Roger Nash Baldwin (1884-1981)

A founder and director of the American Civil Liberties Union, he served as its National Director 1920-1950.

Source: Klein, Woody. *Liberties Lost: The Endangered Legacy of the ACLU* (Westport, CT: Prager, 2006). Cover page.

"Red Riots" and the Origins of the Civil Liberties Union of Massachusetts, 1915-1930

Shawn M. Lynch

Abstract: *This article investigates the formation of the Civil Liberties Union of Massachusetts (CLUM) in the early twentieth century. This organization evolved as a reaction to local and national events, including the Palmer Raids and the wider Red Scare following World War I, as well as the Anti-Anarchy Bill passed by the Massachusetts General Court in the wake of the Roxbury "red riot" and the Lawrence textile mill strike. Unlike similar groups in other states, the CLUM began as a unit of another progressive association, the League for Democratic Control, before emerging as an independent group. This research is drawn from the author's dissertation, which focused on civil liberties in Boston, 1915-45.*

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The protection of civil liberties is never so tenuous as during times of national crisis. Fears of subversion from within are heightened. Public opinion often supports the suppression of the rights of individuals when undertaken for the defense of the nation. Students of contemporary politics need only look to the 2001 USA Patriot Act (HR 3162) for confirmation. The Patriot Act is, however, nothing new. It is but another link in a long chain of state and federal legislation stretching back to the foundation of

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the American colonies aimed at protecting the public from dangerous or radical philosophies.

The entry of the United States into World War I prompted a widespread crackdown on anti-war dissent. The subsequent success of the Russian Revolution of 1917 spurred a Red Scare following the end of the war. At the moment the US became a world power, the world never seemed so threatening to time-honored American values, whether prompted by German militarists or Russian Communists. The administration of President Woodrow Wilson acted swiftly to circumscribe criticism of the war, government policies, and the military, believing such disparagement to be detrimental to the monumental undertaking of "making the world safe for democracy."[1]

Restrictions on free speech in wartime created the need for an organization committed to defending the right to dissent and to aiding those facing coercive action from federal, state, and local authorities. This need spurred the formation of the American Civil Liberties Union (ACLU), a nation-wide group based in New York, with many local affiliates, including one in Massachusetts. The affiliate that emerged in Boston resulted from a complex combination of spontaneous local action by concerned citizens coupled with prompting by Roger Baldwin of the ACLU. This was somewhat reflective of the experience in other states. What makes the Boston branch unique, however, was that it began as a unit of the local chapter of the British-based League for Democratic Control, from which it separated in 1920. The Boston group's main contribution from the late 1920s onward was its focus on combating censorship.[2] The connection between Boston and the national organization would not solidify until the first years of the Great Depression when a deepening financial crisis forced the independent-minded Boston organization to seek financial shelter within the national ACLU.

THE NATIONAL SCENE

Government suppression of perceived "radical" speech in 1917 and 1918, along with the Red Scare in the immediate post-war years, served to mobilize the American Left. Numerous groups appeared both during

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[1] See Christopher Finan, *From the Palmer Raids to the Patriot Act* (Boston: Beacon Hill Press, 2007) for an excellent description of this period.

[2] Judy Kutulas, *The American Civil Liberties Union and the Making of Modern Liberalism, 1930-1960* (Chapel Hill: University of North Carolina Press, 2006), p. 61. This excellent work describes the relationship between the national ACLU and the various state organizations.

and after the war, driven by a variety of aims, including pacifism, social justice, and the protection of civil liberties. These organizations included the League to Enforce Peace, the League for Democratic Control, the Non-Partisan League, the National Popular Government League, and others. On both the local and national levels, the challenges brought on by the war spawned organizations dedicated to the protection of civil liberties.

One of the most important groups to emerge from this chaotic period was the American Union Against Militarism (AUAM) in 1915, headquartered in New York City. This group evolved from earlier progressive movements. Jane Addams joined others, like Lillian Wald and John Haynes Holmes, in the creation of the AUAM to protest conscription and to protect both conscientious objectors and general dissent.[3]

Enter Roger Nash Baldwin, one of the most significant figures in the history of American civil liberties and a vital ally of civil libertarians in Massachusetts. Baldwin, born in Wellesley, Massachusetts, in 1884 to a wealthy "Mayflower" family, attended Harvard University where he was a casual acquaintance of both Franklin and Eleanor Roosevelt. Shortly after graduation, his father's attorney, prominent progressive Louis D. Brandeis, suggested that he pursue a career in public service. Baldwin agreed and took a position in St. Louis as head of a settlement house, a position he held from 1906 until 1917.[4]

Baldwin found his calling in St. Louis and quickly established himself as a leading figure in many local progressive organizations. At the National Conference of Charities and Correction, held in St. Louis in May 1910, he met Jane Addams, and the two became fast friends.[5] Addams invited Baldwin to join the AUAM as its secretary in January 1915. Unsure that such an organization had much of a future, Baldwin declined the offer, despite his desire to leave St. Louis and return East. As American involvement in World War I seemed increasingly likely, Baldwin — a committed pacifist who feared that war would undermine civic reform — wrote to the AUAM in February 1917 asking that organization to coordinate anti-war demonstrations. In March, the AUAM again invited him to join their cause as secretary. He accepted, moving to New York.[6]

The AUAM focused on the protection of civil liberties in wartime, especially those of conscientious objectors in the wake of the passage of the Selective Service Act. In response to the act, Baldwin, Elizabeth

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[3] Robert Cottrell, *Roger Nash Baldwin* (New York: Columbia University Press, 2000), p. 47.

[4] Ibid., pp. 1-20.

[5] Ibid., pp. 30-35.

[6] Ibid., pp. 46-47.

