

# **GEORGE DREYFOUS: An Appreciation**



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## **FORWARD**

George Abel Dreyfous was born in New Orleans, Louisiana in 1894. He was the son of Felix and Julia Seeman Dreyfous, the brother of F. Julius Dreyfous, Caroline Dreyfous Weiss and Ruth Dreyfous. He attended Tulane University and Harvard Law School, receiving his law degree in 1917. He served in the Army during World War I, and was close to going overseas when the war ended. He practiced law in his father's firm for all of his professional life. He was married to Mathilde Mendelsohn Schwab in March 1947. He died in February 1961.

This “Appreciation” of George Dreyfous, written by his step-son, is not intended as a biography or even as a resume of the important events of his life. Nor does it deal with his distinguished family or with his career as an attorney and notary public in New Orleans, the third Dreyfous to have such a career, the first two being his grandfather, Abel Dreyfous, and his father. It is, rather, an attempt to describe some of his interests, his involvements and his accomplishments, and to portray some characteristics of an unusual man. And it is written not for history but primarily for friends and for his descendants, only a few of whom ever met him or know much about him.

George Dreyfous was not a famous man. By conventional standards he was probably not a terribly distinguished man. But he was an unusual man with many exemplary qualities that are worthy of emulation. It is to document and explain some of those qualities that this Appreciation is written.

**Tom Schwab, Holyoke, Massachusetts, June, 1990**

## INTRODUCTION

Professor Paul A. Freund of the Harvard Law School began the first annual George A. Dreyfous Lecture in Civil Liberties at Tulane Law School on October 15, 1965 by observing:

*If a man does not keep pace with his companions' Thoreau said, 'perhaps it is because he hears a different drummer. Let him step to the music which he hears, however measured or far away.' The different drummer that George Dreyfous heard, the distant music that caught his ear, was a marching call to the highest aspirations of the legal profession*

Walter Barnett, an eminent New Orleans attorney, speaking in March 1989, at the opening of the Dreyfous room at the Notarial Records office of the Civil Courthouse in New Orleans, a room donated by Ruth Dreyfous and honoring her grandfather, father and brother, said that George had a “life-long love affair with the Bill of Rights.”

Professor Freund was right. George Dreyfous was different. He loved to be different. And he loved it when his philosophy and way of thinking about issues led him to take a position that was unexpected from him. In his mind, his positions were consistent and it was logical that he take them. But while his logic led him, for example, to embrace civil liberties, school desegregation and John F. Kennedy, it also led him to support (at least for a time) the arch conservative Senator Robert Taft, to be critical of the decisions of the Allies following World War II to prosecute Nazi war criminals, and to oppose minimum wage laws and rent control.

Walter Barnett was also right. For although George Dreyfous embraced many causes during his lifetime, the effort to which he devoted more time and attention than any other, and the one that at times became almost a full time endeavor, was that of explaining, defending and helping to guarantee the protections of the Bill of Rights. George Dreyfous was a passionate man, passionate in the pursuit of the things he believed in but also in his efforts to achieve what he wanted to achieve, in spite of certain limitations. He was a poor athlete, but he worked hard at tennis and swimming. He wanted desperately to be involved in both world wars, and despite his inability during World War I to obtain a commission as an officer he sought to succeed as an ordinary soldier. He was a fearless person -according to his sister, Ruth, he sometimes took what seemed to be foolhardy risks in order to succeed, such as being ready to embark alone on a dangerous mountain hike. Above all he was an individualist, going his way as he saw it, with relatively little regard for how others felt about what he was doing.

Unfortunately, the papers that survived George Dreyfous are rather frag-

mentary, and it is not possible to construct anything like a complete description of his activities, his views or his writings, nor is that the purpose of this Appreciation. What I have done, rather, is to write a section on each of three major categories of his activities for which there is some documentation. In each I have tried to describe the issues involved and in some cases have referred to letters, articles or other documents, many of which are set forth as exhibits at the end of the text. The three categories are as follows:

- **Civil liberties activities from 1936 to 1940**, mainly through the Louisiana League for the Preservation of Constitutional Rights
- **The period before and during World War II**, including George's efforts to play an active role in the War
- **Civil rights and civil liberties**, 1950-1961, including the founding of the Louisiana Civil Liberties Union, activities centered around the desegregation of schools in Louisiana and New Orleans and participation in the campaign to elect John Kennedy in 1960.

**Fourth Section**, which discusses some of the characteristics exhibited by George in his approach to public issues. The fifth section describes the George A. Dreyfous Lectures on Civil Liberties established by his widow, Mathilde, at Tulane Law School in 1965. The final section contains excerpts from letters written about George when he died, and some obituaries.

## **I. CIVIL LIBERTIES - 1936 - 1940 - THE LOUISIANA LEAGUE FOR THE PRESERVATION OF CONSTITUTIONAL RIGHTS**

In late 1936, George Dreyfous was one of a group of some twenty five persons who began meeting to discuss the serious threat to civil liberties they saw developing nationally and especially in New Orleans. An active “red-hunting” self styled patriotic organization flourished in New Orleans. Arbitrary action and brutality by police was common, and was universal with respect to black people. Tulane University had investigated charges of subversive activities brought by the patriotic organization against a group of left-wing professors. Some of the same professors were also signers of a critical report on the University and were virtually forced to leave their positions.

The result of the meetings was an organization, called the Louisiana League for the Preservation of Constitutional Rights, and George Dreyfous was from the beginning one of its most active members. Although not affiliated with the American Civil Liberties Union (because its organizers feared that the ACLU's reputation in New Orleans would brand the new group as radical and impede its efforts), the League functioned in many ways as do present-day affiliates of the ACLU. It wrote letters to the press and public officials, it investigated, and where appropriate litigated, cases of alleged violations of civil liberties brought to its attention and it sponsored public meetings and radio broadcasts devoted to various aspects of the Bill of Rights.

George Dreyfous was not a “courtroom” lawyer. He was more at home researching the law and writing letters and legal papers. He and Harold (“Psi”) Lee, then a professor of philosophy at Newcomb College, were, respectively, the legal and philosophical leaders of the League. Lee was President through the League's most active period, and George was Vice President, but George frequently drafted letters and other communications for the League. Both of them spent much time interviewing persons whose civil liberties had been abused, usually blacks who were victims of police brutality. Such persons were fearful of police and of white persons generally - gathering the evidence was always difficult and sometimes dangerous, as it was necessary to go into the projects or the rural areas where the people were. Though it was a far cry from writing briefs in the office, George pursued these more demeaning and dangerous tasks with the same diligence and thoroughness that he did his legal research.

Exhibit 1-1 is a description of the work of the League. It is the substance of remarks I made in New Orleans on March 9, 1989 at the opening of a exhibit at the Tulane University Library of materials about the League. Exhibit 1-2 is a brochure from that exhibit, with the League's Statement of Policy on the cover, and with descriptions of the materials contained in the exhibit cases.

George was involved in virtually all of the incidents described in these Exhibits. One cannot help but admire the zeal and attention with which he undertook the work of the League. It frequently placed him in positions of danger and unpopularity, and in positions where he was called on to perform services of a kind in which he was not experienced. He

was subjected to criticism by police, establishment types and the organized bar. Not only did this criticism not dissuade him - I believe it probably spurred him to do even more in support of his cherished Bill of Rights.

