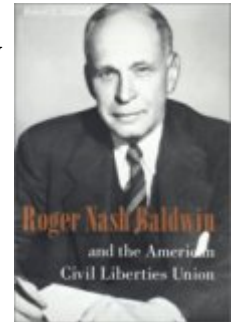


**Robert C. Cotterell.** *Roger Nash Baldwin and the American Civil Liberties Union.* New York: Columbia University Press, 2000. xiv + 504 pp. \$34.50, paper, ISBN 978-0-231-11972-6.



**Reviewed by** Thomas Hilbink

**Published on** H-Law (April, 2002)

Red, White, and Blue(Blood)

I would have guessed that few Americans know who Roger Baldwin was. Imagine my surprise, then, when, while reading the book now reviewed, I found the following letter to the editor in my local newspaper:

"To the editor: "The American Civil Liberties Union was founded in 1920 by an unabashed advocate for Marxism and communism, Roger Baldwin. For many of its early years, the ACLU's main pursuit was the defense of communists facing government charges of subversion.... Ronald D. Bouman" [1]

I admit that I was impressed that Mr. Bouman even knew who Baldwin was. And, though his letter was obviously skewed, he wasn't wrong on the facts *per se*. Perhaps he had read *Roger Nash Baldwin and the American Civil Liberties Union*, Robert C. Cotterell's recent biography of the man described at times as "the Pope of the liberals." Cotterell, a professor of history and American studies at the California State University at Chico, would disagree with Mr. Bouman's negative characterization of Baldwin, but his book reveals the

extent to which Baldwin was many different people - an unabashed communist or the "Galahad of freedom," depending on whom you ask.

Cotterell's main argument is that Baldwin was a paradox, a "gentleman radical" (p. 198). He was simultaneously an elitist who wished to benefit from his status, and a dissenter and anarchist who claimed to reject the very institutions that gave him the status he so enjoyed. Throughout this book, Cotterell treats these traits as contradictory. He seems impelled by a view that one's politics must be reflected in the way one lives one's life. Baldwin, it seems, did not do this. Rather, he came from a wealthy background, attended Harvard College, married a wealthy woman, and lived a comfortable life. His approach to advocacy entailed face-to-face meetings with his fellow Ivy Leaguers occupying the upper echelons of power. He sought to persuade them through meetings and correspondence rather than sitting-in or picketing.

Baldwin believed that there was no better radical than a member of the power elite. Those who defend civil liberties should not be those who

benefit from the protections afforded by the Bill of Rights. To do so would be self-serving. Rather, driven by a sort of *noblesse oblige* and the influences of Progressive-era politics, Baldwin believed that those who had the least to lose - that is, elites like himself - were more effective advocates because they derived no apparent benefit from their advocacy.

That Cotterell sees Baldwin's life and attitudes as paradoxical seems a product of the past forty years in American political culture. No doubt, Baldwin's attitude towards activists and activism is a relic of the past, but the idea of a gentleman radical seems paradoxical only from the perspective of an era in which identity politics have come to dominate our society, in which the "politics of authenticity" demand that one's political aspirations be lived in the everyday.

As a result, by exposing by what he sees as Baldwin's supposed contradictions - the "warts and all" portrayal lauded by the book's blurbers - Cotterell misses what may be a more interesting reading of Baldwin's life: the shifts in society, law, and politics over the course of the twentieth century. Roger Baldwin's life and views took on many shapes, reflecting the changing shapes of American politics over the sixty years during which he was politically active. Baldwin's driving passions shifted from social reform and Progressivism, to economic equality, to political liberty.

An extremely large portrait of Roger Baldwin hangs in the offices of the American Civil Liberties Union, where I worked for five years. The painting depicts Baldwin in his later years. He died in 1981 at the age of ninety-seven. I've always thought of Baldwin first and foremost as old and wrinkled. Yet his presence at the organization goes beyond that image. He is held up as the unabashed avatar of civil liberties - the man who not only gave birth to the ACLU, leading the fight for civil liberties for all, but the embodiment of the oft-quoted saying (usually but wrongly attributed to Voltaire), "I may not agree with what you say,

but I will defend to the death your right to say it." Cotterell's biography reveals a more fluid portrait of Baldwin, one that does not freeze Baldwin in the neutral civil-libertarian phase that dominated his final years, but rather delineates a political actor whose ideas and ideals of freedom changed many times over the course of his long life. What emerges is not only the life of Roger Baldwin, but also the career of civil liberties in American law and society.

Biographies generally begin at the beginning of the subject's life. Thus, the book's first few chapters parallel Baldwin's life and we learn of his birth to an upper-crust family in Wellesley, Massachusetts, his education at Harvard College, and his post-college move to St. Louis, Missouri, where he began work as a professor and a social worker.

