

ALEXANDER H. FREY AND THE RIGHTS OF THE CITIZEN

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No cause can prosper in America without organization. We professional cause-men go a step further and say that no cause can survive without *an* organization. Alexander Frey, more than any other person, has given organization to the cause of civil liberties in Philadelphia. Moreover, he can claim major credit for providing it with *an* organization, the American Civil Liberties Union.

A.C.L.U. was founded in New York in 1920, and during its first thirty years remained centralized, with little in the way of programs and organizations outside of headquarters. It was not until 1951 that a formal A.C.L.U. affiliate was established in Philadelphia.¹ Before that time, many citizens concerned with constitutional rights, and particularly with racial discrimination, had volunteered their services to the Philadelphia Fellowship Commission.² Among them was Alexander Frey, who served as a member of the Fellowship Commission Board. In 1948, on his initiative, the Fellowship Commission established a "Citizens' Committee on Democratic Rights," of which Mr. Frey was appointed chairman. The committee, as an organ of the Fellowship Commission, was limited in its scope to considering those rights which are denied on the basis of race, religion, or national origin. However, Mr. Frey and the Committee's other members soon recognized that many "democratic rights" besides freedom from racial and religious discrimination needed attention in the community. On Mr. Frey's initiative the committee was incorporated in 1949 as an independent organization called the "Citizens' Council on Democratic Rights." This was done in 1949, Mr. Frey serving as one of the incorporators.³ Soon thereafter, the Citizens' Council on Democratic

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¹ In the mid-thirties informal committees of A.C.L.U. members were established by the national organization in various communities. There were three such in Pennsylvania, one in State College, one in Pittsburgh, and the third in Philadelphia. Mr. Frey was the chairman of the Philadelphia group committee. The group had no formal program, and consisted of little more than an A.C.L.U. presence. It went out of existence about 1940.

² The Philadelphia Fellowship Commission, now called the Fellowship Commission, is a non-profit citizens' organization dedicated to the improvement of interracial and interreligious relations.

³ The Philadelphia Fellowship Commission continued its financial support of the C.C.D.R. from the time of its incorporation until after it became an affiliate of the American Civil Liberties Union.

Rights suggested to the American Civil Liberties Union that C.C.D.R. become A.C.L.U.'s Philadelphia affiliate. This step was taken in 1951, with Mr. Frey playing the leading part in working out the details.

The Citizens' Council on Democratic Rights was a small organization and at times had no full-time executive staff. Accordingly, its Board members frequently had to take responsibility for its day-to-day operations. Mr. Frey played a leading part in the C.C.D.R.'s successful campaign to end police censorship of books. Mr. Frey and Julian E. Goldberg, another active member of C.C.D.R., conferred with Craig Ellis, head of the Philadelphia Police Department's vice squad. Mr. Frey interrogated Mr. Ellis, eliciting the admission that the censoring was assigned to a patrolman whose qualification was that "he liked to read books." By the end of the interview, Ellis was feeling uncomfortable and remarked, "I sound like a fool, don't I?" He indicated that the practice of police censorship would be dropped—and it was.

Among other services to the cause of civil liberties, Alexander Frey recruited many dedicated workers and powerful allies. Through him, Mr. Goldberg became active in the Fellowship Commission and later in the A.C.L.U. At Mr. Frey's request, former U. S. Supreme Court Justice Owen J. Roberts agreed to serve on the local A.C.L.U. Board. Mr. Frey's involvement has led numbers of University of Pennsylvania Law School faculty members to play an active role in the American Civil Liberties Union.

Since 1952, Mr. Frey has served continuously on the board of the American Civil Liberties Union, Greater Philadelphia Branch, and has twice been its president, from 1952 to 1956, and from 1965 to 1967. He has accepted more than his share of committee assignments, has represented the Branch at national A.C.L.U. conferences, and has served approximately two years on the board of the national A.C.L.U., in the mid-fifties.

In 1955, the Greater Philadelphia Branch took the initiative in creating the American Civil Liberties Union of Pennsylvania, whose main function has been the creation and guidance of chapters in upstate areas, and the formulation of policy on statewide issues. Mr. Frey was an incorporator of the new organization, and served, until 1963, as its first president.

Thus, Alexander Frey in a veritable tour de force of philoprogenitivity, has fathered every local community entity whose chief concern is the Bill of Rights. He has maintained his interest in each, and has lavished on each the loving attention to detail for which he is known in other capacities. Mr. Frey's intense interest in organizational matters

and his attention to detail are a tremendous asset to an organization many of whose board members are strong on civil liberties but bored as soon as anything so prosaic as the budget or the by-laws is mentioned.

He has, of course, contributed much more than attention to house-keeping matters. He seldom misses a board meeting, and almost always takes part in the debate. A.C.L.U. discussion usually involves an attempt to apply general principles to specific situations; Mr. Frey's well-known suspicion of general principles leads him to subject each of these attempts to a rigorous analysis. He is usually able to demonstrate that any problem has at least one more dimension than anyone else had seen. Some of his colleagues may feel at times that he tries too hard to find the other side of a fairly clear issue, but no one would deny the value of his rôle in an organization whose very justification for existence is its intellectual integrity—its insistence that every decision be based upon an honest analysis, rather than upon appeal to some facile slogan. In an organization of non-conformists, Alexander Frey is the chief non-conformist. What greater distinction is possible?

If this account of Alec Frey presents him as the bloodless McNamara of civil liberties, it is unfair and misleading. Like the issues he analyzes, he has many dimensions, among them an intense interest in other people—a quality of which I have been a beneficiary. Mr. Frey's tutelage has done much to compensate for my lack of formal legal training. I blush to recall the ignorance of my early years at A.C.L.U., beginning in 1952. Alec Frey sometimes gave me a hard time; he never let me get away with sloppy thinking. But underneath his forthrightness there was real respect for me as a person; indeed his patience in laboring with me was proof of his respect; he treated me as a person worth the effort to teach and persuade.

From our professional contact has grown a warm friendship. Alec Frey is a genial, relaxed, and accomplished host—his wife sharing the credit. A visit to the Frey house is as entertaining as it is stimulating, for he is a remarkable raconteur, and possesses a fey humor—a delightful component of a personality of extraordinary subtlety and variety. Fortunately his retirement from the Law School faculty does not mean that his talents and energies will be unavailable to the larger community he has served so well.