## II. JUST BEFORE AND DURING WORLD WAR II

For those who followed world events and for those who traveled in Europe (and George did both), it was clear in 1938 and early 1939 that there would be war in Europe. George and his sisters visited Europe in the summer of 1938 - Ruth Dreyfous has written of the evidence of coming hostilities that they saw during that trip. George's reactions were set forth in a news story in the *New Orleans Item* of August 12, 1938 {Exhibit II-1}. Because of his hatred of fascism, both in Germany and here, his belief in the importance of American constitutional government, and his great admiration for British parliamentary government and Britain itself, George regarded the outbreak of war in Europe with foreboding. He felt a personal responsibility to become involved in defending Britain and America from the total loss of constitutional rights that he knew would result from a victory for fascism. I believe he also felt a special responsibility to become involved because he, unlike most other men of military age, did not have the responsibility of a wife or children.

On September 1, 1939, the day that Germany invaded Poland and the war began, George wrote to the British consul in New Orleans volunteering to serve in the British armed forces (Ex. II-2) He was turned down the next day (Ex. II-3), the first of many rebuffs to his efforts to become directly involved in the war. He traveled to Canada the very next day for the purpose of enlisting in the armed forces of that country. Not only was he rejected, but he was deported from Canada. {Ex. II-4} Several weeks later he wrote the American Red Cross, seeking to organize a hospital and ambulance unit to go to Europe (Ex. II-5). He also apparently sought to interest the B'nai B'rith (of which he was a member) in providing European relief through the Red Cross. The response from B'nai B'rith (Ex. II-6) is interesting for what it shows of Jewish fears of anti-semitism at that time. In January 1940, after Finland was invaded by the Soviet Union, he sent \$500 to the Finnish Ambassador in Washington to assist in that country's gallant defense against overwhelming forces (Ex. II-7). George's efforts to join the Canadian armed forces continued from time to time in 1940 and 1941, still unsuccessful (Exs. II-8 and II-9).

While he was attempting to become more personally involved in the war effort, George was at the same time a part of a national movement whose aim was to induce the United States to support Great Britain directly and actively. The United States was at this time maintaining a stated position of neutrality, and the Neutrality Laws prohibited shipments of arms to any of the warring countries. There were those, of whom George was one, who believed it vital to the United States that Britain ( now holding out alone against Germany, France having fallen), survive and triumph over German fascism, and they wanted to see the United States abandon its neutrality and throw in its lot with Britain.

In the spring of 1940, a national organization was formed and named the Committee to Defend America by Aiding the Allies. It was also referred to as the White Com-

mittee, after its chairman, a well know newspaperman, William Allen White, editor of the *Emporia (Kansas) Gazette*. George became involved in the work of the Committee, which was something of an outgrowth of another national organization in which he had been active, the National Policy Committee. The NPC had sought to advance a liberal agenda for the country - its leaders included Brooks Hayes, later a liberal Southern Congressman, and Frank Graham, later President of the University of North Carolina and Senator from that state.

During this period George continued to advocate what seemed to him to be so obvious, which was that in order to protect itself America had to become involved in the war. In June of 1940 he wrote an imaginative letter to the *New York Times* in which he analogized America's lack of involvement to the role of the spectator at a football game (Ex. 11-10). In December, he wrote his newly elected Congressman, Hale Boggs, urging a more aggressive posture as regards Germany (Ex. 11-11). In January 1941, he took a leading role in organizing a public meeting to further this same purpose - his stirring call to that meeting was set forth in a newspaper article announcing the meeting (Ex. 11-12).

Although President Roosevelt maintained at least an appearance of neutrality in the 1940 presidential campaign, it was not long after the election that he proposed legislation that would authorize a transfer of arms and equipment to Britain and her allies. George and others in the White Committee sought support for the legislation - among those to whom he wrote was Congressman Sol Bloom (Ex. 11-13), the influential New York Congressman, one of the few Jewish persons in Congress at that time. The legislation, known as "Lend-Lease" because the materials were theoretically loaned, not sold, was passed in March of 1941.

Continuing his commitment not only to group efforts to help Britain in its fight with Germany, but to personal ones as well, George in February of 1941 sent to the British ambassador \$3,000, which he described as being the approximate difference between the income taxes that would be paid by a British citizen with his income and those paid by him (Ex. 11-14). He received a prompt acknowledgement from the British Ambassador, Lord Halifax (Ex. 11-15). And, perhaps thinking that others like him would want to serve in the British or Canadian armed forces, in March 1941 he wrote his Senator urging repeal of laws prohibiting such service.

In April 1941, following enactment of "Lend-Lease", a new group was organized in New York to take an even more aggressive posture in urging more support for Britain and more involvement in the war effort by the U.S. It was called the Fight for Freedom Committee. George was invited to join and agreed to do so (Ex. 11-16). And in April he wired President Roosevelt with a novel proposal that he combine the US armed forces with those of Britain! (Ex. 11-17). And at about the same time, having read in a left wing newspaper called "PM" about oil sales to Japan by Standard Oil Company of New Jersey, and being a stockholder, he wrote its Chairman protesting the sale (Ex. 11-18).

The struggle to get America involved in the war on behalf of Britain ended with the Japanese bombing of Pearl Harbor on December 7, 1941 and America's formal declaration of war on Germany the following day. But George's efforts to become personally in-

volved continued. They did not reach fruition until mid-1942. At that time the U.S. Coast Guard was seeking to patrol areas of the Caribbean in search of German submarines, but ships and trained personnel were in short supply. George persuaded the Coast Guard to allow him to take training, to be commissioned as a Lieutenant (J.G.) in the Coast Guard and to assume command of a patrol boat. But the Coast Guard needed boats for this purpose. So George purchased one, a 68-foot yacht named DUX V, and loaned it to the Coast Guard. The story (Ex. 11-19) was picked up by Associated Press and ran in a number of papers throughout the country. George received a number of letters from persons who saw it - mostly acquaintances but some strangers. A letter from close friends Clara May and Marc Friedlander, is set forth in Ex. 11-20. Exhibit 11-21 is a picture of George in his Coast Guard uniform, and Exhibit 11-22 is a picture of the boat.

I have little information about George's service in the Coast Guard, which lasted about a year. I do know that the boat was operated out of Haiti and that while there he made some good friends, assisted in some charitable work and wrote at least one lengthy letter to the *New York Times* publicizing some of the problems of that area.

Nor is there much in the way of other documented activities during the war years. However it is of interest that in 1945, although George had been an early advocate of the U.S. getting into the war, he did not support the almost universally accepted policy of both the U.S. and Britain of insisting on what was called "unconditional surrender," meaning that no peace terms of any kind would be offered to Japan in return for an end to the war. In late July of 1945, he submitted an article, "Peace or Unconditional Surrender" (Ex. 11-23) to *The New Republic*, making the case for offering peace terms. It was rejected, perhaps in part because six days after it was sent in, the first atomic bomb was dropped on Japan - three days later the second was dropped and two weeks later the war was over.

### III. CIVIL LIBERTIES - 1950-1961

With a few exceptions, I have found little record of major civil liberties involvement by George during the years immediately following his marriage in 1947 and until 1955. An important exception was his participation in the writing of a brief in a major case in the United States Supreme Court in 1951.

In the late 1940's the cold war with the Soviet Union was in full swing. There was widespread fear of communists. In 1949 the United States indicted Eugene Dennis, Chairman of the Communist party, John Gates, Editor of the Party newspaper, *The Daily Worker*, and a number of other Party officials. The indictments charged them with violations of the provisions of what was called the Smith Act which made unlawful the advocating of forcible overthrow of the government. The indicted communists found it difficult to obtain lawyers to handle their defense. They solicited assistance from a number of prominent civil liberties lawyers. Most refused, undoubtedly for fear of being labeled as a "red," "pink" or being "a communist sympathizer," even though many civil libertarians felt that the activities in which the Communist Party officials had engaged were protected by the First Amendment. They were all convicted and sentenced to long jail terms. The Court of Ap-

peals affirmed the convictions, as did a divided Supreme Court.

