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American Civil Liberties Union Records, 1947-1995 (bulk 1950-1980): Finding Aid

These papers were processed with the generous support of the National Historic Publications and Records Commission and the John Foster and Janet Avery Dulles Fund.

Summary Information

- Call number:** MC001.02
- Location:** Princeton University Library. Department of Rare Books and Special Collections.
Seeley G. Mudd Manuscript Library.
Public Policy Papers.
65 Olden Street Princeton, New Jersey 08540 USA
- Size:** 1917-1946 ACLU Records, 1886 bound volumes and 12 archival boxes (on 288 reels of microfilm) 1947-1995 ACLU Records, 899.37 linear feet (2004 archival boxes, 20 half-size archival boxes, 21 archival shoeboxes, 20 16x20 photo boxes, 11 8x10 photo boxes, 9 film canisters, and 1 24x36 photo box)
- Language(s) of material:** English.
- Abstract:** The American Civil Liberties Union Records document the activities of the Union in protecting individual rights from 1920 through 1995. The files contain materials on freedom of speech, expression, and association; due process of law; equality before the law; legal case files; and organizational

records. Within these categories files reflect subject areas such as academic freedom, censorship, racial discrimination, aliens' rights, privacy concerns, labor concerns, amnesty, and government loyalty and security. The files reflect work on litigation, advocacy and public policy, and subject files on various areas of interest connected with civil liberties. Materials include correspondence, court documents, memoranda, printed matter, minutes, reports, briefs, and legal files. Also included are materials from ACLU affiliate organizations, and the Lawyers Constitutional Defense Committee.

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History of the American Civil Liberties Union

The American Civil Liberties Union (ACLU) was established in 1920 to protect the specific constitutional freedoms in the Bill of Rights. In 1915 the American Union Against Militarism (AUAM) was formed to prevent United States involvement in World War I with Crystal Eastman serving as executive secretary. Roger Baldwin became executive director in 1917. Immediately upon United States entry in World War I, the AUAM was inundated with requests for aid to protect free speech, assembly and press which were threatened with political restriction imposed upon U.S. entry into the war and to defend the rights of conscientious objectors. A separate organization was needed to safeguard these rights, and thus the National Civil Liberties Bureau (NCLB) was established in the autumn of 1917 with Roger Baldwin as director.

For the history of the ACLU during the Baldwin years, see the history in the ACLU finding aid, 1912-1950.

The ACLU, 1950-1995: The Trials of Growth

The forty years between 1950 and 1990 were a time of significant growth for the American Civil Liberties Union (ACLU). Membership increased twenty-five times, and the Union's impact on the legal landscape was broad and deep. One historian decreed that the decade after 1954 witnessed “the greatest advances in civil liberties in American history,” with significant gains for African-Americans, women, students, the mentally-ill, prisoners, and others previously denied the full protection afforded by the U.S. Constitution. This period also saw the end to much censorship and the decoupling of church/state activity. The ACLU's boom was not without the threat of bust, however. The organization restructured itself several times as it wrestled to reflect internally the principles it espoused publicly. Its expansion into new areas of civil rights along with its firm stand on the First Amendment produced episodes that threatened the ACLU's viability.

Organizational Expansion

In the years immediately following World War II, younger, non-founding members of the ACLU Board pressed for and eventually achieved a structural reorganization that led to the Union's present configuration. In 1950, Roger Baldwin's role changed from administrator to ambassador, in which he toured, lectured, and wrote on civil liberties issues. While at the helm of the ACLU, Baldwin preferred that the ACLU remain a small, centrally-controlled unit with himself at the helm, something that changed under the administration of his successor, Patrick Murphy Malin. A Swarthmore economist, Malin lacked Baldwin's charm and speaking skills, but he was a successful administrator who oversaw the growth of the organization from 9,000 members in 1950 to over 60,000 by the time of his departure in 1962.

Much of this growth can be attributed to the expansion of local affiliates at the state and regional level that had their own boards and acted upon local civil liberties issues. Many served as watchdogs--ensuring that civil rights victories won by the national ACLU in the high courts were enforced at the local level--while other affiliates were active in initiating cases, often with more absolutist positions than the national office. Though the affiliates had a voice in deciding the national chapter's direction and policy since 1954, the organizational mechanism by which this was accomplished was cumbersome, changing several times. A workable method was found in 1967 with the creation of an 80-member board of directors comprised of representatives from all the affiliates and thirty at-large members. In addition, starting in 1959 and continuing to the present, the ACLU held biennial conferences to inform membership on pertinent topics, and to gather their views on civil liberties issues.

The Cold War and Civil Liberties

Historian Samuel Walker divides the ACLU's area of activity between 1950-1990 into four broad areas: Cold War issues, censorship, church/state, and civil rights. The beginning of the Cold War, the rise of Joseph McCarthy and the re-emergence of the House Committee on Un-American Activities (HUAC) created an atmosphere of intolerance and suspicion that not only posed a threat to individual civil liberties, but also destroyed the lives of many caught in the web spun by the Wisconsin Senator and his minions. The ACLU challenged the actions of McCarthy and HUAC on the tenet that only peoples' acts, not their beliefs, should be penalized; anything less infringed on First Amendment principle.

While the ACLU had not always lived up to these same principles (in 1940 it ousted board member Elizabeth Gurley Flynn for her membership in the Communist Party), by the early 1950s the ACLU did not hesitate to aid in the publication of Merle Miller's *The Judges and the Judged*. The book detailed HUAC's and McCarthy's red-baiting tactics, such as the prevalent use of unnamed (and hence unreliable or unanswerable) sources, guilt by association or exercise of one's Fifth Amendment rights, and other questionable means that resulted in blacklistings and firings of many in unions, the film industry, and the teaching profession. The ACLU called for the abolition of HUAC, attacked any measure that punished Communist Party members or denied them rights based solely on party membership (*Kent v. Dulles*, for example), and sought fair and open investigations for the accused. In testament to its strict adherence to principle, the ACLU reminded the United States Senate of its obligation to provide McCarthy a fair hearing when it began censure proceedings against him in 1954.