Glendower Evans, Scott Nearing, Norman Thomas, and others created a bureau within the AUAM to offer legal advice and aid to conscientious objectors. It was this bureau that became, on July 1, 1917, the National Civil Liberties Bureau, with its headquarters in New York City. In 1920, the NCLB changed its name to the American Civil Liberties Union. Over the next two decades, the ACLU evolved into a nation-wide network with both directly affiliated branches and allied organizations.[7]

Immediately following the end of World War I, a wave of strikes hit the nation. Although wages increased 19 percent between 1915 and 1919, the cost of living skyrocketed during and after the war. Indeed, by July 1920, the cost of living had risen 112 percent over the cost in 1916. Workers depended on overtime work and bonuses to meet their basic needs. With the war over, however, factories cut both production and worker hours. As a result of these factors, 3,630 different strikes by more than 4 million workers across all industries erupted in 1919 alone. Many newspapers and politicians blamed the strikes on the influence of Bolshevism, which was allegedly brought into the U.S. by immigrants and exploited by American radicals. These events, coupled with fears of an impending revolution along the lines of that in Russia, contributed to the outbreak of the Red Scare and the demonization of labor unions and their demands.[8]

CIVIL LIBERTIES AND ANTI-ANARCHY LEGISLATION

In Massachusetts, post-war labor troubles tinged with fears of anarchism and Bolshevism prompted official action to restrict the rights of Leftists and radicals in early 1919. Two events in particular spurred the introduction and passage of an anti-anarchy bill: the bitter Lawrence textile workers' strike that lasted from early February until the end of May, and the Roxbury "red riot" on May 1. Official reaction to these events contributed to the formation of a civil liberties group in Boston.[9]

As World War I came to an end, factory owners across the United States cut back on production as a cost-saving measure. In January 1919, owners of the American Woolen Company (AWC) mills in Lawrence,

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[7] Ibid., pp. 55-58, p. 121.

[8] Philip S. Foner, *History of the Labor Movement in the United States: Postwar Struggles 1918-1920* (New York: International Publishers, 1987), pp. 2-19; Francis Russell, *A City in Terror: Calvin Coolidge and the 1919 Boston Police Strike* (Boston: Beacon Press, 1975), pp. 14-15.

[9] The Commonwealth of Massachusetts to this day operates under the Constitution of 1780 and its numerous amendments. This document did not contain a specific provision protecting freedom of speech until 1948. See also Shawn M. Lynch, "In Defense of True Americanism": The Civil Liberties Union of Massachusetts and Radical Free Speech, 1915-1945. Ph.D. Diss., Boston College, 2006.

Massachusetts, announced a reduction in worker hours from fifty-four to forty-eight per week. In response, the mill workers formed a general strike committee unassociated with any major labor union. It consisted of ninety-five delegates chosen from each AWC-owned mill. These delegates chose as their secretary twenty-seven-year old Imre Kaplan, a Russian Jewish immigrant and delegate of the mule spinner's union.[10] Through Kaplan, the committee demanded that the mill workers continue to receive fifty-four hours pay per week despite the reduction in actual work hours. On January 31, the mill owners refused the workers' demands in a terse communication.[11]

The next day, the delegates voted to send all 30,000 workers out on strike. They did so despite a communication from John Golden, president of the United Textile Workers of America (UTWA), who urged the delegates to wait until a UTWA representative arrived in Lawrence to assess the situation and offer advice. On February 2, the representative addressed the delegates and urged them to accept the forty-eight hour pay schedule. Kaplan told him that it was not the UTWA's decision to make, and the strike would go forward. Despite this, 16,000 textile workers chose to accept the forty-eight hour schedule and return to work. The rest remained out on strike.[12]

Similar disputes in other Massachusetts towns were settled fairly quickly, with workers at most mills accepting the forty-eight hour schedule. The Massachusetts chapter of the American Federation of Labor (AFL) did not support the Lawrence strikers. On February 4, Kaplan denounced the AFL as a "scab organization." However, the radical Industrial Workers of the World (IWW) supported the Lawrence strikers and dispatched help. Kaplan announced to the delegates and the press: "I am through with John Golden and his bunch…. The IWW helped the people in [the Lawrence strike of] 1912 and it is only natural to look to them when we're in trouble."[13]

In response to the continuing strike, the mills shut down. The Lawrence commissioner of public safety refused a permit for the strikers to parade through the city, claiming that "a parade under present conditions would encourage Bolshevism." Both the mayor and the Chamber of Commerce pleaded with Kaplan and his committee to continue negotiations, but he adamantly refused any compromise.[14]

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[10] Foner, p. 134.

[11] *Boston Herald*, February 1, 1919.

[12] *Boston Herald*, February 1, 2, 1919; Foner, pp. 126-27.

[13] *Boston Herald*, February 5, 1919; Foner, p. 128.

[14] *Boston Herald*, February 6, 1919.

Only five days after the strike began, violence erupted on the streets of Lawrence. An unknown assassin — who successfully eluded police capture — shot and killed a forty-one-year old striker. On February 8, a despondent striker committed suicide, even as the state board of arbitration offered a compromise of fifty-one hours pay. The mill owners later denied, however, that they had agreed to this compromise. On February 9, a citizen's committee organized by the mayor and the Chamber of Commerce urged the nearly 32,000 strikers to go back to work without fear of retribution. That same day, the strikers met at the Grand Opera House in a rally organized by the Massachusetts Socialist Party. According to the *Boston Herald*, they "responded time and again with 'cheers and applause for Bolshevism.'" The leaders of the rally denied receiving any notice of a compromise from the state board and vowed to fight on for fifty-four hours pay. On February 10, the leadership of the AFL condemned the strike leaders as Bolsheviks and denounced the strike as the product of "alien Bolshevik IWW agitators."[15]