One of the lawyers who had been asked to assist but refused was John Raeburn Green, a prominent, and generally considered conservative, St. Louis lawyer. Green had been George's classmate at Harvard Law School and they had maintained contact over the years. Green's refusal to take part had been based in large part on the fact that his law partner, Thomas Hennings, planned to run for the U.S. Senate in 1950. Green felt that his becoming involved with representing communists in a highly publicized case would hurt Hennings and his chances for election.

But by the time the case reached the Supreme Court, Hennings had been elected, and Green told George he could now become involved, but it was probably too late. As appears from the opening sentence of Ex. III-1, a letter from Green to George, it was apparently George's idea that Green become involved in a separate petition for a rehearing, on behalf of Gates. Although Green welcomed George's offer to assist in preparation of the brief, he advised George (page 2 of Ex. III-1) that in order to spare himself "sharp and possibly damaging professional criticism," he should not sign his name to the brief. As we would expect, George did not accept this advice - Exhibit III-2 is a copy of the cover page of the brief, on which George's name appears as "Of Counsel."

The Supreme Court declined to rehear the case. Green's courage in becoming involved was praised in the pages of the American Bar Association Journal by a distinguished Boston lawyer, Charles P. Curtis; by the St. Louis *Post Dispatch*, a leading liberal newspaper (which his firm represented); and elsewhere. But Senator Joseph McCarthy referred to Green's representation of Gates on the Senate floor and asked that Hennings, because of his association with Green, withdraw from consideration of a pending proposal to oust McCarthy from the Senate! The *Post Dispatch* reported that Green "shrugged off" McCarthy's attack on him, observing that "the right of freedom to speak must apply to Senator McCarthy as well as every other American."

There are only fragmentary documents indicating other civil liberties activity in the period from 1951 to late 1955, although this was a period of continuing anti-communist hysteria. George was troubled by the persecution of Owen Lattimore, a Johns Hopkins University professor and expert on the Far East. Lattimore was accused of being what was then called "a fellow traveler," meaning one who, though not himself a communist, sympathized with communist positions. He was indicted for perjury, and George, apparently unsolicited, sent funds for his defense. Lattimore's indictment was dismissed by United States District Judge Luther Youngdahl in a decision widely commented on in the press.

I have recently been reminded that I shared George's feelings about the Lattimore case. In 1955, I had applied for a position with the Department of Justice and was hired, subject to a loyalty investigation by the FBI. I was informed some weeks later that I would not be hired. While no reasons were given, I understood that it was because of unfavorable information in the investigation. Several years ago I obtained a copy of the FBI file of that investigation. I learned that a person told the FBI, which apparently thought it adverse, that I had been pleased with Judge Youngdahl's decision overturning Lattimore's conviction. Exhibit III-3 is a page from my FBI file pertaining to the Lattimore case. Shortly after I was

denied clearance in 1955, George wrote me:

*I have been reading some of the case studies of 'security risks.' I have been greatly concerned for the future of our country. ... I have also felt indignation about the manner in which federal employees have been interrogated about their reading and their thoughts. In the light of this history, it is not surprising that the Justice Department does not desire to employ you. This may be a compliment and I hope that in the end it may be beneficial to you. I prefer to capitalize Justice Department because it is a title not a description*

This was also the period during which the U.S. Government, following the lead of Senator McCarthy, was conducting often grossly unfair investigations into the loyalty of many federal employees, and state legislatures were passing laws requiring loyalty oaths from state employees. George was incensed, and wrote numerous letters in opposition to these practices and laws. Exhibit III-4 is a letter to Louisiana's Governor, urging that he not sign a bill that would require registration of "knowing members of Communist Front Organizations" and their discharge from public employment.

The next major chapter of George's involvement in civil liberties took place in late 1955, when he wrote to a number of people inviting them to a meeting to discuss forming an affiliate of the ACLU to "act against repressive measures which are sometimes introduced in our legislature, to guard against other abuses which occur within our state and to implement the safeguards of liberties." The Louisiana affiliate, called the Louisiana Civil Liberties Union (LCLU), was officially chartered in April 1956 and George was elected its first President, a position he was to hold for the first four years of the LCLU's existence.

Perhaps it is more than coincidence that America and Louisiana were in the mid-fifties experiencing assaults on civil liberties not unlike those of the mid-thirties that led George and others to organize the Louisiana League for the Preservation of Constitutional Rights. McCarthyism was in full sway in national life, with periodic revelations of new lists of "communists" in high places. Senate and House committees, especially the House Un-American Activities Committee, were going throughout the country holding hearings for the principal purpose of exposing alleged subversives. Similar activities to root out subversives emanated from the Statehouse in Baton Rouge. But at the state level there was an equally serious assault on civil rights. Louisiana, like many other southern states, was desperately attempting to preserve its segregated school system despite the 1954 decision of the United States Supreme Court in *Brown v. Board of Education*.

In this context, the mere formation of the LCLU was seen as a threat in some quarters. Less than two weeks after its organization was announced, the New Orleans Young Men's Business Club issued a statement linking the ACLU with "the Communist movement" and urging that no one join LCLU without first checking into its history and activities.

The thrust of the early work of the Louisiana Civil Liberties Union was legisla-

tive, and specifically, its efforts to block the Louisiana Legislature from enacting measures that the LCLU believed unconstitutional. One group of measures dealt with loyalty oaths for state employees and other laws designed to deal with “subversives.” One of these required an affidavit from groups such as the LCLU that they were not affiliated with groups that had been cited as subversive by the House Un-American Activities Committee. George, speaking for the LCLU, publicly informed Governor Earl Long that LCLU would not file such an affidavit, and challenged the Governor to bring the issue to court (which he did not do). This was reported in a lead article in the national newsletter of the American Civil Liberties Union in November of 1958 (Ex. III-5). George's long-standing view that the House Un-American Activities Committee was guilty of repeated civil liberties violations led him to sign a petition asking Congress to abolish that Committee - he was one of only two Louisianians named in a large newspaper ad setting forth the petition and its signers - it was published in the *New York Times* on February 9, 1961, one week before his death.

Another group of laws vigorously opposed by the LCLU consisted of measures designed to forestall desegregation of the schools. George made frequent trips to Baton Rouge, where he was subjected to behavior ranging from quiet disapproval to rudeness and verbal abuse. Exhibit III-6, taken from an issue of the LCLU Newsletter celebrating its first ten years, shows George after testifying in Baton Rouge - the caption reports that shortly after the picture was taken he was shoved and screamed at by demonstrators.

The LCLU also was involved in court action to end segregation. While George was actively involved in the legal strategizing and brief writing in these cases, he was not the courtroom lawyer. Unlike the Louisiana League days, where George handled court cases even though they were not his forte, civil liberties was by this time attracting many volunteers, including a number of trial lawyers. But he was the principal spokesman for the LCLU and took much of the heat that was being directed in those days to those who were trying to desegregate the New Orleans schools.

It was apparent to many in New Orleans at this time that the state legislature was prepared to destroy the school system, if necessary, rather than to integrate it. Exhibit III-7 is a newspaper report of such legislation under consideration during the summer of 1960 and of George's testimony opposing it. George and Mathilde were also involved in a group called Save Our Schools that was organized to keep this from happening, though their involvement was kept “behind the scenes” rather than have Save Our Schools tainted with the “pink” reputation of the Civil Liberties Union.