The ACLU may have stood up for the rights of the accused more readily in 1950 than it did in 1940 because Roger Baldwin had developed a *quid pro quo* with J. Edgar Hoover in which the ACLU did not publicize FBI civil rights violations, and high-level Union officers cooperated with the Bureau. Baldwin and others thought that this cooperation, in conjunction with the Flynn resolution, inoculated the Union against attack as a Communist-front organization, freeing it to spend its energies defending constitutional principle, not itself. This arrangement, shocking when revealed in later years, did not prevent the FBI from continuing its massive surveillance of the ACLU and its members.

Red hunters cited national security as the basis for their actions, a justification that the government would continue to invoke and one that the ACLU contested in such cases as the Pentagon Papers (*U.S. v. New York Times*), Watergate (*U.S. v. Nixon*), and Iran-Contra. In 1969, 13 years after Joseph McCarthy's death, the ACLU's vigilance bore the ultimate fruit in *Brandenburg v. Ohio* in which the Supreme Court ruled that the government only could punish direct incitement to lawless action, thereby invalidating the Smith Act and all state sedition laws that restricted radical political thought.

Censorship and Freedom of Speech

The cousin to McCarthyism's national security cause was the drive to protect people from printed materials and movies that promoted Communism or were perceived to erode community morals. Censorship attempts were, from the ACLU's point of view, a fundamental attack on free speech, and over the course of three decades, the Union came to adopt an absolutist position, suffering no infringement in any form. Beginning with a 1952 Supreme Court victory in *Burstyn v. Wilson/McCaffrey* in which the high court declared that states cannot prohibit the screening of films based on state-based standards, the ACLU rang up a string of court victories. These, combined with changing market pressures, brought a complete end to many common censorship practices by the 1960s (*Jacobellis v. Ohio*), including the sharp curtailment of post office censorship (*Hannegan v. Esquire*).

In a related decision, the Supreme Court gave a boost to freedom of the press in *New York Times v. Sullivan* which declared that public officials could not sue for defamation unless they proved "actual malice," thereby providing the media with heretofore unknown freedom to report critically. Freedom of speech was extended, with the ACLU's assistance, by placing it above property rights in *Pruneyard Shopping Center v. Robins*, with the high court deciding that a shopping center could not forbid the distribution of political pamphlets on its

premises.

Perhaps the most famous free speech issue of the ACLU's history, and certainly one that had the greatest impact on the organization, was the pitched battle over American Nazis' right to parade through Skokie, Illinois in 1977. Half the town's 70,000 citizens were Jewish, and about 1,000 were Holocaust survivors, but this did not dissuade the ACLU (then headed by Aryeh Neier who was Jewish) from taking on the Nazis' cause in what the ACLU considered a "classic First Amendment case."

What the Union did not count on was a vigorous counter-argument by the Jewish Defense League, nor the loss of the support of its long-time ally, the American Jewish Congress. The ACLU won the court case, though the Nazis never marched in Skokie (ultimately parading at a site in downtown Chicago), but the highly-publicized case caused a backlash resulting in a large drop in membership. Neier, who had assumed the executive director's post after the departure of John de J. Pemberton in 1970 and was accustomed to growing membership rolls and increasing budgets, found himself unable to reconcile the organization's activities with available funds and resigned. His successor, Ira Glasser, initiated an emergency appeal to supporters and raised over \$500,000, allowing him to re-structure organizationally and financially, placing the ACLU back in the black and ready for the looming trials of the Reagan Revolution.

Church/State

The ACLU earned the enmity of many for its efforts in enforcing the separation of church and state. Working to end state-sanctioned forms of religion, predominantly mainstream Protestantism, the ACLU sought to abolish school prayer, various government subsidies for religious education, and other connections between government and religious activity. Starting in 1947 with *Everson v. Board of Education*, the court delineated the Establishment Clause and the ACLU began to challenge long-entrenched government support for religious activity. Assailing school prayer, the ACLU won high court decisions to end it (*Engel v. Vitale* and *Abington School District v. Schempp*). It also re-fought the Scopes trial (*Epperson v. Arkansas*) in Arkansas which had required the teaching of creationism as well as evolution.

Frequently working in conjunction with Protestants United for the Separation of Church and State (later Americans United...) and the American Jewish Congress, the ACLU repeatedly clashed with the desires of the Roman Catholic Church on issues such as censorship, birth control, or school aid, often with the ACLU the victor. By the late 1960s, changes in public attitude toward church/state issues cemented the organization's gains, as many mainstream churches accepted the delineation. However, fundamentalist religions continued challenging laws on public prayer issues into the 1990s, with little effect (*Wallace v. Jaffree*). Often, the affiliates bore the brunt of enforcement on church/state separation, acting to check sometimes frequent local infringements, thus proving Roger Baldwin's assertion that "no victory ever stays won."

Civil Rights

The First Amendment clearly delineates free speech protection and church/state separation, and it was easy for the ACLU to pick up the banner for these causes. However, most of the ACLU's work from the 1950s onward involved the more ambiguous and complex realm of civil rights, helping secure the rights or expanding the concept of those same rights for those who had been denied them in the past such as African-Americans, women, homosexuals, children, the mentally-ill, prisoners, and the accused. In this multifaceted arena, the ACLU found itself embroiled both internally and externally, as the national organization sought to define its mission even as state affiliates and regional offices acted on their own accord, usually pushing further and harder than the national organization planned to go.

