

# Roger Nash Baldwin and the St. Louis Civil Liberties Trail: Celebrating 100 Years of the ACLU with a Search for the Organization’s Conceptual Founding

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## INTRODUCTION

Viewing the seventh floor of St. Louis’s old Board of Education Building—now apartment lofts—prompted me to consider the exact date and place of the American Civil Liberties Union’s (“ACLU”) founding.<sup>1</sup> I know many will say that the founding occurred in New York at West 16th Street, on January 19, 1920,<sup>2</sup> but, seeing Roger Baldwin through the eyes of researchers, biographers, and 20th century reporters makes me want to reconsider. Organizations that change the world for the better are rarely established at one time and in one place; rather, their realization comes through the evolving ideas and experiences of their creators.

Crossing 9th Street in St. Louis, approaching the seven-story, near-rust colored façade of this once-professional home of Roger Nash Baldwin, I reflect on the human experiences that once occurred in this 115-year-old structure.<sup>3</sup> For me, Suite 300, 911 Locust Street in St. Louis, Missouri, will always present as the historic, intellectual, epicenter for civil liberties in

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1. See generally U.S. DEP’T OF THE INTERIOR NAT’L PARK SERV., NAT’L REG. HIST. PLACES REGISTRATION FORM: BD. EDUC. BLDG., at 3 [hereinafter REGISTRATION FORM: BD. EDUC. BLDG.], <https://dnr.mo.gov/shpo/nps-nr/04001475.pdf>.

2. Samuel Walker, *The Founding of the American Civil Liberties Union, 1920*, SEELEY G. MUDD MANUSCRIPT LIBR. (Aug. 1, 2012) [hereinafter Walker, *The Founding of the American ACLU*], <https://blogs.princeton.edu/mudd/2012/08/the-founding-of-the-american-civil-liberties-union-1920/>; see also SAMUEL WALKER, IN DEFENSE OF AMERICAN LIBERTIES: A HISTORY OF THE ACLU 47 (2d ed. 1999) [hereinafter WALKER, IN DEFENSE OF AMERICAN LIBERTIES]; ROBERT C. COTTRELL, ROGER NASH BALDWIN AND THE AMERICAN CIVIL LIBERTIES UNION 121 (2000).

3. U.S. DEP’T OF THE INTERIOR NAT’L PARK SERV., NAT’L REG. HIST. PLACES REGISTRATION FORM: CITY CLUB BLDG., at 3, 9, 14 [hereinafter REGISTRATION FORM: CITY CLUB BLDG.], <https://dnr.mo.gov/shpo/nps-nr/02000610.pdf>.

the United States. This building, in the midst of downtown St. Louis, will always stand as a monument to Baldwin's May 23, 1916 cerebral spark—in mind and heart—that eventually brought conceptual life to the ACLU.<sup>4</sup> In the years preceding that date in 1916, Roger Nash Baldwin had accumulated a collection of progressive St. Louis experiences that, one day, would lead to him co-founding the ACLU.<sup>5</sup>

The commonly understood narrative of Baldwin in St. Louis is one of a sociology professor who reformed juvenile justice when appointed as the city's chief juvenile probation officer.<sup>6</sup> Following his work with children, Baldwin advocated for urban improvements as a progressive city leader. In his role as Secretary of the Civic League, Baldwin associated with both anarchists and captains of industry.<sup>7</sup> By the time America was involved in World War I in February 1917, Baldwin was well trained and intellectually conditioned as the great American prophet of civil liberties.<sup>8</sup>

There are noted locations in St. Louis City that identify and highlight Baldwin's evolution from Harvard graduate to national civil rights advocate. I have come to enjoy contemplating how these specific locations, unique events, and particular people in St. Louis came together as a catalyst for Baldwin's development. The Board of Education Building at 911 Locust Street is one such location, but Baldwin left a virtual trail of sites in St. Louis, memorializing his development as a civil libertarian. In this essay, I will explore four of these locations. In the following sections I will discuss how a nondescript downtown city block memorializes the story of democracy, how a long-abandoned streetcar stop symbolizes governmental ostracism of its citizens, how a city vacant lot represents the power of diverse ideas, and how a century-old, near rust-colored building in downtown St. Louis stands as the conceptual starting point of the ACLU.

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4. SEC'Y OF ST. JOHN R. ASHCROFT: MO. DIG. HERITAGE, GOULD'S ST. LOUIS DIRECTORY FOR 1916, at 228 (1916), <http://cdm.sos.mo.gov/cdm/ref/collection/p16795coll7/id/126873> (referencing specifically the Roger Baldwin Residence 3739 Windsor Place, Occupation & Address Secretary of the Civic League 300, 911 Locust. I will discuss in this essay how the events that occurred in this St. Louis structure informed Baldwin years later when he founded the ACLU).

5. COTTRELL, *supra* note 2, at 35.

6. *Id.* at 26–28.

7. *Id.* at 37–38.

8. *Id.* at 45, 48.