In the middle of the school desegregation fight came the 1960 presidential elections, and George and Mathilde were early and enthusiastic supporters of John Kennedy's candidacy. They were motivated by an admiration for the young Senator plus an abhorrence of Richard Nixon. Both worked hard in the campaign, and George's correspondence after the election not only shows that their support for Kennedy was not appreciated by many of the New Orleans establishment and many of their friends, but also makes clear their high hopes for a new era of progress under the new President.

Shortly after Kennedy's election, and, indeed, before his inauguration, the efforts

to stave off desegregation of the New Orleans schools finally ended with the loss of the last court appeal, and the first day of desegregation was December 1, 1960. Tensions were high in New Orleans, for mothers of white school children threatened violence before they would accept black children in their school. George, as President of the LCLU, volunteered to accompany the black children to the Frantz School on the first day of integration. While there was no serious violence, there was considerable verbal abuse and some pushing and shoving. The *Washington Post* story (Exhibit III-8, with a few lines missing) reported that the angry crowd recognized George and several representatives of the "Save Our Schools" group and began pushing towards them, shouting "Communists" and "Nigger lover." The *Post* story also referred to George as "an elderly man" which Mathilde reports displeased him greatly! The hysteria over the integration of the Frantz School is illustrated by Exhibit III-9, a news report which listed automobiles of persons who helped transport black children - Mathilde's car is listed. During the period just before integration of the Frantz School, the school administration, as part of the campaign of intimidation to forestall the dreaded step, withheld some teachers' salaries. In response, George anonymously provided money for the regular paychecks - Exhibit 111-10 is a letter from Samuel Rosenberg, attorney for the Schools, who acted as intermediary with the teachers, and a letter of thanks from the teachers.

Within a few weeks after the December 1st integration of the Frantz School, George developed hepatitis, was hospitalized and died on February 16, 1961.

#### **IV. PERSONALITY TRAITS AND HIS APPROACH TO PUBLIC ISSUES**

A large part of George Dreyfous' life was spent in studying, writing and acting with respect to public issues. What made him such an interesting, unusual and, in some sense controversial, person was the way in which he approached those issues.

1. His mind led him to have an interest in a wide range of areas of thought and action that might seem to be unrelated, and he was intrigued by relatively uncommon theories and approaches. For example, he was an advocate of the views of a commodity theory of money advocated by an economist named Irving Fischer, which proposed using certain commodities in addition to gold as the monetary standard. George devoted considerable time in the late 1930's to trying to interest public officials and academics in the advocacy and adoption of such a monetary system until his concern over the pending war in Europe diverted his attentions. While he resumed interest in this issue after the war, and corresponded with a number of persons about it, he never succeeded in getting either group to consider the issue seriously.

Another example of George's fascination with unusual ideas or movements was his interest in the views of a social philosopher named Clarence Streit, who led a movement advocating a political union between the U.S. and Britain. This interest led him to help establish a New Orleans chapter of Streit's "Union Now" movement. George had a passion for the country that gave us the Bill of Rights - it would not be going too far to describe him

as an unabashed Anglophile. That feeling, together with his strong feeling that Britain was fighting our war in 1940 and 1941, led him to work hard not only to bring the U.S. into the war but to suggest that the armed forces of the two countries be merged.

2. George Dreyfous was a consistently, and perhaps at times painfully, honest and truthful person - he abhorred lying. He even {according to Mathilde) refused to engage in “white lies” such as begging off from a social engagement on the false ground of illness or prior plans. Such insistence on truthfulness may seem extreme - my own imitation of this trait has sometimes caused annoyance (such as when I insisted that my daughter report to Internal Revenue her babysitting money and my son his poker winnings). But in a world where lying and cheating, in business, advertising, political campaigns, government, marital relations and elsewhere, is so often considered normal and even acceptable, I do not believe George's standard was extreme.

3. The trait which most characterized George was that he never hesitated to speak out on an issue he believed in, regardless of the consequences. Usually such issues involved civil liberties or public policy matters. Many examples of his speaking out have appeared early in this Appreciation, but there are others:

- Exhibit IV-1 is an eloquent letter (date unknown) to the editor of the Times-Picayune regarding proposed federal civil rights legislation.

- Exhibit IV-2 is a news account of an incident in 1940 when George took on the city's service station operators by opposing constitutional amendments that would limit the city's ability to tax them.

- When the New Orleans Bar Association adopted a minimum fee schedule, George, feeling such a step improper, urged that it be rescinded, and when it was not, resigned from the Association because of it.

- When George felt that the United Fund was not giving sufficient support to the Urban League because of threats from segregationist groups, he strongly indicated his view to the person who solicited his contribution to the United Fund - their correspondence is set forth in Exhibits IV-3 and IV-4.

George recognized that speaking out on issues could alienate people. In a letter to his father in 1916, when he was 22, he chided his father for not showing to a friend something that George had written (on what subject I do not know), and he set forth something of a personal **credo**, one that I believe he followed in the years to come:

*She said nothing about my article, so I guess you suppressed it. You should not do that. Nothing can be accomplished in this world by one who is afraid of making enemies. My aim in life is to do, not to make friends. Friends are a fine thing to have, but friends who stand in the way of one's doing what is right are a burden. I must decline to carry it. Please give my sketch to some one who will use it when the question again comes up. I wish that you would take a stand. The matter is an important one, and the views of one known to possess practical judgment would carry great weight.*

4. Another characteristic was that George liked to express himself very directly, without mincing words. He found many opportunities to do so. Some examples follow:

- When George and his siblings unexpectedly inherited some money from an aunt, he answered an inquiry from the Executors for information, and went out of his way to point out "I neglected to show my late uncle or his widow any attentions during their lifetime. In view of their remembrance of my mother and of her family, I should now like to make a gift in their memory."

-When a fellow lawyer asked him for a contribution to Jimmie Davis' campaign for Governor, George wrote:

*Good government requires that men possessing the proper qualifications should offer themselves as candidates for office. I am not convinced that Mr. Davis has these qualifications. Under these circumstances I am not disposed to contribute to Mr. Davis' campaign expense.*

- When a Harvard Alumni Club issued an invitation to a gathering at a football game and indicated that an election would take place, he wrote:

*In order for an alumni club to serve a university or a law school it should treat the alumni as adults. They should be acquainted with the problems of the university. Athletics should be relegated to a subordinated position. It is not possible to give serious consideration to the welfare of the university at a Homecoming side show of a football game.*

-In May of 1941 his strong views that the U.S. become more involved in the war and his strong views about the dangers of inflation in the absence of a stable monetary standard led him to favor greatly increased taxation to help pay for the increasing need for arms and equipment to aid Britain. He sent this telegram to the Chairman of the Ways and Means Committee:

*The tax measures now being considered in Committee are based upon the devotion by the American people of less than 20% of our income to defense. Germany is employing over 1/2 of its income to the attack. Freedom should be worth as much to us as slavery is to them and we should tax ourselves accordingly. I request an opportunity to testify before the Ways and Means Committee*

He expressed the same view to his Congressman (and friend), Hale Boggs, who found it unique (Ex. IV-5). George's response to Hale Boggs is a good example of his directness (Ex. IV-6).

- His detestation of Richard Nixon and his views on Nixon's lack of qualifications for the presidency led to a number of outspoken comments. Exhibit IV-7 is a Letter to the Editor of the Times Picayune that speaks bluntly of both Nixon and his running mate, Henry Lodge. Exhibit IV-8 is a note from George to a person involved in the Kennedy

campaign, quoting Ohio Senator Robert Taft speaking contemptuously of Nixon, suggesting that the quote be used in a political advertisement for Kennedy and offering to pay for it. George had in the past admired Taft, though he was critical of Taft's failure to speak out against the excesses of Senator Joe McCarthy.