For example, during the Vietnam War ACLU moderates clashed with anti-war activists over the issue of representing Dr. Benjamin Spock, the famous pediatrician and prominent anti-war activist accused of interfering with the functions of government when he organized a "Stop the Draft" Week in 1968. Legal

director Melvin Wulf first announced that the ACLU would represent Spock, only to be overruled by the national board, prompting the Massachusetts affiliate to take up Spock's cause. Though ultimately the government would drop its case, pro-Spock members saw the case as an opportunity to raise questions about the Vietnam War's legitimacy (as well as freedom of speech), while moderates viewed that issue as outside the ACLU's scope. It also brought to the fore a long-simmering debate over whether the ACLU should participate directly in lawsuits or contribute *amicus curiae* ("friend of the court") briefs to other cases. After reviewing its most recent past activity, the Union decided that they had de facto become directly involved in cases and would continue as such.

Despite the organizational turmoil, a discussion of the ACLU's legal success under the civil rights rubric threatens to become a numbing list of historic Supreme Court decisions. *Brown v. Board of Education*, which overturned *Plessy v. Ferguson* and tolled the end of government-endorsed segregation was one of many cases in which the ACLU worked together with the National Association for the Advancement of Colored People (NAACP) to win rights for African-Americans. The ACLU participated in all the major civil rights cases, arguing for freedom of speech and association rights that allowed the sit-ins, freedom rides, and other methods employed by the movement.

Other famous high court cases in which the ACLU partook include: *Griswold v. Connecticut*, which recognized a right to privacy, thereby laying the foundation for future abortion rights decisions; *Tinker v. Des Moines* and *In re Gault*, two cases recognizing that minors enjoyed some Constitutional protection, especially in regard to freedom of speech and due process; and *Miranda v. Arizona*, *Mapp v. Ohio*, *Escobedo v. Illinois*, and *Gideon v. Wainwright*, all of which expanded the rights of the accused, mandating an explanation of their rights and access to counsel, and placing limits on police action. (While these last cases caused many police groups to view the ACLU with hostility, the Union also defended a police officer's right to belong to conservative political organizations such as the John Birch Society.)

As the concept of civil rights expanded, the ACLU started several special projects designed to focus solely on specific topics, including the Mental Health Law Project, the Project on Amnesty, the Privacy Project, the Women's Rights Project, the Lesbian and Gay Rights Project, and Prisoners' Rights Project. Each project worked not only to change the law, but to educate the public and raise their own funds.

Expansion Issues

The Children's Rights Project is an example of how the ACLU changed itself from a small, centrally-controlled organization to an expansive confederacy of groups working to advance the goal of civil liberties. With its roots in the 1970s and located at the national organization's office in New York City, it was one of the focused projects financially seeded by the national organization. In 1995, it had become successful enough to incorporate itself and separate from the ACLU organizationally, physically, and financially. Another sign of growth was the start of the regional offices. In addition to the Washington, D.C. office (established 1938) the Southern Regional Office in Atlanta was organized in 1964 and the Mountain States Regional Office in Denver a few years later. Each handled cases particular to their geographic areas, as well as the usual range of cases that interested the ACLU. This led to varying interpretations of ACLU policy which resulted in the creation of the ACLU's official policy guides, issued first in 1966 and revised periodically. These represented the ACLU's attempt to coordinate and control the types of cases the Union would take on and to shepherd resources along coordinated lines.

Unfortunately, the national organization had trouble determining what path to take, as many individuals within the organization pulled in different directions. Exacerbating this problem was the ACLU's re-structuring which attempted to reconcile the many voices in the civil liberties debate. After the first re-organization which opened up policy making to affiliates in 1954, the ACLU re-organized again in 1964, establishing a two-tiered system of governance in which affiliate representatives met twice a year and the board of directors in between. The

dichotomy did not provide any stability and three years later, the Union re-organized once again, establishing its one-body 80-member board. Throughout this time, the ACLU continued its board committees--some standing, others ad hoc--which focused on particular issues such as academic freedom or due process. In later years, the rise of the special projects would overtake some of the committees' work and the role of the committees would be reduced, though not eliminated.

The establishment of the Roger N. Baldwin/ACLU Foundation in 1967 was another major organizational change for the ACLU. The Union created the charitable fund-raising arm to pay attorneys to work on the ACLU's behalf, signalling the end of the national organization's long-standing reliance on volunteer lawyers. Though volunteer attorneys continued to play a significant role in many of the affiliates, even there some groups, such as the New York and Southern California affiliates, had a history of paying for legal representation. The Foundation's purpose was to solicit funds from, among other places, other foundations, and during its early years much of its resources supported civil rights work in the South. In later years, it would provide initial funds for many of the special projects, gather any legal fees won by the project lawyers, applying the funds against the project's overhead costs.

These changes reflected not only the organization's growth, but also its expanding interpretation of what constituted civil liberties work. Starting with the civil rights movement and continuing on through the Vietnam War and Watergate, the ACLU fought internally, often bitterly, over the scope and nature of its work. In this battle, the broad interpreters of the Union's mission won out, as the organization took on cases involving abortion rights, women's rights, affirmative action, and other areas, far from the basic principle of protecting First Amendment rights on which the Union was founded.

The 1980s and early 1990s

The ACLU emerged from the 1970s a victor of many legal battles and organizationally strong. However, despite its track record and strength, the ACLU would not ring up a string of Supreme Court victories in the 1980s and 1990s as it had in the previous two decades. Public sentiment, long an ally in many areas, had shifted against the organization, to the point that ACLU membership was identified as out-of-the-mainstream. In the 1988 presidential election, GOP candidate George Bush, willfully unaware of nearly fifty years of Supreme Court decisions, echoed the phrase of Joseph McCarthy in calling his opponent, Michael Dukakis, a “card-carrying member of the ACLU” for his opposition to a flag-salute requirement. The Bush accusation reflected the state of public awareness of civil liberties in the 1980s as the ACLU re-fought a number of battles over such issues as censorship, school prayer, creationism, and abortion rights. In the area of censorship, the Union withstood challenges from both right and left, the latter trying to censor publications under the rubric of protecting women. However, the ACLU stood firm in its belief in the absolute freedom of speech.