The Lawrence police department called in help from surrounding towns, including Lowell, Lynn, Newton, and Cambridge, to maintain order. More violence erupted on February 20th, when 2,000 strikers clashed with police on Lawrence Common. The next day, an estimated 3,000 workers rioted following a mass meeting at which the head of the Massachusetts Socialist party and the assistant editor of *Revolutionary Age,* a Communist publication, spoke. Violence between police and strikers continued through March. At a rally on March 5, one speaker proclaimed: "The revolution is on and will sweep the world. Eventually the working class shall own all…. We will organize among the returning soldiers as fast as they come from Europe.… We demand the earth." On March 18, strikers pelted non-striking workers with bricks and several snipers in various locations fired at police.[16]

Although abandoned by the AFL and the UTWA, some labor unions and individuals supported the strikers. The Amalgamated Clothing Workers of America accepted the strike committee's application for affiliation in March. The president of the Amalgamated Clothing Workers, Sidney Hillman, dispatched two organizers to aid the Lawrence strikers and raised nearly $100,000 for worker relief in the next few months. The New York Shop Workers' Union raised $20,000 through an appeal to its members. Support arrived from other quarters as well.[17] Elizabeth Glendower Evans,

[15] *Boston Herald*, February 7, 8, 9, 10, 11, 1919; Foner, p. 128.
[16] *Boston Herald*, March 6, 1919; March 19, 1919; Foner, p. 132.
[17] Foner, p. 129.

a Brookline, Massachusetts, socialite and social worker, came to the aid of the strikers. She was arrested on March 19, when she protested the police treatment of a striker arrested for assaulting mill workers.[18] Throughout March and April of 1919, she continued to raise money to support the Lawrence strike committee. She shuttled back and forth between Lawrence and Brookline, and in April sent a message to the strikers "to be good."[19] Glendower Evans would prove to be a mainstay in the fight over free speech and civil liberties in Massachusetts in the 1920s, and she was one of the original founders of the organization that evolved into the Civil Liberties Union of Massachusetts.

The violence in Lawrence prompted action by the state legislature to contain radicalism. In early April, former Massachusetts governor John L. Bates (1903-05) introduced an anti-anarchy bill into the Massachusetts House of Representatives. Several other states had already adopted similar legislation, with the aim of curbing Bolshevism and the activities of the Industrial Workers of the World.

The bill's "emergency preamble" noted that "There is now in this commonwealth a considerable number of persons, mainly non-residents, who are striving to promote anarchy … legislation is necessary to provide for the prompt repression of these attempts." The bill granted government authorities broad and draconian powers to suppress radical speech. Section one forbade the distribution of any written, printed, or pictorial document that would "advocate, advise, counsel or incite" attacks against

[18] *Boston Herald*, March 20, 1919.

[19] *Boston Herald*, April 3, 1919. Born Elizabeth Gardiner in New York in 1856, her grandfather moved the family to Boston following her father's death in 1859. She attended private schools, attended Phillips Brook's reformist Trinity Church, and married Harvard-educated attorney Glendower Evans in 1882. Her husband, a lawyer with Oliver Wendell Holmes, Jr.'s law firm, died unexpectedly in 1886. She attended classes at Radcliffe College in the 1890s, but prison reform remained her main focus during that period. From 1886 to 1914, she served as a member of the board of trustees of the Massachusetts State Training Schools, where she helped young offenders readjust to society following incarceration. She joined striking mill workers in Roxbury in 1910 and aided workers that struck against the Boston Elevated Railway in 1912. From 1911 to 1912, she financed a successful campaign to secure the passage of the nation's first minimum wage legislation in Massachusetts. In 1915, she traveled to The Hague to attend the Woman's Peace Congress. Throughout this period she campaigned for women's suffrage in the United States. Following the end of World War I, she joined the board of the American Civil Liberties Union. In 1920, during her activities on behalf of Socialist presidential candidate Eugene V. Debs, she noted: "My social philosophy is of the evolutionary type. I have no hope that property can be seized by force and impressed successfully into social control. Workers must learn first to administer." Kathryn Kish Sklar, "Evans, Elizabeth Glendower"; http://www.anb.org/articles/15/15-00812.html; *American National Biography Online*, February 2000. Accessed February 24, 2004; "Evans, Elizabeth (Gardiner)," http://archiver.rootsweb.com/th/read/EVANS/2000-04/0957073876, *Rootsweb.com*. Accessed April 20, 2005.

Elizabeth Glendower Evans (1856-1937) was a leading civil libertarian, trade unionist, suffragist, pacifist, and prison reformer. She played a key role in the 1912 Massachusetts campaign which resulted in the first minimum wage law for women in the nation. After World War I, she joined the board of the American Civil Liberties Union and served as National Director (1920-37). She was a staunch defender of free speech, the rights of aliens, and fighting for the rights of socialist and radicals against post-war reaction. She was a central member of the support committee for Sacco and Vanzetti, two Italian anarchists sentenced to death. In 1933 she was awarded the first annual Ford Hall Forum medal for "prominent service to human welfare."

public officials, the destruction of property, or the "overthrow by force or violence of the government of the commonwealth." It further outlawed

> any person's speech or writing who shall at any meeting or in the presence of more than three persons… in any wise advise, advocate or counsel any violation of, or unlawful refusal to obey any then existent and operating laws of the commonwealth, respecting the preservation of the peace or the protection of life or property; or who shall advocate, advise, or counsel any refusal to obey any lawful order of any public official [or] officer.

Anyone convicted under section one of the act faced imprisonment "for a term of not more than three years or by a fine of not more than $1000, or by both such fine and imprisonment." Section two of the act declared the possession of such material as "prima facie evidence of unlawful exhibition, distribution or promulgation of the same"; that is, even *possession* of such material was outlawed![20] The Massachusetts

[20] Massachusetts General Acts, 1919, Chapter 191, "An Act to Prevent the Promotion of Anarchy."