## THE VALLEY OF DEMOCRACY

I posit that Baldwin's ascension as a national defender of democracy was influenced by the experiences of many others, especially by those of Louis Brandeis, which occurred years before Baldwin's birth. Today, on the downtown St. Louis city block on North Broadway Avenue, between Chestnut and Pine Streets, sits a restaurant, parking garage, and a relatively unremarkable office tower. Despite its modern appearance, I suggest that this block represents a historical epicenter for modern American civil liberties and progressive jurisprudence.

It is important to note how Baldwin's future stood at a crossroads after his graduation from Harvard in 1905.<sup>9</sup> Before deciding to take a job in business, Baldwin was advised in 1906 by his father to seek counsel from family friend and attorney Louis Brandeis,<sup>10</sup> who later became a U.S. Supreme Court Justice and a champion for progressive causes in his rulings, writings, and private activities.<sup>11</sup> After meeting with Brandeis, Baldwin decided to accept a position as a sociology professor at Washington University in St. Louis, and ultimately dedicated his life to public service.<sup>12</sup> What did Brandeis tell Baldwin?

Brandeis' biographers give St. Louis little credit for any influence the city may have had on the future justice's philosophical and intellectual development.<sup>13</sup> Brandeis was in St. Louis for less than a year, starting his career in 1878 at a very ordinary law office, litigating very ordinary cases.<sup>14</sup> But to reflect on Baldwin's life is to better understand Brandeis. At their meeting in 1906, Brandeis told Baldwin that St. Louis was "the center of democracy in the United States."<sup>15</sup> Brandeis explained that he had started his career in St. Louis and had never regretted his decision.<sup>16</sup> Baldwin would reference this conversation throughout his life, noting how

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9. Roger N. Baldwin, *Affirmation of Democracy*, JEWISH FRONTIER, Nov. 1936, at 10, COTTRELL, *supra* note 2, at 19–20.

10. *Id.*

11. Christopher A. Bracey, *Louis Brandeis and the Race Question*, 52 ALA. L. REV. 859, 860–61 (2001).

12. COTTRELL, *supra* note 2, at 20–21.

13. *See, e.g.*, ALPHEUS THOMAS MASON, *BRANDEIS: A FREE MAN'S LIFE* 53–54 (1946).

14. *THE FAMILY LETTERS OF LOUIS D. BRANDEIS* (Melvin Urofsky & David W. Levy eds., 2002).

15. COTTRELL, *supra* note 2, at 19–20.

16. *Id.* at 20.

Brandeis described St. Louis as the “valley of democracy.”<sup>17</sup> Brandeis wanted Baldwin to escape Boston’s “caste system of an older and settled civilization.”<sup>18</sup> For many observers the St. Louis of the late 19<sup>th</sup> century was a city of contrast, much like the St. Louis of today, with complex divisions based on race and class, with poverty as a constant backdrop to progress.<sup>19</sup> I believe for Brandeis, St. Louis was a less settled realization of democracy with more complexity than an older more established Boston.

Reading biographies on Brandeis, it is difficult to understand why St. Louis had such an impact on the legendary jurist until you consider the events occurring on this city block in the spring of 1879. If you stand between Pine and Chestnut Streets today, you can imagine when a young Louis Brandeis was practicing law on the south side of the block. At that same time, in that same place, just to the north on Pine Street, thousands of African-Americans were traveling to and from the riverfront, escaping persecution in the South.<sup>20</sup> Many of these thousands of African-American citizens—called “Exodusters”—were cold, hungry, and penniless as they traveled through the city in search of temporary shelter and transportation to the West.<sup>21</sup> They were on a quest for freedom, democracy, and the basic civil liberties denied to them in a post-war era of beatings, lynchings, and prejudice.<sup>22</sup> Brandeis was starting his law career in the midst of the first large scale migration of African-Americans out of the South.<sup>23</sup> History is silent as to any direct influence this great migration had on Brandeis, but I suggest the size, scope and proximity (to Brandeis) of the exodus is evidence of a possible impact on the young lawyer.

Compared to the orderly and socially conscious Boston of Brandeis and Baldwin, St. Louis was socially and racially complex, presenting as fluid and disorderly.<sup>24</sup> Nevertheless, “it seemed to exude democracy.”<sup>25</sup> Today,

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17. Baldwin, *supra* note 9, at 10.

18. *Id.* at 10.

19. BRYAN M. JACK, *THE ST. LOUIS AFRICAN AMERICAN COMMUNITY AND THE EXODUSTERS* 120 (2007).

20. Compare Glen Schwendemann, *St. Louis and the "Exodusters" of 1879*, 46 J. NEGRO HIST. 32, 40 (1961), with Burton C. Bernard, *Brandeis in St. Louis*, 11 ST. LOUIS B.J. 53, 56–59 (1964).

21. See Schwendemann, *supra* note 20, at 33.

22. JACK, *supra* note 19, at 7, 32, 151–52.

23. *Id.* at 27–32, 160.

24. *Id.* at 200.