The U.S. Constitution and the Bill of Rights were written to guarantee that the rights of the minority would not be infringed upon by the majority; the ACLU's accomplishments during the twentieth century helped to ensure that unpopular views would be tolerated, and indirectly, to remind people that it is an uncommon nation that commonly tolerates challenges to the majority view.

Description

These Records document the activities of the American Civil Liberties Union (ACLU) in protecting individual rights between 1947 and 1995. The collection contains correspondence, clippings, court documents, memoranda, printed matter, minutes, reports, briefs, legal files, exhibit materials, and audio-visual materials. Also included are materials from ACLU affiliate organizations, the Lawyers Constitutional Defense Committee

and national office legal department records (1945-1960).

Due to the exceptionally large volume within the ACLU Records, succinct series and subseries descriptions have been written, providing a basic outline of the records available. The researcher should always consult the folder list to ascertain if the records contain a topic of interest since not all subjects are mentioned in these brief descriptions.

The researcher should also be aware that many topics may be covered in more than one series or subseries. For instance, materials concerning freedom of the press are located in both the Mass Communications and Censorship subseries. Often the series descriptions note similar materials found in other parts of this collection.

Series 1: Organizational Matters, 1930-1995

Series 1 Finding Aid: [American Civil Liberties Union Records: Organizational Matters Series, 1947-1995](#).

Series 2: Project Files, 1964-1979

Series 2 Finding Aid: [American Civil Liberties Union Records: Project Files Series, 1964-1979](#).

Series 3: Subject Files, 1921-1990

Series 3 Finding Aid: [American Civil Liberties Union Records: Subject Files Series, 1921-1990](#).

The subject files consist of records gathered by the ACLU on various topics of interest pertaining to its mission. The records here are divided into four broad categories: Freedom of Belief, Expression, and Association; Due Process of Law; Equality Before the Law; and International Civil Liberties. Except for International Civil Liberties, each is then further subdivided alphabetically by topic. Generally, the subject files contain background material on a topic, as well as correspondence, memoranda, and other items documenting the ACLU's involvement with the issue.

Series 4: Legal Case Files, 1933-1990

Series 4 Finding Aid: [American Civil Liberties Union Records: Legal Case Files Series, 1933-1990](#).

Series 5: Printed Materials, 1917-1995

Series 5 Finding Aid: [American Civil Liberties Union Records: Printed Materials Series, 1917-1995](#).

Series 6: Audiovisual Materials, circa 1920-1995

Series 6 Finding Aid: [American Civil Liberties Union Records: Audiovisual Materials Series, circa 1920-1995](#).

The Audio Visual Series contains VHS video cassette tapes, Beta video cassette tapes, 1" and 2" video tape, 16 mm film, 2-inch videotape, microfilm, audio cassettes, 33 1/3 rpm and 45 rpm records, photographs, and reel-to-reel audio tapes. All of the audio-visual material is arranged by format, then chronologically, except for the photographs which are arranged alphabetically by subject or individual.

The VHS video tapes contain a few sessions from the 1989 Biennial Conference, but primarily consist of TV

talk shows, press conferences, network news, and documentaries covering a wide range of civil liberties issues. Most shows feature one or more ACLU-affiliated guests. The VHS tapes span 1979 through 1992, and 1995.

The audio cassettes consist almost entirely of recordings of the sessions from the 1985, 1987, and 1989 Biennial Conferences. Also included are three tapes from Series 3, Subject Files: Deprogramming. For the 1985 Conference, a list of the presenter(s) of the various sessions is provided, however, this information was not available for the 1987 and 1989 Conferences.

The reel-to-reel audio tapes are divided into two sections: seven-inch reels and five-inch reels. The seven-inch reels contain debates involving Fulton Lewis III from the early 1960s, recordings from the 1970 Biennial Conference, and various ACLU board meetings from 1973-1976. The five-inch reels contain ACLU public service announcements. There are a few reels, both seven- inch and five-inch, that are presently unidentified.

The 16mm films include TV shows and films that the ACLU had significant interest in, including "Operation Abolition," a 1960 propaganda film prepared by the House Committee on Un-American Activities distorting the events of a student protest against the HUAC hearings in San Francisco. Also included is the response film "Operation Correction."

The photographs are primarily portraits and group photos of ACLU officials. Negatives for some of the photographs are also enclosed. There are also a few slides. The 2" video tapes consist of eight reels from the "Rights of Americans" series and "commercial spots" for the Amnesty Project.

Arrangement

1917-1947 Records [Volumes 1-2762]

Please see the ACLU finding aid, 1917-1947, for a description of the bound volumes and their arrangement.

1947-1995 Records [Boxes 1-2103]

These records are arranged in the following six series with all but two series further broken down into smaller subseries:

- Series 1: Organizational Matters, 1930-1995
- Series 2: Project Files, 1964-1979
- Series 3: Subject Files, 1921-1990
- Series 4: Legal Case Files, 1933-1990
- Series 5: Printed Materials, 1917-1995
- Series 6: Audiovisual Materials, circa 1920-1995

Access and Use

Access

This agreement describes the limits on access to portions of the American Civil Liberties Union Records as

provided by paragraph six of the agreement between the American Civil Liberties Union and the Princeton University Library dated on March 1993. These restrictions may be revised from time to time at the initiation of either party.

Consistent with its support of freedom of information and informed public discourse on matters of public interest, the American Civil Liberties Union Records will be completely open to researchers. However, sections of the Records shall be closed for stated periods of time to protect privacy, confidentiality, and attorney-client privilege. The following categories of records shall be restricted as indicated below:

Personnel Records - Records which deal with personnel issues, whether in personnel files or in other files maintained by the ACLU shall be closed during the lifetime of the person to whom they apply. When scattered personnel records are present in open files, they shall be governed by this paragraph. This restriction shall not apply if the person or persons to whom the record applies have given their permission in writing to disclose said information.