House of Representatives voted on April 3 to suspend its normal rules and passed the measure with little debate and no amendment.[21]

The American Federation of Labor initially opposed the bill, arguing that existing legislation protected law and order. AFL leaders, however, were subsequently persuaded to support the bill after being assured that the IWW was its main target. Boston businessman and national ACLU board member John S. Codman argued against the bill, and specifically section two: "It is true the Russian soviet is sending out circulars advising the overthrow of the government of the United States… but how can we know what their point of view is unless we read their literature?" A lawyer representing the Harvard Liberal Club excoriated the bill, which he felt violated the first amendment of the federal Constitution. Elizabeth Glendower Evans declared her opposition to the legislation, claiming it threatened constitutional liberties and that: "I am not an anarchist, a Bolshevist or a Socialist, but I want this committee [of the legislature] to know that the existing laws are suppressing our liberties."[22]

The state Senate, too, balked at section two of the proposed measure. Although a move was made to rush the bill through to passage, which the House had done, that effort failed. One senator supported the bill but urged careful consideration. He warned that section two could allow otherwise patriotic and law-abiding citizens to face arrest. The Senate then voted to send the bill to the Joint Judiciary Committee for its opinion.[23]

While the committee considered the proposed bill, and the Lawrence strike continued unabated, violence broke out at a May Day gathering in Roxbury. A parade by the Lettish Workingman's Association turned violent when police tried to break up the march because the participants did not have a permit.[24] The marchers attacked police, tore down an American flag, and one marcher raised a red flag. This prompted onlookers to attack the demonstrators. Soldiers and sailors quickly joined the assault on the marchers and organized civilian "patrols" that attacked anyone "who looked Russian or Lett." Many shots were fired during the riot, and marchers, police, and civilians were all beaten with clubs and bricks. One hundred and fourteen men and women were arrested.[25]

Following the riot in Roxbury, support for the Anti-Anarchy Bill grew in the legislature. The legislature's Joint Committee voted on May

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[21] *Christian Science Monitor,* April 4, 1919.

[22] *Christian Science Monitor,* April 12, 1919.

[23] *Christian Science Monitor,* April 4, 1919.

[24] "Lettish" and "Letts" are references to peoples of the Baltic region, primarily Latvians.

[25] *Boston Herald*, May 2, 1919.

8 to remove section two of the proposed bill altogether and also voted to remove the language "or who shall advocate, advise or counsel any refusal to obey any lawful order of any public official, officer, or person empowered to act or acting under such law" from section one. With these alterations, the committee voted unanimously to recommend passage of the bill to both houses.[26]

The House debated the amended bill on Thursday, May 22. The representative for Haverhill introduced a substitute bill and defended it before his colleagues. He detailed his meetings with the state attorney general and the chief of the Boston Police Department, both of whom supported the legislation. He claimed during hearings on the measure that some of the opposition arose from "real *Bolsheviki* from Russia." He could not fathom the objections of the "educated liberals" of the Harvard Liberal Club, who, in his estimation, believed it "destructive of liberty to restrain criminals."[27]

Like the AFL, opponents claimed that the bill was unnecessary because of existing legislation. One member went so far as to blame the Lawrence mill owners for inciting violence to create a crisis atmosphere. This legislator believed that "poor people would suffer" under this legislation. Another proposed striking out the word "incite" from section one, out of fear that innocent people might face unwarranted arrest. The House defeated this motion, and the measure passed. The Republican governor signed the bill into law on May 28.[28]

Around this same time, the strike in Lawrence came to an end after losing steam throughout May. Those out on strike splintered into factions in late April, with more and more workers on the side of compromise. That position gained support after mill owners throughout New England, including the American Woolen Company, announced a general wage increase.[29]

THE ORGANIZATION OF THE CIVIL LIBERTIES UNION OF MASSACHUSETTS

In the wake of the labor difficulties and the passage of the Anti-Anarchy Law, Roger Baldwin of the NCLB wanted to stimulate the formation of a civil liberties group in Massachusetts. To that end, Baldwin met with

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[26] *Christian Science Monitor,* May 8, 1919.
[27] *Christian Science Monitor,* May 23, 1919.
[28] *Christian Science Monitor,* May 29, 1919.
[29] *Boston Herald,* May 18, 1919; *Boston Herald,* May 23, 1919.

members of the Boston branch of the League for Democratic Control (LDC) sometime near the end of 1919 at the home of member Robert W. Dunn to seek their help. Dunn served as a member of both the national ACLU and the Intercollegiate Socialist Society with Baldwin, Norman Thomas, and others.[30]

Pacifists in Great Britain had formed the LDC in 1915 as the Union of Democratic Control. This organization supported the idea of a League of Nations and also believed that "democratic control" (that is, direct voter participation) over foreign policy would keep Britain out of any future war.[31] A Boston-based affiliate was founded in 1917. Tufts University professor Reverend Clarence Skinner served as chairman of the Boston LDC; Gertrude Winslow served as secretary; Elizabeth Glendower Evans headed the labor committee; and Anna Davis chaired the group's civil liberties committee. By 1920, membership included close to 1,000.[32]

In December 1919, Baldwin wrote to Gertrude Winslow and suggested that she and her colleagues consider reorganizing the League as a civil liberties group, "confining itself very largely to the industrial struggle." He suggested changing the name to the New England Civil Rights League and also recommended an affiliation with the NCLB, while retaining total control at the local level. As he intended that this new group focus exclusively on industrial issues, he suggested, "in your reorganization you definitely tie up with labor leaders in the labor movement throughout New England who understand the relation of the cause of civil liberty to the industrial struggle, and who are willing to align themselves with liberals and 'intellectuals' to that end."[33]

Winslow replied to Baldwin in January 1920 and explained that there were no plans to reorganize or reorient the League for Democratic Control, despite an earlier meeting some members had attended with him. She argued that the LDC's role of informing the public on a whole range of progressive issues was simply too important to abandon. She also felt that the protection of civil liberties was much too large a task for the LDC

[30] See Louis B. Boudin to Roger Baldwin, April 8, 1921, American Civil Liberties Union Archives (hereafter referred to as ACLU Archives), Vol. 119, Reel 16, #121.