25. *Id.* at 120; see also COTTRELL, *supra* note 2, at 22; PEGGY LAMSON, ROGER BALDWIN:

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St. Louis remains a city that struggles with issues of race, prejudice, and poverty, as protesters still travel the streets today demanding justice and peace.<sup>26</sup> Back then, Exodusters traveled the streets seeking a true democratic existence with protections from brutality and racism.<sup>27</sup> Some St. Louisans supported and helped the Exodusters, but many (especially members of the white community) did not.<sup>28</sup> As one historian notes, “St. Louis officials first attempted to stop the Exodusters from entering the city, and when that did not work, they tried to discourage the Exodusters from leaving the South, putting the relief efforts squarely on the shoulders of St. Louis’s African American Community.”<sup>29</sup>

Looking across North Broadway Avenue at the Old St. Louis Courthouse, home to Dred Scott’s struggle,<sup>30</sup> I see to my immediate right the location of Brandeis’s former law office, and to my left, I imagine the thousands of Black Americans in 1879, searching for democracy, vibrant with diversity and struggling to find the racial, gender, and ethnic harmonies realized by the protections of civil liberties. This is why St. Louis today is, and in 1879 was, democratically complicated.<sup>31</sup> This genuine struggle is why I also join Brandeis in declaring St. Louis the center of democracy in America and—arguably because of its influence of Brandeis on Baldwin—I would argue that the city had a major influence on the conceptual founding of the ACLU.

#### THE RIGHT TO BE “LET ALONE”

In considering the significance of the second St. Louis location, I draw upon my career as a public defender. As a criminal defense attorney, the intersection of Hamilton Avenue and the Hodiamont streetcar Tracks (today just north of Hamilton and Cabanne Avenues in St. Louis) has

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FOUNDER OF THE AMERICAN CIVIL LIBERTIES UNION 30 (1976).

26. See Christa Case Bryant, *Bridging Black and White: How St. Louis Residents Are Trying to Surmount Racial Inequities Post-Ferguson*, CHRISTIAN SCI. MONITOR (Jan. 2, 2018), <https://www.csmonitor.com/USA/Society/2018/0102/Bridging-black-and-white-How-St.-Louis-residents-are-trying-to-surmount-racial-inequities-post-Ferguson>.

27. Schwendemann, *supra* note 20, at 32, 40.

28. JACK, *supra* note 19, at 27–28.

29. *Id.* at 118.

30. See *Dred Scott v. Sandford*, 60 U.S. 393, 393 (1857); *Id.* at 396.

31. JACK, *supra* note 19, at 118.

special meaning.<sup>32</sup> On an evening in late March 1914, at 10:15 p.m., Roger Baldwin was returning from a hiking and exploring trip in rural St. Louis County.<sup>33</sup> His clothes were worn and caked with mud.<sup>34</sup> He was waiting for a streetcar to take him home after an adventurous day.<sup>35</sup>

At that moment, in that place, Baldwin was confronted by two St. Louis City Police Officers.<sup>36</sup> According to Baldwin's statement to the press, the two uniformed officers confronted him suddenly and without cause, motivated solely by the way he was dressed.<sup>37</sup> They patted him down without consent and demanded he state his business in the area at that time of the evening. Baldwin was met with disbelief and a threat of arrest, despite his attempt to identify as the Secretary of the Civic League.<sup>38</sup> Baldwin's privilege kicked in, as he produced his business card and proceeded to declare his "right to wear any sort of clothes he wished."<sup>39</sup> His actions were met with disbelief, threats of incarceration, and further questioning, and he was held until the next streetcar into the city came along.<sup>40</sup>

Unfortunately just as it still does today, merely being white, male, and connected proffered certain privileges in 1914 (not available to women, the poor or people of color). Indignant about his treatment, Baldwin did not let the incident pass. He obtained an audience with the Chief of Police and then with the President of the Police Board.<sup>41</sup> But, in this instance, his privilege did not carry the day; he was informed that the officers had been following strict orders to search every "roughly dressed" person on the streets at night.<sup>42</sup> For the many who cherish the protections of the Fourth Amendment and embrace its right to privacy—in the words of Louis

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32. *Roger Baldwin Nabbed by Cops; Gets 'Once Over'*, ST. LOUIS POST-DISPATCH, Apr. 1, 1914, at 1.

33. *Id.*

34. *Id.*

35. *Id.*

36. *Id.*

37. *Id.*

38. *Id.*

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.*

Brandeis, “the right to be let alone,”<sup>43</sup>—this could be the moment the ACLU was conceptually realized by Baldwin. It is intuitive to conclude the incident prompted Baldwin to internalize how the Constitution “conferred, as against the government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men.”<sup>44</sup> Even the press provided little relief, as the *St. Louis Post-Dispatch* told Baldwin’s story, but framed the article to poke fun at him.<sup>45</sup>

Did this future champion of civil liberties consider that if he had been treated unfairly, how people of color, confronting issues of poverty in 1914, were treated by police? As early as 1929, Baldwin and the ACLU “played a pivotal role in creating a national debate on the problem of police misconduct,” and the ACLU has since continued to confront abuses by law enforcement.<sup>46</sup> “Since bus service ended along this route in 2009, the Tracks have been distressed by crime, drugs, prostitution, poverty, trash and illegal dumping” as residents and modern community advocates (much like the reform minded Baldwin) seek new development and inclusion along this abandoned line.<sup>47</sup> Some residents have called for the involvement of law enforcement along a contemplated reimaged Hodiament thoroughfare, absent the “harassment” of participants of color but including an “increased police presence that has ties and an earnest interest in the community.”<sup>48</sup> Was the ACLU envisioned in the mind of Baldwin as he stood powerless against his government, alone and harassed by police, along the Hodiament tracks, in 1914 North St. Louis?