- When he received a letter from the President of the Temple to which he and Mathilde belonged, which indicated the Temple's need for funds and stated that the Board had decided what each member's dues should be and that his would be a stated amount, George replied by indicating his willingness to contribute but questioning whether the by-laws of the Temple authorized the Board to set dues for individuals on the basis of their ability to pay.

5. A further characteristic of George was his interest and involvement in so many issues. Many times that involvement was limited to correspondence, but, as we have seen, there was considerable action as well. And the correspondence was ongoing and frequent. He wrote countless letters to the editors of the local papers. He wrote frequently to his own Congressman and Senators, but also to an impressive list of other national legislators, including U.S. Senators Paul Douglas, Claude Pepper, Jack Kennedy, Wayne Morse and Hubert Humphrey, Presidential Candidate Adlai Stevenson, Chester Bowles, and many others. These communications involved a variety of subjects. Most of us, when we read an article or a letter that provokes us, rarely do anything about it. George was more likely than not to respond, by action or written communication. Perhaps this was in part a function of his being willing and financially able to take time during his professional day to do such things. But he did them. For example:

- Harry Dexter White was a rather obscure economist whom George knew of because he was an expert in monetary theory. White was accused by Senator McCarthy and others of having been disloyal, but he died before there was any resolution of the charges. George wrote to President Pusey of Harvard offering to resolve the matter by financing a biography of White (Ex. IV-9) - I have found no response to this offer.

- When George, along with many Harvard alumni, received a letter from a group called the Veritas Foundation, seeking funds to help safeguard Harvard's endowment against "communist infiltration" and to deal with "Harvard's trend to the left," and indicating that contributions would be tax deductible, George questioned whether this was a proper activity for a tax-exempt organization. He wrote to the Commissioner of Internal Revenue to ask whether the group was tax exempt and to ask that he receive notice of any hearing on such exempt status. He also wrote to Senator Wayne Morse about the situation, pointing out that he had earlier brought to the attention of the Commissioner another organization whose tax exempt status seemed questionable, and that as a result that status was withdrawn by the Commissioner. In suggesting to Senator Morse that he consider legislation that help avoid such situations, he pointed out that "contributions to these institutions are usually made by wealthy men who seek to vent their spleen," while the major portion of the cost of supporting them is borne by the public.

- A state legislator made some remarks at a bar convention suggesting establishment of a legislative auditor. George promptly wrote him with a suggestion for how the

State Constitution might be amended to authorize this, and submitted a proposed amendment (Ex. IV-10).

– When George learned that the Directors of the New Orleans Legal Aid Bureau wanted to have a professional study made of representation in the municipal courts, but the Bureau lacked the necessary funds, George undertook to pay for the study on his own, leading the President of the Bureau, prominent attorney Monte M. Lemann, to write George “I wish we had more citizens like you.”

– When prior to the 1960 Republican convention, Nelson Rockefeller, a candidate for the nomination, criticized Richard Nixon's positions as being equivocal, George wired his congratulations and observed that:

*In one respect Mr. Nixon has made an unequivocal statement. He has declared that he will make no concession to the USSR. He may as well have declared that he will not negotiate, as no differences can be settled without concessions being made. This leaves only war for the settlement of disputes,*

- George's attention having been called, in the mid-fifties, to the fact that there was little democracy in Taiwan and that the Nationalist Chinese government in exile there was receiving massive U.S. aid, and having planned a trip around the world with Mathilde, he arranged to make a study of due process in Taiwanese civilian and military courts. He carried on extensive correspondence in preparation for the trip, including securing letters of introduction from ACLU founder, Roger Baldwin, and others, and he carried on extensive interviews while in Taiwan. On his return, he tried, without success, to interest persons in government concerning the conditions he found (in which much of the justice was dispensed in military courts where there was little or nothing that we would call due process of law) and he continued to be concerned with this issue, even writing to John Kennedy during his campaign for the Presidency, urging him to consider making the Taiwan situation an issue in the campaign. And while he was corresponding with Kennedy on this issue, he included a lengthy paragraph about an entirely unrelated issue that concerned him, which was the unfairness of the tax laws regarding oil depletion. In taking that position, he conceded that it was not in the interest of many Louisianians (and, he might have said, himself) but that he considered it unfair to the people of the U.S. And he added a final paragraph about another issue on which he felt strongly and on which he hoped Kennedy would differ from Nixon, namely, the need for strong federal action in assuring constitutional rights for blacks in the South.

I do not wish to imply that George's approach to public issues was always right or that he was entirely free from the kinds of prejudices or blind spots about issues that affect all of us to one degree or another. But his approach was always honest, truthful, direct and outspoken and I can think of no better compliment to pay to him than that.

## V. THE GEORGE A. DREYFOUS LECTURES IN CIVIL LIBERTIES

Several years after George Dreyfous died, Mathilde and her sons established a series of lectures at the Tulane Law School in his name. The decision was made after discussion with a number of persons as to what would be an appropriate memorial to him. The subject matter of civil liberties was a natural choice. The lecture form was adopted with some misgivings. We did not want simply a series of academic exercises. Instead we hoped that the lectures would not only inform law students about civil liberties issues, but would encourage them in their legal careers to be willing to take on civil liberties and other frequently unpopular causes, to serve public, not only, private interests. It was hoped that the lecturers would spend one or two days at the Law School, perhaps in a seminar or in informal talks with the students.

The first lecture was in 1965. The list of the lecturers over the years contains some very distinguished names. The decision as to who will be the lecturer is made each year by the Dean of Tulane Law School, but it has almost always been made after considerable input from the family.

### **The George Abel Dreyfous Lecturers have been:**

**1965-66 Paul A. Freund**, professor of Constitutional Law, Harvard University.

**1967-68 Arthur L. Goodhart**, Emeritus Professor of Law former Master, University College, Oxford, holder of numerous honorary degrees and author of many scholarly works. Professor Goodhart's father, Philip Goodhart, was a brother of George Dreyfous's grandmother, Caroline Goodhart Seeman.

**1968-69 Erwin N. Griswold**, Solicitor General of The United States and former Dean of Harvard law School. His lecture, on the subject of dissent and civil disobedience, was delivered in the midst of the civil unrest that followed the death of Martin Luther King, and was reported extensively in the national press.

**1969-70 Nicholas deB. Katzenbach**, General Counsel of IBM Corporation and recently Attorney General of the United States - he had been involved in much civil rights activity at the Justice Department, including the confrontation with Governor George Wallace at the time of the desegregation of the University of Alabama in 1964.

**1970-71 Alexander Bickel**, Professor of Law and Legal History, Yale University.

**1971-72 John Minor Wisdom**, Judge, United States Court of Appeal for the Fifth Circuit - a New Orleanian, he had achieved a national reputation, particularly in many civil rights decisions handed down by this court.

**1972-73 Charles Edward Wyzanski**, recently retired as Chief Judge, United States District Court, Boston, Massachusetts - one of the country's most distinguished judges, first appointed by President Roosevelt in 1942.

**1973-74 Burke Marshall**, Professor of Law, Yale University, Chief of the Civil Rights Division of the Department of Justice from 1961-1965, and directly involved in many desegregation and voting rights struggles.

**1974-75 Robert B. McKay**, Dean, New York University Law School.

**1975-76 Charles Fried**, Professor of Law, Harvard University, later Solicitor General of the United States.

**1976-77 Charles L. Black, Jr.**, Sterling Professor of Law, Yale Law School and participant in many civil rights cases.