[31] Martin Ceadel, *Pacifism in Britain 1914-1945: The Defining of a Faith* (Oxford: Clarendon Press, 1980), p. 319. The LDC remained influential in Britain throughout the 1920s, due to its connections to the leadership of the Labour Party. In the 1930s, the Union transformed into an anti-fascist society.

[32] Jane Addams, *Peace and Bread in Time of War* (New York: Macmillan, 1922), pp. 57-59; *Christian Science Monitor*, July 23, 1917; Gertrude Winslow to Roger Baldwin, January 2, 1920; Introductory Report, May 7, 1920, in ACLU Archives, Vol. 119, Reel 16, #116 and #134, Princeton University. The backgrounds of Davis and Winslow are unclear.

[33] Roger Baldwin to Gertrude Winslow, December 29, 1919, in ACLU, Vol. 119, Reel 16, #115.

to undertake as a sideline, as it would require an organization dedicated solely to that important area.[34]

Winslow's objections notwithstanding, Robert Dunn wrote to Baldwin on January 15, 1920, informing him that the LDC had indeed voted to allow the existing civil liberties committee to associate with the NCLB and expand its reach to all of New England. Anna Davis remained the chairman of the committee. In February, Dunn wrote again to Baldwin to outline the difficulties he and Davis were having in gaining organized labor's support for the committee's work:

> Most of the so-called radical A. F. of L. labor leaders complain of a sluggish rank and file who are so indifferent they don't want to affiliate with anything progressive or even patriotic! . . . my hopes of having anything more than a few very liberal labor men on a civil liberties committee are rather low.

He suggested that Communists, those who most needed help, would never join as "they want to be free from the rest."[35]

Baldwin wrote back and urged Dunn to continue as best he could. Apparently fearful that a New England committee might fail to coalesce, Baldwin again wrote the LDC, this time to Chairman Skinner, on April 27. He pressed the idea of the LDC creating a civil liberties committee to handle such issues in New England. He suggested that this committee include:

> Liberals, Trade Unionists, and representatives of Radical groups whose rights are most commonly attacked. This committee is to be known as the New England Civil Liberties Committee of the League for Democratic Control, electing its own officers and conducting its work within the confines of an announced platform and program without control by the Executive Committee of the League.[36]

He also suggested that the committee "be affiliated with the American Civil Liberties Union representing it in the New England territory." At the end of his letter, Baldwin included three lists of possible members,

[34] Gertrude Winslow to Roger Baldwin, January 2, 1920, ACLU Archives, Vol. 119, Reel 16, #115.
[35] Robert W. Dunn to Roger Baldwin, February 5, 1920, ACLU Archives, Vol. 119, Reel 16, #121.
[36] Roger Baldwin to Clarence Skinner, April 27, 1920, ACLU Archives, Vol. 118, Reel 16, #30.

grouped as "Liberals," "Trade Unionists," and "Connected with Radical Groups." From this list, it is apparent that Baldwin did not suggest making overtures to any groups classified as "conservative." Among the "Liberals" were Harvard Law Professor Zechariah Chafee, Jr., and attorneys George Roewer and Hector Holmes; and among the "Trade Unionists," Harold Rotzel, a Methodist minister and member of the "Comrades of the New World." Among the "radicals," Baldwin listed the name of Dr. Antoinette Konikow, a Russian immigrant who never formerly joined CLUM but corresponded with its leadership well into the 1940s on a variety of issues. Virtually all the others would be involved with CLUM for the next two decades.[37]

On May 7, 1920, an LDC member identified only as Mrs. A. A. Shurtleff held an "introductory meeting of the New England Civil Liberties Committee" at her home. Those in attendance included Glendower Evans and A. G. Dehly, described in the report only as a "field worker." Davis apparently had been carrying on the work of the committee "informally" and had chalked up some successes, including securing the restoration of a permit for a speaker in Worcester. She had also arranged for legal support for two men charged with violating New Hampshire's Anti-Anarchy Law and secured locations in Boston and Haverhill for meetings of the New England Workers Defense Conference.

The attendees then turned to the issue of the committee's relationship to the LDC. Glendower Evans supported the idea of remaining within the LDC. After "an extensive general discussion," however, it was decided that "the interests of the specialized civil liberties work would … be best served by leaving it in the hands of an independent committee — as at present — not affiliating with any existing organization except the parent civil liberties body in New York." Davis further explained that:

> any Civil Liberties workers should not be hampered by the necessity of constant reference back to the League membership, nor their work invalidated in the eyes of labor by what individual League members might do or say. The League will now elect its own Civil Liberties Committee….

A further reason for separation was the impracticability of using the same office and Secretary for the two branches of the work.[38] The

[37] Ibid; *Boston Herald*, March 20, 1919.
[38] Introductory Report, New England Civil Liberties Committee, May 7, 1920, ACLU Archives, Vol. 119, Reel 16, #134.

establishment of the organization that evolved into the Civil Liberties Union of Massachusetts over the next decade can be directly traced to this gathering.

In June, Anna Davis informed Baldwin that an attempt led by Davis and Dunn to transform the LDC itself into a group focused solely on civil liberties had failed. "[O]ld associations and a kind of unspoken loyalty to dear Mrs. Winslow prevented it," she wrote. Vowing to carry on her efforts to create an effective civil liberties committee, Davis indicated that she hoped Baldwin would continue to provide her with guidance.[39]

In July, the group that had met at Shurtleff's home the previous May issued its first report as the New England Civil Liberties Committee.[40] In the introduction, Davis wrote:

> The Committee has been trying to take care of all civil liberties cases that have arisen in the New England Territory during the past few months. It has also made an effort to get publicity for specific cases as well as for its general activities, and has carried on an extensive correspondence with laborites and liberals at many New England points. It has also kept in close touch with the office of the American Civil Liberties Union in New York, with which we are affiliated. …We have sent out appeals for funds, to which the response has been very fair, and have accumulated a large list of names of contributors, attorneys, correspondents, and others.[41]

The report outlined ten cases throughout New England where the committee had both interest and activity. Four of these cases involved supporting striking workers in Massachusetts, Rhode Island, and Connecticut and two involved helping labor organizations secure venues for public meetings. In New Hampshire, the newly-founded committee came to the aid of a pair of New Hampshire men charged with violating that state's Anti-Anarchy Law. Finally, the committee took interest in the case of a Lynn, Massachusetts, doctor active in the Socialist movement

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[39] Anna Davis to Roger Baldwin, June 21, 1920, ACLU Archives, Vol. 119, Reel 16, #123.