### 3739 WINDSOR PLACE

For others who cherish Baldwin’s strong intellectualism, 3739 Windsor

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43. *Olmstead v. U.S.*, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting).

44. *Id.*

45. *Roger Baldwin Nabbed By Cops; Gets ‘Once Over’*, *supra* note 32.

46. Walker, *The Founding of the American ACLU*, *supra* note 2, at 87.

47. GREAT RIVERS GREENWAY, HODIAMONT TRACKS GREENWAY STUDY 1(2018) , [https://greatriversgreenway.org/wp-content/uploads/2019/01/HodiamentTracksReport\\_122118\\_Final.pdf](https://greatriversgreenway.org/wp-content/uploads/2019/01/HodiamentTracksReport_122118_Final.pdf)

48. *Id.* at 51, 59.

Place<sup>49</sup> also stands as an incubator for his brilliance and cerebral independence. On the vacant lot at the corner of Spring and Windsor Place in Midtown St. Louis once stood the Boehmer Hotel,<sup>50</sup> a boarding house sheltering Harvard graduates, Washington University faculty, students, local scholars, and celebrated professionals.<sup>51</sup> Everyone from recognized artists to respected scientists and myriad of other creative thinkers called this 19th century structure home.<sup>52</sup> It is also the location where Baldwin spent the years of his impressionable young adulthood, before leaving for New York.<sup>53</sup> Baldwin referred to the thirty-guest residence as “a really elegant pension . . . where the company was lively and intellectual.”<sup>54</sup>

One of many remarkable residents who lived along with Baldwin in the Boehmer Hotel was the famed journalist and nationally acclaimed columnist, Jane Winn.<sup>55</sup> Decried the “dean of newspaper woman” in Missouri by other newspaper professionals,<sup>56</sup> Winn was a disciplined and progressive thinker who promoted the cause of women in the pages of the *St. Louis Globe-Democrat*.<sup>57</sup> In addition to her daily piece detailing the professional accomplishments of women around the world, Winn wrote a column, under the pen name “Frank Fair,” that was read nationally for its

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49. SEC’Y OF ST. JOHN R. ASHCROFT: MO. DIG. HERITAGE, *supra* note 4, at 328. (showing the occupation and address of the Chief Probation Officer at 24 City Hall and the address of the Secretary of the Civic League 300 at 911 Locust).

50. *Fire’s Gases Pass Through a Speaking Tube, Sound Whistle and Save Windsor Place Boarders*, ST. LOUIS REPUBLIC, Aug. 16, 1903, at 1 (providing a description of and depicting the Boehmer Hotel Boarding House). Baldwin was not a resident at that time.

51. This conclusion is based on digital reviews of St. Louis City Directories from 1909–1916. See SEC’Y OF ST. JOHN R. ASHCROFT: MO. DIG. HERITAGE, *supra* note 4. Individuals who resided at this location (3739 Windsor Place) in the Boehmer Hotel Boarding House were cross-referenced on general search sites to discover individuals of note. *Id.*; see also COTTRELL, *supra* note 2, at 22 (“Baldwin then moved to ‘a really elegant pension’ that housed about thirty people, including several other Harvard graduates”).

52. COTTRELL, *supra* note 2, at 22.

53. SEC’Y OF ST. JOHN R. ASHCROFT: MO. DIG. HERITAGE, *supra* note 4; LAMSON, *supra* note 25, at 39.

54. LAMSON, *supra* note 25, at 39.

55. *All Census & Voter Lists Results for Winn*, ANCESTRY (2019), [https://www.ancestry.ca/search/categories/cen\\_1910/?name=Jane\\_Winn&event=\\_missouri-usa\\_28&location=2&priority=usa](https://www.ancestry.ca/search/categories/cen_1910/?name=Jane_Winn&event=_missouri-usa_28&location=2&priority=usa) (showing data for 3739 Windsor Place).

56. ANNE ANDRE JOHNSON, NOTABLE WOMEN OF ST. LOUIS, 1914, 250 (1914).

57. *Id.* at 250-54.



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opinions and comments.<sup>58</sup> Winn was a strong advocate for the inclusion of suffrage news in her paper at a time when Missouri was largely apathetic to the cause and movement.<sup>59</sup> Biographers cite the influence that famed anarchist Emma Goldman had on Baldwin,<sup>60</sup> but was Baldwin, a subsequent champion of civil liberties, slowly and quietly also being impacted by his everyday interactions with the great thinkers in his home? History will always join Baldwin and Winn together (at 3739 Windsor Place) by way of a page in the 1910 census.<sup>61</sup>

Today, this small vacant parcel in the middle of St. Louis represents more than just overgrown grass, weeds, and undefined concrete. For me, this location will always represent a vibrant, intellectual, and progressive community where Baldwin engaged in daily and informative micro-conversations with intellectuals like Winn,<sup>62</sup> scientist George Wislocki,<sup>63</sup> architect and writer John Beverly Robinson,<sup>64</sup> artist Kathryn Bard Cherry,<sup>65</sup> chemist Marshall Cox,<sup>66</sup> *Post-Dispatch* editor and Kate Chopin confidant Charles Deyo,<sup>67</sup> and many others.<sup>68</sup> Were the intellectual

58. Marguerite Martyn, *Jane Frances Winn in Who's-Who Book: Marguerite Martyn Writes of Local Woman Journalist, Best Known, Far and Wide, for Her Poems Written over the Masculine Name, "Frank Fair"*, ST. LOUIS POST-DISPATCH, Aug. 13, 1914, at 15.