**1977-78 Ruth Bader Ginsburg**, Professor of Law, Columbia University and later Judge, United States Court of Appeals for the District of Columbia Circuit. [and later Justice of the United States Supreme Court]

**1978-79 Anthony G. Amsterdam**, Professor of Law, Stanford University, and leading litigator and writer on civil liberties issues.

**1979-80 Thomas Ehrlich**, Director, International Development Cooperation Agency, former Dean, Stanford Law School and President, Legal Services Corp.

**1980-81 J. Skelly Wright**, Judge, United States Court of Appeals for the District of Columbia Circuit, formerly U.S. District Judge in New Orleans. While in New Orleans, Judge Wright had achieved national recognition for his courageous rulings in desegregation cases, but had been subjected to social ostracism and harassment because of them. He was appointed to the judgeship in Washington in 1962. His lecture was one of his first major public appearances in New Orleans since he had left for Washington, and was probably the best attended and engendered the most emotion of all the lectures.

**1981-82 Norman Dorsen**, Professor of Law, New York University Law School and former General Counsel and then President of the American Civil Liberties Union.

**1982-83 Louis F. Oberdorfer**, United States District Court Judge, District of Columbia and former Assistant Attorney General under Robert Kennedy - Judge Oberdorfer's grandmother, Hattie Goodhart Falk, was a sister of George Dreyfous' grandmother, Caroline Goodhart Seeman,

**1983-84 William T. Coleman**, recently Secretary of Transportation, for many years Chair, NAACP Legal Defense and Education Fund - participated in many civil rights cases and held many distinguished public service positions.

**1984-85 Jack Greenberg**, Professor of Law, Columbia University and for many years Director and Counsel, NAACP Legal Defense and Educational Fund.

**1985-86 Elbert P. Tuttle**, Senior Judge, United States Court of Appeals for the Eleventh Circuit - renowned as Chief Judge of the Fifth Circuit Court of Appeals during the period of its many civil rights decisions.

**1986-87 Eleanor Holmes Norton**, Professor of Law, Georgetown University, former Chair, U.S. Equal Employment Opportunities Commission and recognized authority on affirmative action and employment discriminations issues.

**1987-88 Richard N. Gardner**, Professor of Law and International Organization, Columbia University, former Ambassador to Italy - Professor Gardner's grandmother, Anna Feldman, was a sister of George Dreyfous' father, Felix.

1988-89 In lieu of the usual Lecture, there was an exhibit of papers pertaining to the Louisiana League for the Preservation of Constitutional Rights, at the opening of which I gave a talk about the League.

**1989-90 Andrew Young**, former Mayor of Atlanta, U.S. Ambassador to the United Nations and civil rights activist.

The Dreyfous lectures have in most respects served the original purpose, though we have been disappointed in the number of attending students, and many of them have turned out to be more community event than law school event. We continue to talk with the Dean of the Law School about ways of making the series have more of an impact on the students. But all things considered, we feel it has been a most worthwhile endeavor.

## VII. CONDOLENCE LETTERS AND OBITUARIES

The following are excerpts from letters received by Mathilde following George's death in 1961:

“Over a period of years, like thousands of others, I watched his service and dedicated efforts in behalf of a more decent civic life and a fuller Americanism for thousands of us.” Harnett Kane, writer and newsman

“His death is a loss to the community, and I know that he will be remembered for a long time because of his many unselfish services to so many.” New Orleans Mayor deLessups S. Morrison

“He was the one voice speaking out for justice at all times - and we do so need that voice now.” Mary (Mrs. Norbert) Sand

“He was certainly a dedicated and fearless public servant, and your loss is shared not only by the community and the state but by the cause of civil liberties throughout the world..” Kithe(?) (Mrs. Gustaf) Westfeldt

“I know how deeply the tragic demonstrations in New Orleans affected you both, sensitive people of great humanity and good will. And I felt it was particularly hard on George because it was all happening in his beloved New Orleans.” Eleanor Crawford

“It is 47 years since George and I began our review sessions each night in Walter Hastings Hall {Harvard Law School}. I admired George then and over the years my admiration and affection for him increased. He had a clear, lucid mind, he got the right answers in the law, almost intuitively -he should have had much better grades but I could never persuade him that to get them he ought to spell out each step to his conclusions - not merely put down the right answer.” J. Raeburn Green, Esq.

“The most fitting memorial words for Mr. Dreyfous were, I think, spoken by a friend who was with me the day we all spoke to a group of African students in Mr. Drey-

fousl office. She said, without him we must all learn to be more courageous, quicker to stand up for what we know to be just and right.” Betty Wisdom

“We too feel bereft, knowing that Louisiana has lost one of its few courageous voices of reason and at a time when we all needed him most.” Jean (Mrs. Robert J.) Steamer

“There will be many things that many people will always remember about Mr. Dreyfous and of all he did, and I for one shall think of him in those weeks and months when he gave of himself without stinting. It was work and thought such as his that gave us the victory - a victory which brings hope for the kind of things in which he believed.” Bland Bruns

“Those of us who knew him could not help but gain strength and courage from his clear-eyed convictions and the granite-like character that translated them into action; and many, many people who never knew him or even of him, will enjoy a little more freedom and justice in their lives because of his honesty, generosity of spirit and courage. ... it can be said of George, as it can not of most of us, that his death was a blow to his community and to human beings wherever they may live.” Alvin Lehman

“Our community has lost one of its great leaders and I have lost a very good friend.” Congressman Hale Boggs

Exhibit VI-1 is a copy of a resolution of the Louisiana Bar Association. Exhibit VI-2 sets forth some obituaries. Exhibit VI-3 is a letter to the editor of the New Orleans *Times Picayune* from friends, John and Helen Fox.

Exhibit 1-1

## **VIII. THE LOUISIANA LEAGUE FOR THE PRESERVATION OF CONSTITUTIONAL RIGHTS**

“Confidential Informant New Orleans T-1 . . . advised Special Agent Becker in June of 1948 that GEORGE A. DREYFOUS was at that time Vice-President of the Louisiana League for the Preservation of Constitutional Rights.”

It was in 1987 that I read this sentence about my step-father, George Dreyfous. It was the first mention I ever heard of the name of the Louisiana League for the Preservation of Constitutional Rights, an organization, I later learned, that was active in New Orleans in the late '30's and early '40's. The sentence appeared in an investigative report concerning me, that was prepared by the Federal Bureau of Investigation in 1955, when I had applied for a position as an attorney for the United States Department of Justice. I was denied the job, for reasons I was never able to ascertain. But in 1987 I obtained the FBI report pursuant to a request under the Freedom of Information Act. Included in its more than one hundred pages of information about me, my family, my associations and my political and social views, was a section based on investigations in New Orleans - two pages of that section,

dealing with my step father and the Louisiana League are reproduced following this Exhibit.

My curiosity aroused, I tried to find out more about the League. My inquiry led to Harold N. Lee, retired professor of Philosophy at Newcomb College, who, with George Dreyfous, had been a principal in the League. Lee directed me to the Archives of the Tulane University Library, where he had deposited all of his files concerning the League.

What follows is based on the Lee papers and some I found in the files of George Dreyfous. It is not a thorough or scholarly study of the League, but, rather, a story of why and how it was formed and a description of some of its activities.

In late 1936 America was still in the throes of depression. It was wracked by labor unrest, including controversial sit-down strikes called by the newly formed CIO. In Europe fascism was established in Germany and Italy, and was flexing its muscles in the Spanish Civil War. American fascists, like Father Coughlin and Gerald L. K. Smith, preached on the danger to America from radicals and Jews. Liberal and left-wing organizations were being attacked as subversive by self-styled patriotic groups.