[40] A publication from 1920 bears the name "Boston Branch of the American Civil Liberties Union," but later documents carry the names "New England Civil Liberties Committee," "Civil Liberties Committee of Massachusetts," and by 1930 "The Civil Liberties Union of Massachusetts" or CLUM. See CLUM Archive Records I, Box I, Folder "Publications," at the Massachusetts Historical Society (hereafter CLUM AR I).

[41] Report of the Secretary, New England Civil Liberties Committee, July 1, 1920, the ACLU Archives, Vol. 118, Reel 16, #126.

committed to the State Insane Hospital in Danvers "for observation under circumstances which seemed to show an attempt at railroading," although the record does not specify what action — if any — they took on the doctor's behalf.[42]

AN ARCHIVAL BREAK

It is at this point in 1920, unfortunately, that the documentary materials — either printed or archival — generated by the Boston organization cease until the mid-1920s. The reason for this gap is not clear. As a result, several questions remain unanswered, including what types of legal actions the group may have taken and on whose behalf, as well as debates and votes within the various committees, such as the Executive or Legal Committees, or by the membership as a whole.[43]

One of the many questions left unanswered by the lack of surviving records is the exact relationship between the national ACLU and the Boston group during the years from 1920 to 1924. There is an indication of this relationship from 1925 onward, however, in the records of the ACLU. The national ACLU annual report for 1925-1926 referred to the Boston contingent as "*the* local committee of the Civil Liberties Union," but in 1927-1928, it was referred to as "*a* local committee with which we cooperate." The ACLU's 1929 report made first use of the title "Civil Liberties Committee of Massachusetts" and described CLUM as "affiliated with the [American Civil Liberties] Union."[44] A formal affiliation agreement between the ACLU and CLUM came into effect in September 1930. This arrangement included greater financial support from the ACLU and the appointment of Robert Bakeman, a former mayor of Peabody, Massachusetts, as Executive Secretary. At a meeting of CLUM's Executive Committee in November 1930, the members decided that "we are now an integral part of the American Civil Liberties Union and that its principles of actions are ours."[45]

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[42] Ibid.

[43] Such records are absent from the original CLUM Archive Records held by the Massachusetts Historical Society.

[44] American Civil Liberties Union, "Free Speech 1925-26," (New York: ACLU, 1925), p. 19; "The Fight For Civil Liberty, 1927-28," (New York: ACLU, 1927), p. 42; "The Story of Civil Liberty, 1929-1930," (New York: ACLU, 1929), p. 48. Emphasis added.

[45] See Roger Baldwin to John S. Codman, August 27, 1930; John S. Codman to Roger Baldwin, September 8, 1930, CLUM Archive Records I, Box I, Folder "CLUM Correspondence, 1930"; Executive Committee Minutes, November 21, 1930, in CLUM AR I, Box-I, Folder "CLUM Executive Committee Minutes, 1930-37."

LEADERSHIP IN THE LATE 1920s

During this period of archival mystery, the leadership of the Civil Liberties Union of Massachusetts changed. Anna Davis and Robert Dunn apparently played no active role in the New England committee by the latter half of the 1920s. Two prominent Bostonians, however, emerged to lead the group by this time: John S. Codman, a Harvard and MIT-trained economist, and Zechariah Chafee, Jr., a well-known Harvard Law professor and free speech advocate. Much of the future activity of CLUM in the 1930s centered on these two men: Codman as chairman of the Executive Committee until 1938, and Chafee as a member of the Legal Committee, public spokesman, and author of several CLUM publications until his resignation in 1947.

John S. Codman graduated from Harvard in 1890 and the Massachusetts Institute of Technology in 1893. He served as treasurer of the Fabreeka Products Corporation from 1919 until his retirement in 1953. Although Codman supported the entry of the United States into World War I, he served as a member of the National Civil Liberties Bureau and the ACLU alongside such anti-war men as Scott Nearing and Norman Thomas. He was a member of the Harvard Liberal Club, along with Chafee and Hector Holmes, a Duxbury patent attorney and brother of ACLU leader Reverend John Haynes Holmes. He was an outspoken opponent of the death penalty and served as first vice president and chairman of the board of the New England Anti-Vivisection Society, as well as first vice president of the International Conference for the Investigation of Vivisection.

During World War I, Codman served as manager of the Belgian Relief Fund of Boston; and in 1935, he co-founded the Boston branch of the Henry George School of Social Science, which supported George's "single tax" movement. After the Lawrence textile strike, he served as treasurer of a relief fund to help those arrested with their legal expenses. He believed that the anti-anarchy legislation would only increase social injustice in the Commonwealth: "When pressure is brought to bear on people to suppress anything, it causes unrest, and there is sufficient unrest in existence now." He worked with CLUM and the ACLU for the next two decades. [46]

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[46] John Codman obituary, *Boston Herald*, September 9, 1959, p. 14; Peggy Lamson, *Roger Baldwin* (New York: Houghton Mifflin, 1976), p. 129; Charles Markmann, *The Noblest Cry: A History of the American Civil Liberties Union* (New York: St. Martin's Press, 1965), p. 26; *Harvard Class Report VIII for the Class of 1890,* (1930), p. 51. For other affiliations, see Zechariah Chafee, Jr., Papers, Harvard University, October 15, 1919; February 6, 1922; March 2, 1920; *Christian Science Monitor,* April 12, 1919.