Administrative Records - Records maintained by ACLU administrators (Board and Executive committee members, officers, executives, department heads, project directors, etc.) shall be closed for twenty years after the creation of the record or ten years after its deposit in the Princeton University Library, whichever is latter, but in no case for more than 30 years after the creation of the record. Personnel records will continue to be closed as provided above.

Development Records - Records relating to financial support from foundations or other legal entities but not individuals or their family foundations shall be closed for the same period as administrative records. Records relating to financial support by individual donors or their family foundations shall be returned to the ACLU if other more substantive issues relating to policy are not raised by the correspondence. When other issues are relevant, these records shall be closed for the same period as administrative records. Where opened the portions relating to individuals or their family foundations shall be treated like personnel records as provided below.

Legal Case Records - Legal Case Files shall be segregated into four categories:

- 1) Open Records - publicly-available materials relating to the case (public court records such as briefs, transcripts, exhibits, and judgments as well as other records such as press releases and media coverage) shall be open immediately upon transfer to Princeton.
- 2) Work Product Privileged Records - correspondence, memoranda, drafts of briefs prepared in anticipation of litigation, written statements of witnesses, and notes of mental impressions or personal recollections prepared or formed by an attorney shall be open twenty years after the closure of the case.
- 3) Attorney-Client Privileged Records - any document reflecting an exchange with a client or a potential client (including but not limited to written correspondence, memoranda to the file, notes, or any other report of communication to or from a client or potential client) made for the purpose of furnishing or obtaining professional legal advice and assistance shall be closed for seventy-five years for all clients, except for children where the period of closure shall be one hundred years.
- 4) The access rules set forth above do not apply to the following materials: classified documents; documents that have been placed under seal by a court or are subject to a protective order; documents that identify by name or otherwise clients that have been represented anonymously or pseudonymously; the terms of any confidential settlement or agreement. All such documents shall remain permanently closed unless the records are declassified, unsealed, the protective order is modified, or the client or the client's legal representative waives the privilege in writing.

Restrictions on Use and Copyright Information

Single photocopies may be made for research purposes. Permission to publish materials from the collection must be requested from the Curator of the Public Policy Papers. Researchers are responsible for determining any copyright questions.

Other Finding Aid(s)

Due to the large volume of the ACLU records multiple online finding aids have been created.

A single finding aid exists for the American Civil Liberties Union Records dating from 1917-1947 and is available online: [American Civil Liberties Union Records, The Roger Baldwin Years, 1917-1947](#).

American Civil Liberties Union Records dating from 1947 have been divided in to six series; each series is described in a separate finding aid. These finding aids are listed below:

Series 1: [American Civil Liberties Union Records: Organizational Matters Series, 1947-1995](#).

Series 2: [American Civil Liberties Union Records: Project Files Series, 1964-1979](#).

Series 3: [American Civil Liberties Union Records: Subject Files Series, 1921-1990](#).

Series 4: [American Civil Liberties Union Records: Legal Case Files Series, 1933-1990](#).

Series 5: [American Civil Liberties Union Records: Printed Materials Series, 1917-1995](#).

Series 6: [American Civil Liberties Union Records: Audiovisual Materials Series, circa 1920-1995](#).

Acquisition and Appraisal

Appraisal

During the processing of this collection, many items were discarded, including newspaper clippings from the *New York Times* and other major newspapers, government publications, well-known serial publications, and publications and large distribution memoranda from well-known and well-documented organizations such as the American Jewish Committee or Americans United for the Separation of Church and State. Due to limitations in processing time, not every file is in exact chronological or alphabetical order.

Related Materials

Location of Copies or Alternate Formats

Public records of the ACLU from 1917 to 1989, have been microfilmed by the Microfilming Corporation of America (MCA) and University Microfilms International (UMI). These records include minutes of the board of directors, mailings to the board of directors, biennial conference papers, policy guides, the national legal docket,

organization manuals, constitution and bylaws, legal briefs, and publications. *The American Civil Liberties Union Records and Publications 1917-1975: A Guide to the Microfilm Edition* and succeeding guides to these materials are available in the reference room, and the microfilm itself is located in the microforms reading room.

The bound volumes of ACLU records covering 1917 through 1946 (volumes 1-2762) have been microfilmed and researchers must use the microfilm in order to prevent further deterioration of these fragile volumes. Researchers should consult the finding aid to the earlier ACLU records (1917-1946) for their description and arrangement.

Related Archival Material

Processing and Other Information

Preferred Citation

Identification of specific item; Date (if known); American Civil Liberties Union Records, Box and Folder Number; Public Policy Papers, Department of Rare Books and Special Collections, Princeton University Library.

Works Cited

Historical sketch based on *In Defense of American Liberties: A History of the ACLU* by Samuel Walker. See also Samuel Walker's *The American Civil Liberties Union: An Annotated Bibliography*.

Processing Information

This collection was processed by Paula Jabloner in 1994-1996 with the assistance of Assistant Archivist for Technical Services Daniel Linke, Special Collections Assistants Amy Escott, Claire Johnston, Alison McCuaig, and Tom Rosko, and students Laurie Alexander, Christina Aragon, Laura Burt, Jue Chen, Clement Doyle, Joe Faber, Said Farah, Boyd Goodson, Naomi Harlin, Janet Hine, Matthew Honahan, Katherine Johnson, Damian Long, Theresa Marchitto, Laura Myones, Olivia Kew, Grace Koo, Dan Sack, Bijan Salehizadeh, Tina Wang, Kyle Weston, and Elizabeth Williamson.

Encoding

Machine-readable finding aid encoded in EAD 2002 by Techbooks and Cristela García-Spitz on November 16, 2006.

Descriptive Rules Used

Finding aid content adheres to that prescribed by *Describing Archives: A Content Standard*.

Subject Headings

These materials have been indexed in the [Princeton University Library online catalog](#) using the following terms. Those seeking related materials should search under these terms.