59. JOHNSON, *supra* note 56, at 251–54.

60. COTTRELL, *supra* note 2, at 30–31.

61. *All 1910s Results for Roger Baldwin*, ANCESTRY (2019), [https://www.ancestry.ca/search/categories/cen\\_1910/?name=Roger\\_Baldwin&event=\\_missouri-usa\\_28&location=2&priority=usa](https://www.ancestry.ca/search/categories/cen_1910/?name=Roger_Baldwin&event=_missouri-usa_28&location=2&priority=usa).

62. *Id.*

63. SEC'Y OF ST. JOHN R. ASHCROFT: MO. DIG. HERITAGE, GOULD'S ST. LOUIS DIRECTORY FOR 1913, at 2279 (1913), <http://cdm.sos.mo.gov/cdm/ref/collection/p16795coll7/id/126873>;

64. SEC'Y OF ST. JOHN R. ASHCROFT: MO. DIG. HERITAGE, GOULD'S ST. LOUIS DIRECTORY FOR 1915, at 1755 (1913), <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/p16795coll7/id/122611/rec/20>.

65. SEC'Y OF ST. JOHN R. ASHCROFT: MO. DIG. HERITAGE, GOULD'S ST. LOUIS DIRECTORY FOR 1909, at 507 (1909), <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/p16795coll7/id/122611/rec/20>.

66. SEC'Y OF ST. JOHN R. ASHCROFT: MO. DIG. HERITAGE, GOULD'S ST. LOUIS DIRECTORY FOR 1916, at 537 (1916), <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/p16795coll7/id/122611/rec/20>.

67. SEC'Y OF ST. JOHN R. ASHCROFT: MO. DIG. HERITAGE, GOULD'S ST. LOUIS DIRECTORY FOR 1915, at 569 (1913), <http://cdm16795.contentdm.oclc.org/cdm/compoundobject/collection/p16795coll7/id/122611/rec/20>.

68. The preceding names were cross referenced on general search sites to discover individuals of note. While no record of these conversations exist, given the vibrant intellectual community it is reasonable to assume Baldwin had engaging conversations with his neighbors.

principles of the ACLU first embedded in Baldwin during these grand conversations on Boehmer Hotel's once-standing wraparound veranda, on hot days, as the best and the brightest shared a drink, along with a time and place in history with Baldwin? I strongly suspect such was the case.

#### IN DEFENSE OF MARGARET SANGER

“If Baldwin first experienced disillusionment with direct democracy in St. Louis, he also entered his first free-speech fight there.”<sup>69</sup> While the organizational founding of the ACLU officially occurred in New York City in 1920 nearly one-hundred years ago,<sup>70</sup> I suggest that yet another pivotal event in St. Louis contributed to Baldwin's conceptual founding of the ACLU. Throughout his life, Baldwin would assert how his “first impulse to civil liberties” occurred in his defense of birth control advocate Margaret Sanger after she was denied the right to speak to a St. Louis audience in a private hall.<sup>71</sup>

Baldwin's impact on Sanger's rights, and Sanger's influence on Baldwin's evolution to a champion of civil liberties, most likely occurred in 1916 after police and the Catholic Church in St. Louis persuaded a local theatre owner to deny Sanger the right to speak about birth control and the early ideas of reproductive rights.<sup>72</sup> “In 1910 the same year he became a key figure in the Civic League, Baldwin helped establish the St. Louis City Club.”<sup>73</sup> The City Club was a place where businessmen and professionals would gather for lunch and hear speakers on “important

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69. DICTIONARY OF MISSOURI BIOGRAPHY 28 (Lawrence O. Christensen et al. eds., 1999).

70. See Walker, *The Founding of the American ACLU*, *supra* note 2.

71. Gertrude Samuels, *Roger Baldwin, 97, Is Dead; Crusader of Civil Rights Founded the A.C.L.U.*, N.Y. TIMES, Aug. 27, 1981, at D18.

72. DICTIONARY OF MISSOURI BIOGRAPHY, *supra* note 69, at 27–29; *Margaret Sanger Speech Cancelled in St. Louis*, TODAY C.L. HIST. (May 22, 1916), <http://todayinclh.com/?event=margaret-sanger-speech-cancelled-in-st-louis> [hereinafter TODAY C.L. HIST.]; see also *Theater Cancels Date for Lecture on Birth Control*, ST. LOUIS POST DISPATCH, May 22, 1916, at 1; *City Club Asked to Forbid Speech on Birth Control*, ST. LOUIS POST DISPATCH, May 23, 1916, at 1. Over the years, different researchers and reporters have assigned different dates and places to this Sanger/Baldwin free speech collaboration. This discrepancy is likely because Baldwin, as he grew older, misidentifies the date in interviews with researchers switching the Sanger collaboration from 1916 to 1912. See ELLEN CHESLER, *WOMEN OF VALOR; MARGARET SANGER AND THE BIRTH CONTROL MOVEMENT IN AMERICA* 400-02, 1578 (1992).