Zechariah Chafee, Jr., had already made a name for himself in the field of civil liberties, principally in the area of free speech, by 1920. Born in Rhode Island and a descendant of Roger Williams, he attended Brown University. He joined the Harvard faculty in 1916 three years after receiving his LLB from Harvard Law School. In 1919, he spoke out against the state Anti-Anarchy Bill, claiming that revolutions are not the product of free speech but rather were created "by suppression of discussion and by secret police, such as Russia had."[47]

In 1920, he joined Felix Frankfurter of Harvard Law School and ten other lawyers from around the nation in publishing *Report Upon the Illegal Practices of the United States Department of Justice*. The report provided a detailed account of the raids against suspected radicals conducted by U.S. Attorney General A. Mitchell Palmer, commonly referred to as the Palmer Raids, and claimed that Palmer's actions undermined democracy, the American tradition of free speech, and fomented unrest: "No organizations of radicals acting through propaganda over the last six months could have created as much revolutionary sentiment in America as has been created by the acts of the Department of Justice itself."[48]

That same year, Chafee published his first book, *Freedom of Speech*. Chafee decried wartime restrictions on free speech in the United States and defended the rights of radicals — including Communists — to speak their minds. In attacking the constitutionality of the federal Espionage Act of 1918, for example, he wrote:

> There should be no legislation against sedition and anarchy. We must legislate and enforce the laws against the use of force, but protect ourselves against bad thinking and speaking by the strength of argument and a confidence in American common sense and American institutions, including that most characteristic of all, which stands at the head of the Bill of Rights, freedom of thought.[49]

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[47] *Christian Science Monitor,* April 12, 1919.
[48] Zechariah Chafee et al, *Report Upon the Illegal Practices of the United States Department of Justice* (Washington, DC: National Popular Government League, 1920), p. 7; Harlan B. Phillips, *Felix Frankfurter Reminisces,* (New York: Reynal and Co., 1960), p. 177.
[49] Zechariah Chafee, Jr., *Freedom of Speech* (New York: Harcourt, Brace and Howe, 1920), p. 228.

Chafee's defense of freedom of speech lasted the rest of his life, although his connection to the Civil Liberties Union of Massachusetts ended with his resignation in 1947.[50]

A child of privilege, he nevertheless displayed a real sense of noblesse oblige in his life and work much like Glendower Evans. His long-time friend Felix Frankfurter described a meeting that he and Chafee both attended, where Chafee remarked:

> I come of a family that have been in America from the beginning of time. My people have been business people for generations. My people have been people of substance. They have made money. My family is a family that has money. I believe in property, and I believe in making money, but I want my crowd to fight fair.

In time, Codman and Chafee would be joined at CLUM by Felix Frankfurter and English professor F. O. Mathiessen of Harvard; Harvard geologist Kirtley F. Mather; labor attorneys Orville S. Poland and George E. Roewer; David K. Niles, director of the Ford Hall Forum; Hector Holmes; Reverend Dr. Clarence Skinner; Alfred Baker Lewis, a wealthy insurance magnate and the secretary of the Massachusetts Socialist Party; John F. Moors, a banker and philanthropist; and social activist Florence Luscomb. Each would play a role in the history of CLUM and in the struggle over civil liberties in Massachusetts.

1920s CASES

In the 1920s, two Massachusetts legal cases — that of Anthony Bimba and of Sacco and Vanzetti — coupled with the banning of Eugene O'Neill's controversial play *Strange Interlude* from a Boston theater, prompted action by the Civil Liberties Union of Massachusetts. In these instances,

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[50] Following World War II, the focus of many civil liberties-minded organizations, including CLUM, increasingly shifted to the struggle over civil rights, as well as on solidifying the gains made by the labor movement during the Great Depression and the war. Indeed, this shift on the part of CLUM led directly to Chafee's resignation. In response to an ill-conceived letter mailed to lapsed members in early 1947 that quoted an intemperate George Bernard Shaw, Chafee replied: "Probably it is natural that the activities of the Union should shift from getting poor devils out of jail to getting Negroes into the Ritz. Without questioning the desirability of these modern trends, I confess they interest me less than the old or than the relief of the suffering left by the war. So, responding to Mr. Shaw (whom I detest) I'll wake up sufficiently to resign." See CLUM to membership, January 1947; Zechariah Chafee to CLUM, March 23, 1947, CLUM Archive Record I, Box 7, Folder "CLUM Membership 1947."

however, the group protested the prosecutions vociferously but did not directly aid the defendants.

The legal issues concerned the last prosecution for sedition and a violation of the ancient blasphemy act in the case of Bimba, who in public called for communist revolution and used the Latvian word for the sole of a shoe in place of soul in a denunciation of Latvian clergy; and the questions of judicial competence and plain fairness in the trail of Sacco and Vanzetti. All three of these men were immigrants, and all adhered to radical philosophies — Sacco and Vanzetti were Italian anarchists, and Bimba a Lithuanian Communist. CLUM members argued through public demonstrations and editorials that the Sacco and Vanzetti prosecutions represented official efforts to suppress the expression of philosophies dangerous to the prevailing social and economic system. At the same time, they also reflected overzealous political and legal prosecution of members of unpopular minorities without regard to proper judicial procedure.[51]

The banning of *Strange Interlude* in the autumn of 1929 by Boston mayor Malcolm Nichols represented not political but rather what one might term "cultural repression." The play, scheduled to begin a limited engagement on September 30, concerned the loves of a woman over the course of her life and touched on the topic of abortion. Mayor Nichols pronounced *Strange Interlude* "not a fit spectacle for the public to witness."[52]