One of the most active of these groups flourished in New Orleans. It was called the Louisiana Coalition of Patriotic Societies. A newspaper account reported that:

*Red baiting . . . has reached a new high in (New Orleans). The pastime is conducted on a major scale, comparable only with the spy hysteria of World War days. Neighbors spy on neighbors. Self-appointed censors attend public meetings. Special ordinances prohibit free speech. The police make their own laws and are backed by the business interests in the city. Hundreds of people have been arrested, meetings broken up, homes raided without warrants. Beatings and third degree methods by police are commonplace. Prisoners are held incommunicado for hours. A strong-arm police squad roams the city day and night.*

Such conditions were reason enough for a group of citizens to gather to form an organization to protect civil liberties in New Orleans. But there was more. In 1936 The Coalition brought "charges" of subversion against four Tulane professors. The allegations were essentially that they attended meetings, held for the purpose of supporting Spanish loyalists or at which motion pictures were shown placing Russia in a favorable light, that they attended racially integrated gatherings and that they protested the arrest of a Communist charged with disseminating revolutionary literature. The four were soon cleared by a University administrative committee, but the experience was frightening.

Equally frightening was another incident involving eight professors, including two of the four mentioned above. They had submitted, unsolicited, a report to the University's Trustees making extensive recommendations concerning the future direction of the University, including one that the Board of Trustees be expanded to include persons other than New Orleans businessmen. The Board was not pleased, and the signers of the report

were advised that their futures at the University were in jeopardy - within a short time all but one had departed.

It was in this context that a small group began meeting to discuss the situation. They determined to organize a group that would work to educate public officials and private citizens concerning rights protected by the Constitution, and would use litigation to protect those rights. The group was spearheaded by women. It soon expanded to include two ministers, two rabbis, several lawyers and Tulane and Newcomb professors, including the four charged by the Coalition and all but one of those who had signed the critical report. It decided to call itself the Louisiana League for the Preservation of Constitutional Rights.

The League adopted a formal statement of policy (set forth on the first page of Exhibit 1-2) and agreed on certain guiding principles. It would seek a large membership so it could speak with authority. (The charter was signed by some 40 persons, and the membership eventually reached over 200.) To enable the group to act, decisions would be made by a small executive committee, and the initial committee was selected from among the group's more conservative members. The League would not accept fascists or communists, believing that they could not honestly endorse its goal of freedom of expression for all political points of view. And it would not accept blacks, apparently because it was felt that a racially integrated group in the New Orleans of that time would have no credibility or effect.

The group also decided that it would not affiliate with the American Civil Liberties Union because most of them felt that the ACLU's reputation in New Orleans was such that an affiliation would hurt more than it would help. There were some who would have preferred a more radical organization, and an affiliation with the ACLU, but they were in the minority. The ACLU took the position that it should wait and see how the new group acted before discussing the formation of a new affiliate. The League maintained close contact with the ACLU, and was listed by it as a "cooperating organization" - later correspondence indicates that the ACLU admired the work of the League.

And so the League became an organization in early 1937. It was not long before it began to act. In June of 1937 the New Orleans police raided a left-wing book store at 130 Chartres St. Its owner, Julius Reiss, was arrested and books were seized. The charges against Reiss were that he was a "dangerous and suspicious character with no visible means of support" and that he "disturbed the peace" in that he was in possession of communist literature. The League immediately issued a public protest and secured an attorney, Herman Midlo, to represent Reiss and seek dismissal of all charges on free speech grounds. But within a short time the police action had been widely protested, and the Mayor and the Police Chief backed off, dismissing the charges and returning the books. The protest included a highly publicized letter to the Mayor made from New York by noted author Upton Sinclair, one of whose books had been seized.

Two months later the police struck again. This time it was a raid on the Socialist Meeting Hall at 308 Chartres St. and the arrest of the Party's Secretary, a New Orleans barber named Henry Hermes. Hermes was preparing to distribute a pamphlet decrying the

control of New Orleans by “racketeers and slot machine kings” as well as the city's sales tax. It called upon the citizenry to “smash gangsterism, smash the gambling devices, strike against the sales tax and smash capitalism.” Arrested along with Hermes was a Yugoslav seaman who had wandered into the Social Hall because he had nothing to do!

The League, according to one press account, “rushed to the defense.” Its attorneys secured the release on bond of both men, and made appearances in preliminary court proceedings. Once again, public opinion seems to have convinced the authorities to back off. And once again there was national publicity, this time in the form of an appearance in New Orleans by Socialist National leader Norman Thomas\*. The charges against the men were eventually dropped, but there was an ugly aftermath: Hermes was attacked and beaten - his assailants were never found, despite efforts by League members to spot them among slot machine collectors visiting the small businesses near Hermes' barber shop on Freret St.

Shortly after this incident, the League was asked to look into violence being directed against an attempt by a CIO group to organize rural, mostly black, farmworkers in West Feliciana and St. John the Baptist Parishes. Organization was bitterly and violently fought by the white farmers. Shortly after an attempt to lynch one organizer, during which his wife was beaten, a member of the League, author Elma Godchaux (one of whose books was seized in the earlier incident) visited West Feliciana with the principal CIO organizer, Gordon McIntire, hoping to convince farmers not to oppose organization! In a tense confrontation, they were bluntly told that they should leave town if they didn't want to be shot. They left.

In St. John the Baptist Parish, another CIO organizer was arrested for inciting to riot, and was being held in Hahnville on \$5,000 bond. George Dreyfous drove to Hahnville to seek a reduction in bail. The “hearing” took place at the local bar where the judge customarily “sat.” After completing his card game, the judge heard Dreyfous' argument, during the course of which he insisted on buying a round of drinks. Later Dreyfous offered another round. Bond was reduced to \$250.00. The next day McIntire drove to Hahnville to post it. On his return, his car was forced off the road and shots were fired at it - happily none connected. In 1938, several persons connected with Tulane, including Dr. Alton Ochsner, a well-known doctor on the staff of the School of Medicine, received a postcard reading as follows:

*An effort is being made, for the benefit of unsuspecting gentiles, to list all racial Jews in this territory. Your name as well as your character suggests, according to testimony by a number of former associates of yours, that you are either 100% or partly Jewish. Should you fail to produce convincing evidence to the contrary within a reasonable period of time, you will be listed as described above. We are not interested in your religious denomination.*

The card was signed by Jos. Hahn-Korff, as Secretary of the League for the Restoration of Aryan Supremacy in America. For this act, Hahn-Korff was convicted by a federal jury of sending scur-

rilious and defamatory material through the mails. George Dreyfous on behalf of the League, prepared a motion to overturn the conviction on free speech grounds, but it was never filed because Hahn-Korff refused to be represented by a Jewish lawyer!

One of the League's most difficult periods was during the labor unrest that gripped New Orleans in mid-1938. The CIO was vigorously attempting to organize dockworkers. The New Orleans police not only made no effort to be neutral - they made every effort to run the CIO organizers out of town, using strong arm tactics and an anti-littering ordinance that they applied to CIO picket signs. Hundreds of strikers were arrested.

Because the CIO used its own lawyers, the League did not get actively involved in these incidents. But it did help activate public opinion which may have helped. And it wrote a stream of protesting letters to the City, State and Federal officials, as well as the American Federation of Labor which was aiding the police effort. It also sought to file an *amicus curiae* brief (written by George Dreyfous) in the Supreme Court in *Hague vs CIO* - Jersey City Mayor Frank Hague (whose nickname was "I am the law") had used similar tactics to silence the CIO and the CIO had sued. The Supreme Court decided the case in favor of the CIO but without the benefit of the League's brief -the Court refused to allow it to be filed unless all parties consented, and Hague's lawyers refused.

