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March 4, 1940

To the National Committee and the Board of Directors
of the American Civil Liberties Union.

I have received and carefully considered the resolution concerning qualifications for service on the governing bodies and staff of the Union passed by the National Committee and the Board on February 5.

Contrary to the "Statement to the Press" authorized by the Board on the same date which says that "the resolution does not, however, change the fundamental policy of the Union over the twenty years of its existence", I find that the resolution does inaugurate a new policy.

It sets up a "test of consistency in the defense of civil liberties in all aspects and all places". It declares "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". During its entire existence the Union has rigidly excluded from its consideration civil liberties issues outside the United States. It has several times refused invitations to international collaboration in its field of work. The resolution of February 5 now sets up as a test for membership in its Board and National Committee the attitude of persons toward the actions and policies of foreign governments.

The authorized "Statement to the Press" acknowledges that the resolution "appears to set up a test of opinion." I find that it actually does set up tests of opinion. Its provisions cannot be carried out except by an examination of opinions. How else can it be determined whether a person is justifying or tolerating "the denial of civil liberties by dictatorships abroad"? The resolution disqualifies for membership in the governing bodies of the Union anyone "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." What constitutes "totalitarian dictatorship" in different countries, at different times, is a question of political opinion on which there is a strong difference. In the light of this fact, the determination of what "public declarations" indicate support of the principle of "totalitarian dictatorship" becomes a censorship of the opinions of some by the opinions of others.

In thus penalizing opinions, the Union is doing in its own sphere what it has always opposed the government for doing in law or administration. The essence of civil liberties is opposition to all attempts to enforce political orthodoxy. Yet by this resolution the Civil Liberties Union is attempting to create an orthodoxy in civil liberties, and stranger still, an

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orthodoxy in political judgment upon events outside the United States, in situations of differing degrees of democratic development. The majority of the Board and of the National Committee, acting under the pressure of war-time public opinion, tells the minority to conform to its views or get out. What kind of civil liberties is this? It is certainly not the kind which has been proclaimed in all our printed matter from the beginning.

Furthermore, when the Union disqualifies for membership in its governing bodies any person "who is a member of any political organization which supports totalitarian dictatorship in any country" it is using the principle of guilt by association which it has always opposed when the government has sought to enforce it. At this point the resolution becomes concrete only in relation to the Communist Party. The inclusion of other organizations is irrelevant window dressing. In view of the fact that in all of our discussions over this issue I have heard no one challenge the record in defense of civil liberties of the one Communist member of the Board (a charter member of the Union), I cannot agree that mere membership in the Communist Party disqualifies one for service on the governing bodies of the Union.

Neither can I accept the affirmation of the authorized "Statement to the Press" that, "The present resolution merely states what has been always the unwritten policy of the Union in elections or appointments." That is no more accurate than the following assertion that, "Its sole effect will be to apply that policy to present membership", when obviously future membership is also determined by it. If the policy of the resolution had been the "unwritten policy of the Union" when two Board members, at different times, became members of the Communist Party, the Board would have been in duty bound to point out that their resignations were in order. The further fact that one of these persons asked the Board whether joining the Communist Party made continuance on the Board undesirable, and was answered "No", proves that the policy of the resolution was not then the "unwritten policy of the Union."

Throughout its existence, aside from those personal qualifications which all reputable organizations require, the Union has had only one test in selecting the members of its Board and National Committee. That test has been their attitude toward the Bill of Rights and their record in defense of it. In my judgment it needs no other test now.

It is also my judgment that when the majority of the National Committee and of the Board, acting, according to the authorized "Statement to the Press," under "the increasing tension which has resulted everywhere from the direction of the Communist international movement since the Soviet-Nazi pact", adopted the further tests set forth in the resolution of February 5, they surrendered positions vital to the defense of civil liberties, positions whose defense under constant attack is the honorable record of the Union. I cannot go with them in this surrender. The Civil Liberties Union which did this is not the Civil Liberties Union with which I have been glad to work for twenty years. Reluctant as I am to sever this long association, I am compelled by the policy that has been adopted to withdraw from the Board and from membership in the Union.

(Signed) Harry F. Ward

Correspondence-Organizational Matters, Volume 2159. 1940. MS The Roger Baldwin Years, 1912-1950: Sub-Series 18: Organizational Matters – Correspondence, 1917-1951. Mudd Library, Princeton University. American Civil Liberties Union Papers, 1912-1990, http://tinyurl.gale.com/tinyurl/CW2bS5. Accessed 12 Dec. 2019.