In response, CLUM called a "Protest Censorship Meeting" on October 9, which met at Ford Hall. An estimated 1,200 people attended the meeting. Codman presided as Chafee and others laid out their now-familiar case against the arbitrary power of the mayor to exercise censorship of plays and public meetings in Boston. Chafee called for the introduction of test cases to force change in the law.[53]

Codman, Chafee, and Roger Baldwin also clashed with Boston mayor James M. Curley (1914-18; 1922-26; 1930-34; and 1946-50) on a number

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[51] Letter from CLUM (unsigned) to Editor of the *Boston Transcript*, August 16, 1928, in CLUM AR I, Box I, Folder "Censorship, 1928-32"; CLUM Executive Committee Minutes, April 23, 1930, in CLUM Archive Records I, Folder "CLUM Executive CMTE Minutes, 1930-1937." Sacco and Vanzetti were executed in 1927. Anthony Bimba was found not guilty of blasphemy, but convicted on a charge of sedition for a speech in which he predicted communist revolution in Massachusetts. See William Wolkovich, *Bay State Blue Laws and Bimba* (Brockton, MA: Forum Press, c.1970), *passim*, and Shawn M. Lynch, "*In Defense of True Americanism": The Civil Liberties Union of Massachusetts and Radical Free Speech, 1915-1945* (PhD Dissertation, Boston College, 2006), chapter two for a full exploration of each of these cases.

[52] *Boston Globe*, September 17, 1929.

[53] Draft Correspondence, September 9, 1930, in CLUM AR I, Box 1, Folder "Correspondence, 1930."

of issues throughout the 1920s. When Curley announced his intention to revoke the permit of any venue that allowed meetings of the Ku Klux Klan in 1923, for example, John Codman wrote to Curley, "as a representative of the American Civil Liberties Union and as a citizen of Massachusetts," demanding that Curley reverse his decision. Curley rejected the plea, explaining that he operated well within his authority, "and such authority as I possess I will use to preserve the peace of the City and protect the lives and property of its citizens."[54]

In 1925, following Curley's decision to ban any meetings that raised the subject of birth control, Chafee and Roger Baldwin of the ACLU called a meeting at the Old South Meeting House to protest Curley's action. More than 1,000 people attended the rally. Both Chafee and Baldwin declared that they favored neither the KKK nor birth control, but Chafee charged that Curley's actions against "certain doctrines which he opposes … [are] wholly out of accord with the American tradition of free speech." He urged the repeal of the law that gave the mayor such authority. Baldwin claimed that Boston was the only city in America where public discussion of birth control remained impossible, and charged the mayor with censorship. Curley, in a press release, denied Chafee and Baldwin's accusations that his actions constituted censorship and called their assertions "a plain lie."[55]

The public demonstrations by CLUM in the 1920s had no tangible effect on government officials or their actions but did draw in many new members for the organization.[56] Financial troubles struck following the onset of the Great Depression, but closer ties with the national ACLU provided some relief. Thus strengthened, CLUM undertook legal actions on behalf of various clients over the next decades.

[54] John S. Codman, "Memorandum on Usurpations of the Mayors of Boston," CLUM Archive Record I, Box 1, Folder "Censorship, 1928-32"; Beatty, pp. 180-185. This document was drafted several years after the events of 1923. It is not clear what connection either Codman or Chafee had to CLUM in 1923, if any, but according to the document they were certainly working in concert with CLUM by 1925.

[55] *Boston Herald*, May 13, 1925; Codman, "Memorandum on Usurpations of the Mayors of Boston." For an excellent review of censorship in Boston, see Paul S. Boyer, "Boston Book Censorship in the Twenties," *American Quarterly*, vol. 15 (Spring 1963), pp. 3-24.

[56] CLUM itself realized a financial and public relations windfall from the controversy surrounding *Strange Interlude*. For its part, the audience offered more than $1,000 in cash and pledges to support CLUM's activities. Following the meeting, CLUM distributed more than 4,000 copies of Chafee's "The Censorship in Boston." See the *Boston Globe*, October 10, 1929; *Boston Herald*, October 10, 1929; Draft Correspondence, September 9, 1930, in CLUM AR I, Box 1, Folder "Correspondence, 1930."

CONCLUSION

Events during and after World War I laid the foundation for the creation of organizations dedicated specifically to the protection of civil liberties both on the nation and on the local levels. In Massachusetts, such a group began spontaneously as a small part of a larger, trans-Atlantic movement dedicated to pacifism and international cooperation. The separation of the group that became the Civil Liberties Union of Massachusetts from the League for Democratic Control followed on the heels of the passage of the state's Anti-Anarchy Bill, itself a product of the Lawrence textile strike and the "red riot" in Roxbury. This history suggests that civil libertarians in Massachusetts came to believe that success on that front depended upon abandoning the larger international movements and focusing solely on local civil liberties issues. This beginning within the fold of an international organization, however, makes CLUM unique among other local groups that ultimately affiliated with the national ACLU.

It is interesting that CLUM had difficulty attracting members of the labor movement in its early years, as noted by Anna Davis in her 1920 letter to Roger Baldwin. It would appear that the official labor movement in Massachusetts did not equate its struggles with the larger cause of civil liberties. This may reflect the divisions within the labor movement itself, between those who advocated a form of socialism or even communism, and those that did not. The AFL, for example, accepted the Anti-Anarchy Bill when told that the IWW was the main target. Such rivalries among the various labor organizations of the time helped prevent a common front to defend the rights of the working class.

Although no membership lists exist for the 1920s within the archival records of CLUM, it is possible that it drew members from all socio-economic classes. There is no doubt, however, that the leadership came from the educated and privileged class. Men like Codman and Chafee, and women like Elizabeth Glendower Evans, influenced by pre-war progressivism, took the lead in defending the rights of the oppressed in the difficult years following World War I. While both the membership and the leadership expanded in the 1930s to include people from various backgrounds, CLUM found its beginnings in the actions of the privileged class.

HJM