- Baldwin, Roger N. (Roger Nash), 1884-1981 -- Contributions to civil rights.
- Dorsen, Norman -- Contributions to civil rights.
- Dulles, John Foster, 1888-1959 -- Adversaries.
- Ennis, Bruce J., 1941 -- Contributions to civil rights.
- Epperson, Susan -- Trials, litigation, etc.
- Escobedo, Danny -- Trials, litigation, etc.
- Everson, Arch R. -- Trials, litigation, etc.
- Gault, Gerald Francis, 1949 or 50- -- Trials, litigation, etc.
- Gideon, Clarence Earl -- Trials, litigation, etc.
- Griswold, Estelle -- Trials, litigation, etc.
- Hays, Arthur Garfield, 1881-1954 - Contributions to civil rights.
- Holtzman, Elizabeth -- Trials, litigation, etc.
- Jacobellis, Nico -- Trials, litigation, etc.
- Levy, Herbert Monte, 1923 -- Contributions to civil rights.
- Malin, Patrick Murphy, 1903-1964 -- Contributions to civil rights.
- Miranda, Ernesto -- Trials, litigation, etc.
- Neier, Aryeh, 1937 -- Contributions to civil rights.
- Neuborne, Burt -- Contributions to civil rights.
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- Schempp, Edward L. -- Trials, litigation, etc.
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- Seeger, Daniel A. -- Trials, litigation, etc.
- Tinker, John Frederick -- Trials, litigation, etc.
- Wulf, Melvin A. -- Contributions to civil rights.
- American Union Against Militarism.
- Marshall Civil Liberties Trust Fund.
- National Civil Liberties Bureau (U.S.).
- New York Times Company -- Trials, litigation, etc.
- United States. Constitution. 1st-10th Amendments.
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Contents List

Series 1: Organizational Matters

Series 1 Finding Aid: [American Civil Liberties Union Records: Organizational Matters Series, 1947-1995](#).

Series Arrangement

Series 1 is arranged according to the Union's organizational hierarchy.

Series 2: Project Files

Series 2 Finding Aid: [American Civil Liberties Union Records: Project Files Series, 1964-1979](#).

Series 3: Subject Files

Series Description

Series 3 Finding Aid: [American Civil Liberties Union Records: Subject Files Series, 1921-1990](#).

The subject files consist of records gathered by the ACLU on various topics of interest pertaining to its mission. The records here are divided into four broad categories: Freedom of Belief, Expression, and Association; Due Process of Law; Equality Before the Law; and International Civil Liberties. Except for International Civil Liberties, each is then further subdivided alphabetically by topic. Generally, the subject files contain background material on a topic, as well as correspondence, memoranda, and other items documenting the ACLU's involvement with the issue.

Series Arrangement

Subseries 3 is divided into four broad subject areas and further divided alphabetically within each by topic.

Series 4: Legal Case Files

Series 4 Finding Aid: [American Civil Liberties Union Records: Legal Case Files Series, 1933-1990](#).

Subseries 4A: Legal Case Files, 1933-1990 [bulk dates 1960-1984]

Subseries 4A: Legal Case Files, 1933- ... (Continued)

Subseries Description

This series consists of legal case files which cover the widest range of civil liberties issues. It contains briefs and other pleadings, correspondence, memoranda, and notes. There are over 5500 folders representing approximately 3000 individual cases, many of which went before the U.S. Supreme Court. The Legal Case Files series is not a comprehensive representation of the cases in which the ACLU has been involved. Some records have yet to be transferred to Princeton and are still being maintained by the ACLU Legal Department. The series is arranged alphabetically by case or individual name. Files may appear listed under either the plaintiff's or the defendant's names. Also some cases are filed under a subject heading such as "Gay Rights Task Force" or "Airport Searches". One should also consult the MCA/UMI Microfilm guides for the case files series which may contain copies of ACLU legal briefs filed for many of the cases listed here.

Some important Supreme Court cases in which the ACLU participated that are documented in this series include:

Abingdon School District v. Schempp (1963): Building on *Engel v. Vitale* in an 8-1 decision, the Court struck down Pennsylvania's in-school Bible-reading law as a violation of the First Amendment. [Box #1371]

Brandenburg v. Ohio (1969): After the ACLU's fifty-year struggle against laws punishing political advocacy, the Court now adopted the ACLU's view of the First Amendment--that the government could only penalize direct incitement to imminent lawless action--and invalidated, in one fell swoop, the Smith Act and all state sedition laws restricting radical political groups. [Box #1254]

Brown v. Board of Education (1954): In perhaps the most far-reaching decision of this century, the Court declared racially-segregated schools unconstitutional and overruled the "separate but equal" doctrine announced in the infamous 1896 decision, *Plessy v. Ferguson*. [Box #1260]

Buckley v. Valeo (1976): Freedom of speech and association won a partial victory in this challenge to the limits on campaign spending imposed by amendments to the Federal Elections Campaign Act. The Court struck down the Act's restrictions on spending "relative to a candidate," and its required disclosure of \$100-plus political contributions. [Box #1272]

Burstyn v. Wilson/McCaffrey (1952): Artistic freedom triumphed when the Court overruled its 1915 holding that movies "are a business, pure and simple," and decided that New York State's refusal to license "The Miracle" violated the First Amendment. The state censor had labeled the film "sacrilegious." [Box #1274]

Cohen v. California (1971): Reversed the conviction of a man who allegedly disturbed the peace by wearing a jacket that bore the words, "Fuck the draft," while walking through a courthouse corridor. The Court rejected the notion that the state can prohibit speech just because it is "offensive." [Box #1303]

Doe v. Bolton (1973): *Doe* was the companion case of *Roe v. Wade*, the famous abortion case which erased all existing criminal abortion laws and recognized a woman's constitutional right to terminate a pregnancy. In *Doe*, the Court ruled that whether an abortion is "necessary" is the attending physician's call, to be made in light of all factors relevant to a woman's well-being. [Box #1344]