Given his elite background and education, it is hardly surprising that Baldwin was a model Progressive. He was a leader in overhauling the city's child welfare system and was involved in the growing social-work movement. Despite the seeming success of his work and career, Baldwin was increasingly disillusioned with the politics of what he described as "hopeful reform and useful social work" (p. 44). Contacts with Emma Goldman, Margaret Sanger, Jane Addams, and other radicals slowly moved him towards more radical ways of thinking, so that by the time he left St. Louis for New York, "reconciling his reformist and radical inclinations proved increasingly difficult" (p. 45).

Upon his arrival in New York, Baldwin quickly incorporated himself into New York's "bohemian" culture. In one interesting chapter (pp. 103-118), Cotterell explores the conflict between Baldwin's political ideals and his actual behavior - namely, the clash between having an "open," egalitarian, companionate marriage and his inability to make the expected contributions to the relationship. The chapter also reveals the extent to which Baldwin's public life took unquestioned

precedence over his private life -a trait that would continue until his death.

With the onset of the First World War, Baldwin became deeply enmeshed in the pacifist and conscientious-objector movements. "Professional patriots" characterized him as dangerous and un-American, beginning decades of governmental and right-wing surveillance of his activities. It was out of his work on behalf of pacifists and war resisters that his concern for and involvement with civil liberties grew. Baldwin helped found the Civil Liberties Bureau (CLB) in 1917 as a means to gather information about conscientious objectors and to advocate for "liberty of conscience" (p. 57).

Motivating Baldwin's work was not an objective concern for the abstract right to object, but rather a pacifist-driven defense of conscientious objection. In other words, his concern for civil liberties was tied to his personal opposition to war and militarism.

With his growing involvement with the CLB came an increasingly radical approach to politics, rejecting reform because it failed to encourage the fundamental structural change that Baldwin felt were needed to sustain democracy in the United States. Following a stint in prison in 1919 for his work on behalf of conscientious objectors, Baldwin became more interested in the fight for economic justice and equality (p. 101). The next year, he founded the ACLU.

The ACLU reflected Baldwin's civil libertarian ideals. This is not to say that those ideals were static, nor that Baldwin was a civil libertarian and nothing else. (Nor is it to say that the ACLU was Baldwin and no one else.) Cotterell reveals the ever-changing nature of Baldwin's commitment to and justifications for civil liberties. Just as the CLB had used the idea of "freedom of conscience" instrumentally to advance the interests of conscientious objectors, in the early years of the ACLU Baldwin used the fight for free speech as a means to an end.

Following the Russian Revolution, Baldwin was enamored of the communist experiment taking place in the Soviet Union and was quite vocal in his support for those attempting to make Marx's communist vision a reality. While seemingly contradictory, his double standard reveals the extent to which Baldwin's main cause at the time was communism. He was not concerned with wholesale violations of civil liberties by the Soviets, but he remained a staunch supporter of civil liberties at home. Civil liberties, he believed, could facilitate the process by which communism could bloom and grow in the United States. The struggle for freedom of expression was tied, in Baldwin's mind, to the class struggle. Baldwin was not even convinced that civil liberties could serve a genuine good. As he wrote:

"[T]he fiction that constitutional American rights can be maintained through law has been pretty well exploded. Everywhere the realization is growing that legal rights are hollow shams without political and economic power to enforce them. The road to industrial freedom is the way to all freedom" (p. 128).

Interestingly, Baldwin's statement reveals a sort of proto-Critical Legal Studies view of rights. He questioned the value of the very rights that he and his organization wished the government to recognize and respect. However, although he expressed such ideas just as his work for the ACLU was getting underway, at times Baldwin spoke of civil liberties as a neutral ideal, an organizing principle of democracy.

Cotterell makes such an effort to explain away the seeming inconsistency between these views that at times he condemns Baldwin for being politically naïve, as if Baldwin did not realize that expressing support for communism or making known his partisan reasons for supporting civil liberties could harm the "cause" for which he worked so hard. Cotterell's criticism stems from a late-twentieth-century view of civil liberties that generally accepts them as neutral principles of

law. But without focusing on the seeming contradiction, what the ACLU founder's views reveal is the ways that the civil liberties movement has change din the eighty years since it began in earnest, as well as the extent to which Baldwin's ideas changed over time, shifting from partisan to non-partisan and the forces that prompted that change. In the 1920s the "cause" for which Baldwin worked appears to have been communism. By the 1940s, the "cause" was civil liberties. The question is *why*.

*Roger Nash Baldwin* reveals how Baldwin's view of civil liberties as neutral principles grew more definite as his support for communism and the Soviet experiment evaporated. Baldwin's trajectory follows the same path traced by many members of the "old" left whose politics were shifted seismically by the Nazi-Soviet Pact. Baldwin went from true believer to anti-communist in a matter of months. When he was once willing to overlook the massive civil-liberties violations committed by the Stalin regime, he now spoke out vigorously against them. More important, he became a vocal opponent of communists in the United States.