73. COTTRELL, *supra* note 2, at 43.

public issues of the day.”<sup>74</sup> Baldwin assisted in bring a number of notable speakers including Theodore Roosevelt, William Howard Taft, and Woodrow Wilson.<sup>75</sup> Being part of this effort to present speakers of “all sides of the public question” may have instilled in Baldwin a deep respect of all speech especially from (in Baldwin’s words) “heretics”, “militant(s)” and “leftist.”<sup>76</sup>

On May 22, 1916, Baldwin marshaled his influence as the Secretary of the Civic League and a founder of the City Club to assist Sanger by organizing a protest outside the Victoria Theatre,<sup>77</sup> now the (still standing) Sun Theatre in St. Louis’s Grand Center.<sup>78</sup> Researchers suggest Baldwin also provided an alternative location for Sanger’s speech: the City Club located in the Board of Education Building at 911 Locust Street in downtown St. Louis.<sup>79</sup> On May 23, 1916, Sanger spoke on the seventh floor at the City Club’s meeting space, four floors above Baldwin’s third-floor Civic League office.<sup>80</sup> On that day in 1916, did Baldwin conceptualize the power of organization in support of free speech and civil libertarian causes?

Throughout his career, “Baldwin retained a healthy skepticism toward overreliance on legal remedies, working both within and without the court system to create a favorable social climate for civil liberties.”<sup>81</sup> I believe

74. *Id.*

75. *Id.*

76. LAMSON, *supra* note 25, at 49.

77. See DICTIONARY OF MISSOURI BIOGRAPHY, *supra* note 69, at 28; TODAY C.L. HIST., *supra* note 72; WALKER, IN DEFENSE OF AMERICAN LIBERTIES, *supra* note 2, at 43.

78. Alex Heuer, *The 100-Year-Old Sun Theater in Grand Center Reopens After a Major Renovation*, ST. LOUIS PUB. RADIO (May 16, 2014), <http://news.stlpublicradio.org/post/100-year-old-sun-theater-grand-center-reopens-after-major-renovation#stream/0>.

79. Cf. TODAY C.L. HIST., *supra* note 69 (“Roger Baldwin, future head the ACLU and an active civic leader in St. Louis, helped arrange for her to speak at the City Club the next day and at the Town Club that evening.”), COTTRELL, *supra* note 2, at 30–31 (“His City Club Functions led to Baldwin’s involvement with various speakers whose message was received with trepidation by many.” this was the case when, “city police had prevented the birth control advocate Margaret Sanger from delivering a talk at a private hall.”); LAMSON, *supra* note 25, at 49, 54; see also REGISTRATION FORM: CITY CLUB BLDG., *supra* note 3, at 3, 9, 14 (providing the address and description of the City Club facilities in 1916).

80. Compare REGISTRATION FORM: CITY CLUB BLDG., *supra* note 3, at 3, 14 (“Between 1910 and 1923, the City Club’s facilities included a lounge, office, and dining rooms on the seventh floor of the Board of Education Building at 911 Locust Street.”), with SEC’Y OF ST. JOHN R. ASHCROFT: MO. DIG. HERITAGE, *supra* note 4, at 228 (referencing information about Roger Baldwin).

81 DICTIONARY OF MISSOURI BIOGRAPHY, *supra* note 69, at 28. .

his skepticism of the judiciary was born from a belief, “the courts operate for the benefit of the well to do and against the poor” and changing societal values was as, if not more, important than changing the law.<sup>82</sup> For some, Roger Baldwin was considered opportunistic, but to his admirers it was his “organizational savvy” that created the environment that advanced “constitutional liberties” in the face of “government incursion.”<sup>83</sup> To this date, the Board of Education Building in downtown St. Louis stands as an unrecognized monument to Baldwin’s organizational genius, commemorating his ability to marshal human talent and resources in the fight to create social change.

#### LESSONS LEARNED ALONG THE TRAIL

Baldwin’s interactive journey through St. Louis provides advocates of civil liberties and basic human rights a roadmap on how to create a favorable social architecture for change. Each St. Louis location mentioned represents not only a physical symbol to Baldwin’s experiences, but also a historical prompt on how to facilitate a social climate that promotes transformative events.

By reflecting on Baldwin’s early discussions with Brandeis, we can comprehend the importance of seeking counsel from mentors who are great thinkers with the ability to effectively communicate the institutional memory of a struggle or a cause. In the Brandeis-Baldwin interaction, the realism of democracy was discussed as Baldwin was counseled to leave the protections of his socially conscious upbringing and explore a place where the fight for democracy was fresh, unsettled and complex.<sup>84</sup> Brandeis’ St. Louis was a place where thousands of Exodusters were fleeing persecution in the South, hoping for the realization of a true democratic existence in the West.<sup>85</sup> But St. Louis’ reaction to the

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82. LAMSON, *supra* note 25, at 87 (citing a letter Roger Baldwin wrote to New York Attorney General Francis G. Caffrey in October of 1918 stating his refusal to accept bail in his own case if prosecuted for failing to comply with directives of the local draft board.).