Eisenstadt v. Baird (1972): Extending *Griswold*, this decision overturned the conviction of a

Subseries 4A: Legal Case Files, 1933- ... (Continued)

reproductive rights activist who had given an unmarried woman in Massachusetts a contraceptive device. The Court held that allowing distribution of contraceptives to married, but not unmarried, people violated the equal protection clause. [Box #1364]

Engel v. Vitale (1962): In an 8-1 decision, the Court struck down the New York State Regent's "nondenominational" school prayer, holding that "It is no part of the business of government to compose official prayers." [Box #1365]

Epperson v. Arkansas (1969): The Court ruled that Arkansas had violated the First Amendment, which forbids official religion, with its ban on teaching "that mankind ascended or descended from a lower order of animals." [Box #1218]

Escobedo v. Illinois (1964): Invoking the Sixth Amendment right to counsel, the Court threw out the confession of a man whose repeated requests to see his lawyer, throughout many hours of police interrogation, were ignored. [Box #1370]

Everson v. Board of Education (1947): The Court found school boards' reimbursement of the public transportation costs incurred by parents whose children attended parochial schools constitutional, but Justice Black's statement -- "In the words of Jefferson, the clause...was intended to erect a wall of separation between church and State..." - was the Court's first major utterance on the meaning of Establishment Clause. [Box #1371]

Gideon v. Wainwright/Cochran (1963): Clarence Earl Gideon, an indigent drifter from Florida, made history when, in a handwritten petition, he persuaded the Court that poor people had the right to a state-appointed lawyer in non-capital criminal cases. [Box #1400]

Griswold v. Connecticut (1965): Among the 20th-century's most influential decisions, it invalidated a Connecticut law forbidding the use of contraceptives on the ground that a right of "marital privacy," though not specifically guaranteed in the Bill of Rights, is protected by "several fundamental constitutional guarantees." [Box #1412]

Hannegan v. Esquire (1946): A major blow against censorship. The Court severely limited the Postmaster General's power to withhold mailing privileges for allegedly "offensive" material. [Box #1423]

Holtzman v. Schlesinger (1973): A dramatic lawsuit, brought by the ACLU for a New York congresswoman, to halt the bombing of Cambodia as an unconstitutional Presidential usurpation of Congress's authority to declare war. After a federal order to stop the bombing was stayed on appeal, the ACLU sent a lawyer across the country to the remote vacation hideaway of Justice William O. Douglas, who vacated the stay and, though later overruled, succeeded in halting the bombing for a few hours. [Box #1439]

In re Gault (1966): The most important landmark for juveniles, as it established specific due process requirements for state delinquency proceedings and stated, for the first time, the broad principle that young persons have constitutional rights. [Box #1398]

Jacobellis v. Ohio (1964): Justice Potter Stewart's famous statement, that although he could not define "obscenity," he "knew it when [he] saw it," crowned the Court's overturning of a cinema owner's conviction for showing "The Lovers," by Louis Malle. [Box #1455]

Subseries 4A: Legal Case Files, 1933- ... (Continued)

Kent v. Dulles (1958): The Court ruled that the State Department had exceeded its authority in denying artist Rockwell Kent a passport because he refused to sign a “noncommunist affidavit.” The right to travel, said the Court, is protected by the due process clause of the Fifth Amendment. [Box #1475]

King v. Smith (1968): The court invalidated a “man in the house” rule that denied welfare to children whose mother was living with a man, unmarried. The decision benefited an estimated 500,000 poor children, who had previously been excluded from aid. [Boxes #1477 and 1696]

Levy v. Louisiana (1968): The Court invalidated a state law that denied an illegitimate child the right to recover damages for a parent's death. The ruling established the principle that the accidental circumstance of a child's birth does not justify denials of rights. [Box #1499]

Loving v. Virginia (1967): A civil rights landmark that invalidated the anti-miscegenation laws of Virginia and 15 other southern states. The Court ruled that criminal bans on interracial marriage violate the Fourteenth Amendment's Equal Protection Clause and “the freedom to marry,” which the Court called “one of the basic civil rights of man.” [Box #1508]

Mapp v. Ohio (1961): A landmark, in which the Court ruled that the Fourth Amendment's exclusionary rule, first applied to federal law enforcement officers in 1914, applied to state and local police as well. [Box #1514]

Miranda v. Arizona (1966): This famous decision established the “Miranda warnings,” a requirement that the police, before interrogating suspects, must inform them of their rights. The Court embraced the ACLU's amicus argument that a suspect in custody has both a Sixth Amendment right to counsel and a Fifth Amendment right against self-incrimination. [Box #1549]

New York Times v. Sullivan (1964): A victory of freedom of the press. Public officials could not recover damages for defamation, ruled the Court, unless they could prove that a newspaper had impugned them with “actual malice.” A city commissioner in Montgomery, Alabama, had sued over publication of a full-page ad written by civil rights activists. [Box #1584]

O'Connor v. Donaldson (1975): The Court's first ruling on the rights of mental patients supported a non-violent man who had been confined against his will in a state hospital for 15 years. Mental illness alone, said the Court, could not justify “simple custodial confinement” on an indefinite basis. [Box #1347]

Poe v. Ullman (1961): Though unsuccessful, this challenge to Connecticut's ban on contraceptive sales set the stage for the *Griswold* decision of 1965. In a 33-page dissent, Justice John Harlan argued that the challenged law was “an intolerable invasion of privacy in the conduct of one of the most intimate concerns of an individual's private life.” [Box #1626]

Pruneyard Shopping Center v. Robins (1980): A victory for freedom of expression as the court rejected shopping mall owners' claim that their property rights compelled reversal of the California Supreme Court's requirement that a shopping center allow distribution of political pamphlets on its premises. [Box #1639]