In what is perhaps the strongest section of his book, Cotterell details the story of the ACLU's ouster of communist Elizabeth Gurley Flynn from the organization, the barring of communists and fascists from the organization's board and staff, and the implementation of other policies that put the ACLU on record as anti-communist. Although this story has been told before, Cotterell's study allows us to see these events within the context of Baldwin's shifting ideology, effectively connecting the ACLU's anti-communism with the rise of civil liberties as an end in themselves in the 1930s and afterward.

In the Cold War era, on the international stage the United States increasingly contrasted itself with the U.S.S.R. on the basis of liberty and equality. These ideals did not encompass all possible definitions of those terms. Liberty was politi-

cal, equality was tied to opportunity. Baldwin's ideals of liberty and equality in the 1920s grew out of his communist leanings. Equality was economic, liberty a means to that end. But by the time of the Cold War, Baldwin's message of civil liberty had changed and was tied to political liberty. Equality was a legal concept wherein all people possessed the same rights. Law (and the ideal of "rule of law") became a pillar of American freedom. The ACLU's message hewed to this tack. Indeed, by 1945 Baldwin was situated enough in the political mainstream that General Douglas MacArthur invited him to tour American-occupied Japan to assist in creating democratic institutions.

At this point, a brief digression is in order. Throughout his book, Cotterell makes excellent use of archival materials, particularly Baldwin's papers. Without question, he managed to digest and synthesize a vast body of information. Yet his discussion rarely deviates from the contents of those papers. His account of Baldwin's Japan trip is an excellent example. Here we discover whom Baldwin met on his trip. We know that he thought MacArthur "charming, wise, witty..." (p. 316). We know that he met Emperor Hirohito, that the two sat on gold and scarlet chairs and discussed the treatment of Japanese citizens in the United States (p. 318). Unfortunately, the chapter does not offer a concrete picture of the state of civil liberties in Japan before and after Baldwin's trip. In sum, Cotterell tells the reader about the significance of this trip in Baldwin's life, but he does not address the more interesting (and admittedly more difficult) subject of how Baldwin's trip influenced Japanese law and society, where immediately afterward or in subsequent years.

Following his trip to Japan, Baldwin became increasingly involved in the international human rights movement. He was relieved of his duties as Executive Director of the ACLU (though, again, Cotterell does not let us in on the *why* of the ouster, leaving us to speculate whether Baldwin

was ousted by the board because he was too conservative, too liberal, or simply too old). By the twilight of his life, Baldwin no longer was perceived as a dangerous radical; rather, he was seen as an "elder statesman of dissent" (p. 312). His views, and those of the ACLU, had so entered the mainstream of American law and politics - particularly in the Warren Court era - that in the final year of Baldwin's life President Jimmy Carter awarded him the Congressional Medal of Freedom. The question raised by this trajectory of Baldwin's life and career is - what changed? Did Roger Baldwin change America, or did America change Roger Baldwin? The answer, of course, is yes.

Cotterell's biography leaves little question that Baldwin's Herculean efforts for freedom of speech and other liberties were crucial to the growing acceptance of civil liberties in the United States. Just as Thurgood Marshall and the NAACP are largely responsible for the growth of racial equality under law, so Baldwin and the ACLU are largely responsible for the advance of civil liberties in the twentieth century.

But what Cotterell's book provides as well is a view of how Baldwin and the ACLU moved into line with American politics. Over the course of the twentieth century, the ACLU's message became more and more suited to the needs of Cold War America. Civil liberties and civil rights became weapons in the Cold War - symbols of equality under the law. The shift necessitated stripping civil liberties of their partisan, means-to-an-end nature. Baldwin's changing attitudes made the shift seamless. Unfortunately, Cotterell fails to explore fully this aspect of Baldwin's life story. We see the changes in Baldwin, but not so much how America changed.

Cotterell's biography gives us an interesting, well-written account of a man whose contributions to American culture cannot be underestimated. I hope that it will be read by all the Ronald Boumans who wish to simply and vilify what was

a rich and fascinating life. However, the historian's contribution to biography is to link the person to his or her times and the times to history. Biography allows us to explore the interaction of individual and society, of the day-to-day with the historical. Doing so helps us better understand the changes in activism, law, politics, and society over the course of one person's life. I wish that Cotterell had met this challenge.

#### NOTES

[1.] "Letters to the Editor," *The Daily Oklahoman*, February 15, 2002

Copyright (c) 2002 by H-Net, all rights reserved. H-Net permits the redistribution and reprinting of this work for nonprofit, educational purposes, with full and accurate attribution to the author, web location, date of publication, originating list, and H-Net: Humanities & Social Sciences Online. For other uses contact the Reviews editorial staff: [hbooks@mail.h-net.msu.edu](mailto:hbooks@mail.h-net.msu.edu)

If there is additional discussion of this review, you may access it through the network, at <https://networks.h-net.org/h-law>

**Citation:** Thomas Hilbink. Review of Cotterell, Robert C. *Roger Nash Baldwin and the American Civil Liberties Union*. H-Law, H-Net Reviews. April, 2002.

**URL:** <https://www.h-net.org/reviews/showrev.php?id=6191>



This work is licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 United States License.