the only permanent nation-wide non-partisan body devoted solely and comprehensively to . . . help[ing] create . . . universal and eternal vigilance . . ." in the assertion and defense of civil liberties, the contents of this Report are worthy of note, whether or not one agrees with A.C.L.U.'s self-characterization.

Following the sequence of its title, the first section of the Report is denominated "Freedom of Expression," and examines many instances of censorship and boycott, by lay and religious groups, in all major communications media—newspapers, books, magazines, radio, motion pictures and television. The incidents include the picketing of the movie "Limelight," radio and television "blacklisting" practices, and municipal and church attempts to prevent the performance of various plays and the screening of several motion pictures. The section also reports on security and loyalty measures throughout the United States, including accounts of the several United States Supreme Court cases concerning loyalty oaths. It examines academic freedom in public schools as well as universities. The report on religion and conscience which concludes the section deals with problems of conscientious objectors under the Selective Service System, and the various programs for religious instruction in public schools.

The second major division of the Report is entitled "Justice and Due Process." It provides a picture of the problems arising, especially in criminal cases, from the inadequacy of certain judicial processes, improper police practices, and wiretapping. With regard primarily to the national government, this section describes at length the issues generated by legislative committee and executive department procedures, particularly in loyalty and security investigations.

"Equality Before the Law" is the final substantive grouping made by the Report, and includes cases which have involved discrimination based on race, creed and national origin. Also discussed within this section are problems which have grown from what the Union terms the struggle for internal democracy in labor organizations.

The three major divisions of the Report contain accounts of several local matters, including an indictment against a Seattle writer whose pamphlet on marriage instruction had been deemed obscene by the grand jury, and the controversy which arose in Seattle concerning Section 315 of the Federal Communications Act, when KING-TV cancelled a speech by U. S. Senator Joseph McCarthy, in support of former U. S. Senator Harry Cain, on grounds of possible libel.

Detailed information on A.C.L.U. structure, personnel, membership, and finances appear in the last seventeen pages of the booklet. Explaining the period covered by the Report, the Foreword states that the executive staff of the Union has been so busy with cases during the past three years that it has been unable to issue what would have been the 31st, 32nd, and 33rd Annual Reports: since, as the Foreword further states, "Litigation continues to be the Union's chief field of activity . . .," the phenomenon of growth in membership and activity of A.C.L.U. in the past three years

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reflects the increase of legal problems in the area of civil liberties. During the three fiscal years covered by the Report, Union membership increased over 127%; dues and contributions over 120%—the yearly increase in membership and income over each previous year approximating 30%. Expenditures, including the financing of U. S. Supreme Court appeals in such cases as *Beauharnais v. Illinois* (343 U.S. 250) and *Burstyn v. Wilson* (343 U.S. 495), increased 154% over the period.

Obviously, the Report is of little use as a research tool. The basic facts of each case or incident are given, followed by a statement of Union action or policy. There is no presentation of opposing views. And, since it is an A.C.L.U. report, it includes only cases or incidents of which the Union has knowledge. The chief criticism this reviewer has is the absence of case citations, particularly in the "Balance Sheet" of "favorable" and "unfavorable" decisions in the federal and state courts during the period of the Report which appears near the end of the booklet.

The Report, however, gives a practicing attorney some indication of the classes of cases in which assistance may be available from A.C.L.U., and includes the names and addresses of the officers of the Washington branch, located in Seattle. Probably the chief value of the Report's survey is the awareness it brings of the many areas of tension in civil liberties today. It provides a more complete, varied and realistic picture of the nation's civil liberties problems than is reflected by appellate case reports and analyses based on them.

GORDON JAYNES