Reed v. Reed (1971): A breakthrough women's rights decision that struck down a state law giving automatic preference to men over women as administrators of decedents' estates. For the first time, the Court ruled that sex-based--like race-based--classification violated the equal protection clause of

Subseries 4A: Legal Case Files, 1933- ... (Continued)

the Fourteenth Amendment. [Box #1645]

Rochin v. California (1952): Reversing the conviction of a man whose stomach had been forcibly pumped for drugs by a doctor at the behest of police, the Court ruled that the due process clause outlaws “conduct that shocks the conscience.” [Box #1657]

Smith v. Collin (1978): Related to *Skokie v. National Socialist Party*, the peculiar facts of this, one of the ACLU's most controversial First Amendment lawsuits ever, attracted enormous attention: American Nazis wanted to march through a Chicago suburb, Skokie, where many Holocaust survivors lived. The ACLU's challenge to the village's ban on the march was ultimately upheld. [Box #1304]

Speiser v. Randall (1958): Arguing before the Court on his behalf, ACLU lawyer Lawrence Speiser won his challenge to a California law requiring that veterans sign a loyalty oath to qualify for a property tax exemption. [Box #1710]

Tinker v. Des Moines (1969): A landmark lift for symbolic speech and students' rights. The Court invalidated the suspension of public school students for wearing black armbands to protest the Vietnam War, writing that students did not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” [Box #1735]

Trop v. Dulles (1958): An American stripped of his citizenship for being a deserter in World War II suffered cruel and unusual punishment, said the Court, in violation of the Eighth Amendment. [Box #1740]

U.S. v. New York Times (1971): The Pentagon Papers case, a landmark among prior restraint cases, in which the leaking of the Papers to the press for publication by Daniel Ellsberg, a former Defense Department official, did not, said the Court, justify an injunction against publication on national security grounds. [Box #1584]

U.S. v. Nixon (1974): This test of Presidential power involved Richard Nixon's effort to withhold crucial Watergate tapes from Special Prosecutor Leon Jaworski. In the only amicus brief filed, the ACLU argued: “There is no proposition more dangerous to the health of a constitutional democracy than the notion that an elected head of state is above the law and beyond the reach of judicial review.” The Court agreed and ordered the tapes handed over. [Box #1774]

U.S. v. Seeger (1965): In one of the first Vietnam War decisions, the Court extended conscientious objector status to those who did not necessarily believe in a Supreme Being, but who opposed war based on sincere beliefs that are equivalent to religious faith. [Box #1785]

U.S. v. Vuitch (1971): The Court's first abortion rights case, involving a doctor's appeal of his conviction for performing an illegal abortion. The Court upheld the constitutionality of the statute used to convict, but expanded the “life and health of the woman” concept to include psychological well-being, and ruled that the prosecution must prove the abortion was not necessary for a woman's physical or mental health. [Box #1795]

Wallace v. Jaffree (1985): This important church/state separation decision found Alabama's “moment of silence” law, which required public school children to take a moment “for meditation or voluntary prayer,” in violation of the First Amendment's establishment clause. [Box #1816]

Subseries 4A: Legal Case Files, 1933- ... (Continued)

Watkins v. United States (1957): Under the First Amendment, the Court imposed limits on the investigative powers of the House Committee on Un-American Activities, which had found a labor leader in contempt for refusing to answer questions about his associates' membership in the Communist Party. [Box #1825]

Series Arrangement

Series 4 is arranged alphabetically by project and case name, respectively.

Series 5: Printed Materials

Series 5 Finding Aid: [American Civil Liberties Union Records: Printed Materials Series, 1917-1995](#).

Series Arrangement

Series 5 is arranged by form and alphabetically or chronologically therein.

Series 6, Audio-Visual materials circa 1920-1995

Series Description

Series 6 Finding Aid: [American Civil Liberties Union Records: Audiovisual Materials Series, circa 1920-1995](#).

The Audio Visual Series contains VHS video cassette tapes, Beta video cassette tapes, 1" and 2" video tape, 16 mm film, 2-inch videotape, microfilm, audio cassettes, 33 1/3 rpm and 45 rpm records, photographs, and reel-to-reel audio tapes. All of the audio-visual material is arranged by format, then chronologically, except for the photographs which are arranged alphabetically by subject or individual.

The VHS video tapes contain a few sessions from the 1989 Biennial Conference, but primarily consist of TV talk shows, press conferences, network news, and documentaries covering a wide range of civil liberties issues. Most shows feature one or more ACLU-affiliated guests. The VHS tapes span 1979 through 1992, and 1995.

The audio cassettes consist almost entirely of recordings of the sessions from the 1985, 1987, and 1989 Biennial Conferences. Also included are three tapes from Series 3, Subject Files: Deprogramming. For the 1985 Conference, a list of the presenter(s) of the various sessions is provided, however, this information was not available for the 1987 and 1989 Conferences.

The reel-to-reel audio tapes are divided into two sections: seven-inch reels and five-inch reels. The seven-inch reels contain debates involving Fulton Lewis III from the early 1960s, recordings from the 1970 Biennial Conference, and various ACLU board meetings from 1973-1976. The five-inch reels contain ACLU public service announcements. There are a few reels, both seven- inch and five-inch, that are presently unidentified.

The 16mm films include TV shows and films that the ACLU had significant interest in, including

Series 6, Audio-Visual materials circa 1 ... (Continued)

“Operation Abolition,” a 1960 propaganda film prepared by the House Committee on Un-American Activities distorting the events of a student protest against the HUAC hearings in San Francisco. Also included is the response film “Operation Correction.”

The photographs are primarily portraits and group photos of ACLU officials. Negatives for some of the photographs are also enclosed. There are also a few slides. The 2” video tapes consist of eight reels from the “Rights of Americans” series and “commercial spots” for the Amnesty Project.

Series Arrangement

Series 6 is arranged by form and alphabetically or chronologically therein.