83. Laura Weinrib, *Freedom of Conscience in War Time: World War I and the Civil Liberties Path Not Taken*, 65 EMORY L.J. 1051, 1090 (2016).

84. Baldwin, *supra* note 9, at 10.

85. See JACK, *supra* note 19, at 32, 151–52.

Exodusters' presence was both ambivalent and heroic.<sup>86</sup> St. Louis is much the same today, reemerging as a new center of national human rights—struggling to find its identity in the face of inequality defined by issues of race, poverty, and class.<sup>87</sup>

Advocates are further guided by Baldwin's experience as a poorly-dressed, lone individual, and the denial of his "right to be left alone" when he was confronted by the power of the government and left vulnerable to two police officers who judged his worth by his appearance.<sup>88</sup> As I visualize the dark streetcar stop in North St. Louis where Baldwin was accosted by law enforcement, I consider the feeling of isolation and vulnerability that many individuals of color experience today.<sup>89</sup> Baldwin was not a person of color, but after this incident, he was no longer just an observer in the fight for civil liberties. He became a participant in the battle, with a new insight that allowed him to internalize the pain and helplessness that comes when an individual is targeted by government. His futility and pain were evident as he sought justice from being wronged. As his access to justice was denied by police officials and dismissed in the press, Baldwin must have experienced the sting of ostracism as his grievance went unheard.<sup>90</sup>

In an interview, Baldwin once said that he thought "communism [was a] good idea . . . but when [it's] attached to the machinery of a police state, man must be against [it]."<sup>91</sup> As I researched this essay, I considered whether Baldwin's general opposition to aggressive and unchecked policing may have started as he waited for that streetcar in a St. Louis neighborhood in March 1914. This may have been Baldwin's first individual experience with the arbitrariness of government power, but it certainly would not be his last, as future events would find him and a member of his adopted family incarcerated, detained, and placed under

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86. *Id.* at 27–28.

87. *See* Bryant, *supra* note 26.

88. *Roger Baldwin Nabbed By Cops; Gets 'Once Over'*, *supra* note 32.

89. Bryant, *supra* note 26.

90. *See* *Roger Baldwin Nabbed by Cops; Gets 'Once Over'*, *supra* note 32.

91. LAMSON, *supra* note 25, at 125. This combination of sympathy for communism's economic goals with deep skepticism of the totalitarian bent it could take was not uncommon among early 20th century intellectuals. *See, e.g.*, Michael Makovi, *George Orwell as Public Choice Economist*, 60 AM. ECON. 183 (2015).

surveillance for their beliefs.<sup>92</sup> Arguably, Baldwin's empathy toward others, as they fought the oppression of government, was always genuine and forged from his past.

Baldwin was bound to learn the power of diverse ideas and interdisciplinary thought as he resided in the boarding house at Windsor Place in St. Louis, surrounded by a myriad of intellectual and progressive minds, like Jane Winn.<sup>93</sup> The power of bringing diverse thinkers together, in pursuit of social justice, is evident in his career, and he sought the inspiration of many distinct voices. Baldwin created a national committee for the ACLU, made up of internationally recognized leaders in the fields of social work, law, journalism, theology, women's suffrage, labor advocacy, and politics.<sup>94</sup> To bring the ACLU to life, he marshaled the expertise of varied groups, ranging from academics and federal judges, to anarchists and conservatives.<sup>95</sup> On the original founding national board of the ACLU, future Supreme Court Justice Felix Frankfurter and "respectable conservative Republican" Mary Wooley served alongside self-proclaimed "radicals and activist" like Crystal Eastman and Baldwin.<sup>96</sup> Objectively, West 16th Street in New York City (the official location of the ACLU's establishment) is geographically far from a now-forgotten vacant lot in Midtown St. Louis, but for Baldwin in 1920, his past experiences in the Boehmer Hotel were unquestionably part of his belief system as he joined together diverse intellectuals in pursuit of a noble cause.

Baldwin had to marshal all his experiences, skills, and internalized lessons as he brought the national entity of the ACLU to life in 1920.<sup>97</sup> His creation of the ACLU was in no small part born from Baldwin's power to organize and bring people and resources together in the fight to protect democracy and liberty.<sup>98</sup> He understood how universal civil liberties

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92. COTTRELL, *supra* note 2, at 28-29, 62.

93. SEC'Y OF ST. JOHN R. ASHCROFT: MO. DIG. HERITAGE, *supra* note 4 (reviewing entries for all the named individuals, living at 3739 Windsor Place, mentioned in the text of this essay, and then, cross-referencing them with general search sites to determine their profession of note).

94. COTTRELL, *supra* note 2, at 122-23.

95. *Id.*

96. *Id.*; see also LAMSON, *supra* note 25, at 11, 126-130.