The organizing efforts of the CIO were hampered by thugs called "goons." Their function was to beat up CIO organizers and picketers, and the police cooperated by refusing to arrest or charge the goons. The League gathered enough evidence against two goons that the authorities were forced to bring them to trial. And when one of the goons who was convicted came up for parole, the League vigorously opposed it.

The most serious problem the League grappled with was protecting New Orleanians from unconstitutional arrests and convictions. Part of the problem was the existence of vague, broadly written ordinances that were used to harass those engaged in activities that the local authorities wanted to discourage. Part of the problem was a police department that considered itself above the law. And part of the problem was that many ordinary people who were picked up by the police had no representation in the Records Court, where such offenses were tried. The League found early on that it could not provide enough lawyers to represent all those who needed counsel. It spearheaded an ultimately successful effort to have the Legal Aid Bureau which then handled only civil cases, to establish a criminal law division and provide such representation.

Police use of coercion was common. In 1939 the Chief of Detectives, John Grosch, gave a speech in which he boasted of using "ice cream and cake" as coercion was called in police parlance. The League launched a public attack with letters to the Chief of Police, the Mayor and others, which forced Grosch on the defensive, exposed the issue and won favorable editorial comment.

The very worst of police excesses were directed at blacks. Shootings or assaults for no good reason were not uncommon. Arrests without charges, long periods of incarceration before charges were made and excessive bail were common. When the League received reports of shootings and assaults, frequently from the Urban League, it would seek to interview the persons involved. This required League workers to go to unfamiliar and

often dangerous parts of the city and to attempt to take statements from black persons understandably suspicious of whites who said they wanted to help. And it is hardly surprising that even when statements were obtained, few black victims were willing to pursue legal action against police officers.

The case of Clarence Sims provides an example. Sims was shot by a policeman. The League was able to identify the guilty party as one Officer Smith. It was difficult to get any action from the District Attorney because Smith had political connections. Finally the matter went before a grand jury. But grand jurors refused to take Sims' word over that of the police, and there was no indictment. Harold Lee overheard a grand juror express surprise that there was such a fuss over the shooting of a “nigger” and indicate that where a policeman said one thing and a black another, he would always accept the word of the policeman.

Other groups that suffered at the hands of the police included women, especially prostitutes and strangers, and sailors during the war. A protest by the League on arrests of women in 1944 brought forth an Item headline “Reyer warns Police on Drive Abuse after League's Cudgel Forces Issue.” The colorful reference to the League's “cudgel” can be compared to a paragraph from the *Louisiana Weekly* which began: “The vicious tactics of the New Orleans Police Department crumbled under the League . . . like a town racked by an earthquake” - both attributed to the League a degree of power that was probably more wish than fact.

The League devoted considerable effort to trying to protect the civil liberties of Jehovah's Witnesses, a group that suffered much abuse in those days, particularly in rural parishes. Witnesses were sometimes prohibited from holding public meetings. They were required to obtain licenses to sell religious tracts, and jailed if they didn't. And they were prosecuted when they refused to allow their children to salute and pledge allegiance to the flag in school. The League provided counsel for those arrested, sometimes was successful in having charges dismissed, and won at least one case in the State Supreme Court involving a right to distribute literature. But in the area of saluting and pledging allegiance to the flag, the League had to deal with existing Supreme Court law, which had upheld such requirements. All the League could do was to lobby the state legislature and parish school boards not to enact repressive measures.

But the legal framework changed dramatically in 1943. In *West Virginia State Board of Education vs\_ Barnette*, the Supreme Court held that school children could not be required to pledge allegiance to the flag. This decision, which reversed a case decided only three years previously, produced these memorable words from Mr. Justice Jackson:

*If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.*

The case also achieved notoriety in the 1988 presidential campaign, as the legal authority upon which Governor Dukakis relied in the veto of a flag salute law that was used against him by President Bush.

The League's representation of Jehovah's Witnesses gave rise to one particularly outrageous incident. In 1941 attorney Herman Midlo went to Alexandria to assist a Witness who was being improperly held in jail. In the course of his representation, Midlo angered a city judge who called him a "goddam jew" and had him arrested and jailed, though he was soon released. Midlo wanted to sue the Judge. He sought a lawyer in Alexandria to represent him, but the entire Alexandria Bar offered instead to represent the Judge. The League, through George Dreyfous, represented Midlo. The case was settled for \$150, and Midlo gave \$100 of that to the League. The settlement amount was not negligible - by comparison, League dues at that time were \$1.00 per year.

Although many if not most of the League's "clients" were blacks who suffered at the hands of the New Orleans Police, the League, not unlike the ACLU and most white-dominated groups at that time, generally avoided issues of racial discrimination as such. It in effect accepted the then prevailing rule of "separate but equal," and its activities in this area were limited to situations where public facilities for blacks were grossly unequal. Thus, it was bold enough to protest, apparently successfully, to the Gretna authorities when the local NAACP chapter was denied a meeting place. It spoke out on behalf of black groups denied use of a public facility for a July 4th celebration. And it was outspoken in efforts to preserve bathing facilities for blacks at Lake Pontchartrain. But it was not until 1946, just prior to its demise, that the League began working with the only black attorney then practising law in New Orleans, and invited him to attend meetings of its executive committee.

The League's educational programs were extensive. It held frequent public meetings and conferences. And it sponsored a series of weekly radio broadcasts on civil liberties topics.

The League also kept up a steady stream of letters to the mayor, the police chief, state and federal legislators and the press, on a variety of issues. Thus, for example, in 1939 it protested the continuation of the Dies Committee, a congressional committee that investigated what it called un-American activities and used tactics that many felt were dictatorial and trampled upon the rights of the unpopular. In the same year it protested a US Senate bill in words that would only have been used by a group made up of professors:

*We respectfully call to your attention the dangers inherent in Senate 1677. Such legislation would have caused imprisonment of Zola when he was calling the attention of the French people to the inefficiency of the French Army. The Justice of his criticism was proved in the war of 1870.*

In 1940 it wrote Louisiana Senator Overton protesting a bill that would deport aliens who advocated change in the American form of government. And in 1941 it fought efforts of the Orleans Parish School Board to adopt a rule that would have required dismissal of teachers who joined "subversive" groups, with no definition being given of that term.

In 1945 the League took a strong stance on an issue involving discrimination against Japanese-Americans. Police juries in St. Bernard and Plaquemines Parishes adopted ordinances denying to Japanese-Americans the right to own or use real property.

The League publicized its position that the ordinances were unconstitutional, and promised a court challenge to any effort to enforce the ordinances.

It is difficult, more than fifty years after the fact, to assess the effectiveness of the Louisiana League for the Preservation of Constitutional Rights. But one cannot help but be impressed at the zeal and courage of this relatively small group, mostly lawyers, ministers and academics. They rolled up their sleeves and plunged into a program of educational activities and litigation. They established a high community profile for civil liberties. The work was frequently unpopular and resulted in at least one hate-filled and threatening letter addressed to “nigger-loving” Lee stating that the writer was out to get him.

While a number of persons participated in the work of the League, Harold Lee stands out as its primary force, with George Dreyfous second. Lee was responsible for much of the considerable written work of the League, and, though not a lawyer, he assisted the League's legal work, interviewing witnesses and taking statements. During the war years, when many of the League's activists were in service, Lee carried on its work almost single handedly. Dreyfous was the League's constitutional theorist. Even though he was not an experienced court-room lawyer, he did participate in court hearings. He also took many witness statements and drafted many legal pleadings and correspondence.

The Louisiana League for the Preservation of Constitutional Rights provided a chapter of New Orleans history of which the City should be proud.