97. See WALKER, IN DEFENSE OF AMERICAN LIBERTIES, *supra* note 2, at 66.

98. *Id.*

protections would never occur after one court case or one newspaper article, but rather from a “climate for change” across the nation for all individuals, forged from the collective efforts of a well-organized union.<sup>99</sup> In the first official meeting of the ACLU, Baldwin announced how he would depart on a “country-wide” organizing trip to arguably gather information and garner national energy.<sup>100</sup> Baldwin’s genius to organize and marshal resources on a major level all came together, years earlier, when he aided Margaret Sanger in her attempt to bring information about family planning to the residents of St. Louis.<sup>101</sup> Baldwin’s accomplishments in 1916 provide clear evidence of his ability to organize in support of individual rights, born from his cumulated experiences as the Secretary of the Civic League and founder of the City Club in St. Louis.<sup>102</sup>

I imagine how Baldwin’s third floor office at 911 Locust Street was an anchor for his coordination efforts while he worked his resources across the city. In a relatively short period of time, Baldwin put together a demonstration in support of Sanger outside of the Victoria Theatre.<sup>103</sup> He arguably brought together community leaders who voiced support in the press for Sanger’s right to speak, and he arranged two alternative locations for Sanger to deliver her address before two separate organizations of note.<sup>104</sup> Most notably, she first spoke at the City Club facilities on the seventh floor of the Board of Education Building on May 23, 1916.<sup>105</sup>

For this essayist, the conceptual founding of the ACLU occurred on that date, in that building in St. Louis. From that one empowering event, Baldwin went forward to accomplish his larger goals. In less than one year, Baldwin had moved to New York and was fighting for individual protections in World War I America, and less than four years later he would officially organize his famed union, the ACLU.<sup>106</sup>

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99. See *DICTIONARY OF MISSOURI BIOGRAPHY*, *supra* note 69, at 28.

100. Walker, *The Founding of the American ACLU*, *supra* note 2.

101. See *TODAY C.L. HIST.*, *supra* note 72.

102. See *COTTRELL*, *supra* note 2, at 43.

103. Compare *DICTIONARY OF MISSOURI BIOGRAPHY*, *supra* note 69, at 28, with *TODAY C.L. HIST.*, *supra* note 72, and *COTTRELL*, *supra* note 2, at 43.

104. *DICTIONARY OF MISSOURI BIOGRAPHY*, *supra* note 69, at 28, *TODAY C.L. HIST.*, *supra* note 72, *COTTRELL*, *supra* note 2, at 43, and *City Club Asked to Forbid Speech on Birth Control*, *supra* note 72.

105. *City Club Asked to Forbid Speech on Birth Control*, *supra* note 72.

106. See *COTTRELL*, *supra* note 2, at 48–50, 121.

## CONCLUSION

The civil liberties trail in St. Louis represents much more than a series of places where events occurred. These locations represent the skills, ideas, and experiences specific to Roger Baldwin and his exceptional brilliance that brought to life the American Civil Liberties Union. An endless number of locations in and around St. Louis could have been considered for this essay, from the banks of the Meramec River in Missouri's Ozarks to the Carr Street location of the Settlement House where he first lived after arriving in St. Louis. The former location brought Baldwin inspiration and joy, while the latter impacted his commitment to civic reform.<sup>107</sup>

The four St. Louis locations detailed in this essay memorialize values that protect the basic individual rights guaranteed in the constitution. Today, many unrecognized and forgotten physical memorials stand as tribute to these basic values, including a nondescript downtown city block,<sup>108</sup> a long-abandoned street car stop,<sup>109</sup> a vacant lot,<sup>110</sup> and a century-old, nearly rust-colored building in downtown St. Louis City.<sup>111</sup> The conversation between Brandeis and Baldwin teaches the importance of conveying the story of Democracy's struggle and why that story must be passed to a new generation of civil libertarians. The internalized pain of societal ostracism inflicted by government overreach can bring power to our commitment for change, while the synergy of diverse ideas and voices guides us in preparation for this transformative event. In the end, it is the power of organization, people, ideas, and resources, brought together in

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107. See *id.* at 22–24.

108. See *Reimagining 100 North Broadway to Take Advantage of New Luther Ely Smith Square & Arch Entrance*, URBAN REVIEW ST. LOUIS (Dec. 10, 2015), <http://www.urbanreviewstl.com/2015/12/reimagining-100-north-broadway-to-take-advantage-of-new-luther-ely-smith-square-arch-entrance/> (for posted photographs of the Chestnut and North Broadway intersection described in this essay).

109. See GREAT RIVERS GREENWAY, *supra* note 47 (for posted photographs of how the Hodiament Tracks appear today).

110. See ST. LOUIS REPUBLIC, *supra* note 50, at 1 (for a drawn picture of the boarding house at 3739 Windsor Place).

111. See *The Library Before Central*, ST. LOUIS PUBLIC LIBRARY, [http://central.slpl.org/before\\_central.html](http://central.slpl.org/before_central.html) (last visited April 27, 2019) (for posted photographs of past St. Louis Public Library facilities including the still standing Board of Education Building).



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one union for a common cause that will “create a favorable social climate for civil liberties.”<sup>112</sup>

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112 . DICTIONARY OF MISSOURI BIOGRAPHY, *supra* note 69, at 28.