

## The Creation of the Champaign County ACLU in 1940 by Sharon Irish

In 2016, I came across an old letter from a long-time family friend, Mulford Sibley, among my father's papers.<sup>1</sup> Mulford, writing on May 29, 1940 from Urbana, Illinois, to his sister Margaret, pinpointed the beginning of the Champaign County chapter of the American Civil Liberties Union (ACLU).

Mulford Sibley (1912-1989) was a professor of political science at the University of Illinois, Urbana-Champaign (UIUC), from 1938 to 1948, when he joined the faculty of the University of Minnesota. Born in Missouri and raised in Oklahoma, I could still hear his twang in the 1960s, when I first got to know him and his family in Minnesota.

The local chapter of the ACLU was formed in response to a series of challenges to free speech in central Illinois in 1940. On April 30, three University of Illinois students were arrested in Champaign and fined for posting Young Communist League handbills "on property without the owners' consent."<sup>2</sup> After the three young men spent the night in jail and were released, the University of Illinois deemed "no further disciplinary action" was necessary.<sup>3</sup> Then came the harassment and arrest of UIUC student Aaron Bindman, who spoke against the looming war on May 21 on the corner of Wright and John Streets in Champaign. He was arrested and claimed he was beaten up by police in custody.

*The Daily Illini* did not take Bindman's allegations seriously. The student journalist composed Bindman's story as if it were a diary entry about "a very busy day, what with the police and the city jail and being late for work and everything...."

12:00 p.m. Was placed forthwith in the bastille, there to languish for some 10 minutes, ever thinking of my cause, and wondering where my soap-box went to. 1 p.m. Taken from the city clink and brought before three officers of the law. They did ply me excessively with questions, which I stout-heartedly refused to answer. 1:01 p.m. Did answer questions. 1:10 p.m. Was reincarcerated in the gaol, there to think deep thoughts, until next brought into the light of day....<sup>4</sup>

The next day, another confrontation developed around a peace meeting organized on May 22 by the students of the Peace Coordinating Committee. Mulford Sibley was one of six speakers at the meeting, a day after Bindman's arrest. The event, held on the Auditorium steps (now Foellinger Auditorium) on campus, was attended by several hundred students.



Speakers at the Peace Meeting: Mulford Sibley is second from right; Carlos Renfrew on far right.

Photo: *News-Gazette* (May 23, 1940), 3.

Mulford's letter described a stand-off of sorts between the Peace Coordinating Committee and the Urbana post of the American Legion. "Two or three days before the meeting," he wrote, "...the University Dean of Men received a call from the local American Legion post informing the Dean that he (the American Legion kingfish) had been informed there was to be a Communist Peace Meeting at the campus and that he, the Commander of the Legion, would send some men around to keep order! (Imagine calling me a Communist!)." Mulford reflected:

The whole Legion attitude...is very serious: now that we are again hunting for nefarious Spies around the corner, the Legion and other organizations of like tenor are going to be more and more presumptuous and threatening. They will take the law into their own hands, Ku Klux Klan fashion, and in many instances evoke veritable reigns of terror.

The Dean, Mulford wrote, "suggested to the Committee in Charge that they mollify the Legion and soothe the feeling of the Commander by inviting a respectable preacher to preside over the gathering and the Commander himself to sit on the platform." Thus World War I veteran and former commander of the Urbana American Legion post, Carlos D. Renfrew (1886-1954), whom Mulford called "the

kingfish," was on the platform along with campus minister, the Rev. J. Walter Malone, Jr. of the McKinley (Presbyterian) Foundation.<sup>5</sup>

Mulford wrote further to his sister:

...when the students assembled, we saw out in the audience ten or twelve (probably more) men wearing Legion buttons, standing with folded arms and with dour expressions suffusing their noble faces. In addition, seven policemen were scattered about the lawn, eager and alert to deal with any riot which might break out in this gathering for peace!

The following Saturday, May 25, 1940, ten Communists from the Chicago area visited Pekin, Illinois, about one hundred miles away, to gather signatures as part of a statewide petition drive to include the Communist Party on the November 1940 ballot. An angry crowd of several hundred people threatened them in what a journalist called "a riot." Two of their cars were burned by the mob<sup>6</sup> and the Communists took refuge in Pekin's Tazewell County courthouse. The sheriff called for state police support, which arrived that night. State police and deputy sheriffs guided the ten from the courthouse to the nearby brick jail where they were placed in protective custody. The following morning, several cars of vigilantes tailed the sheriff and state police as the ten were driven to Peoria; they awaited the train to Chicago in the Peoria County jail.<sup>7</sup>

### Crowd Watches Chicago Communists' Car Burn



Here's a view of the crowd watching the burning of a Ford V-8 at the corner of Broadway and Sixth streets early Saturday evening. The V-8 was driven by a group of communists who came to Pekin to distribute communistic literature. Another car, a Plymouth, also driven by the communists was mobbed and burned.

Photo: *Pekin Times* (May 27, 1940), 1. Courtesy Pekin Public Library.

On Sunday, May 26, 1940, as the Chicago Communists rode the train home, a group in Champaign, Illinois, gathered at McKinley Foundation (a Presbyterian campus ministry near the University of Illinois) and formed a local chapter of the American Civil Liberties Union. Ira Latimer from the Chicago ACLU was there<sup>8</sup>, as was Aaron Bindman.<sup>9</sup> Nearly all the 63 people in attendance joined this new chapter.<sup>10</sup> The impetus for the meeting was to address Bindman's grievance about being beaten by police on May 21, but Latimer spent much of the meeting focused on the events in Pekin on May 25.

### **Who launched the Champaign County ACLU?**

The two chapter officers were:

- Charles Hagan (1905-1991), a 35-year-old political science professor.
- Harry Levy (1902-1977), age 38, a mathematics professor.

The steering committee included:

- Edgar Barton, age 23, a law student.
- Joseph Leo Doob, about 30, a mathematics professor known for his work on probability theory. In 1979 he was awarded the National Medal of Science; he died in 2004 at the age of 94.
- Gertrude Esteros (1914-2016), home economics, 26 years old, chair of the Campus Peace Coordinating Committee. In 1941 she joined the Red Cross and worked in the South Pacific. After the war, she taught at the University of Minnesota until she retired in 1980.<sup>11</sup>
- Lucien M. Hanks, Jr. (1910-1989) was a 30-year-old member of the psychology department. After serving as a civilian in the Office of Strategic Services in Burma (Myanmar), he specialized in Southeast Asian studies.
- Only known to me by her husband's name, Mrs. Earl E. Klein, joined 53-year-old Greeta Leigh (Mrs. Wayland Maxfield) Parrish as two of the three women on the committee.
- Mulford Sibley, a political science professor, was 28.
- George Washington Goble (1887-1963), age 53, was a professor of law at UIUC. Recently returned from a speaking tour of Europe, he had arranged for the local Bar Association to sponsor a series of programs about constitutional rights and civil liberties.

Latimer recommended the group meet with Champaign's mayor, James D. Flynn; pursue criminal charges against the police officers who allegedly beat Bindman; sue the police for false arrest; and file charges with the attorney general against Police Chief Clyde Davis. The

Champaign group was less litigious and aimed only for a meeting with the police chief.

A few days after the meeting Law professor Goble wrote in *The Daily Illini*: “[S]ince my visit to Germany last year, where I had an opportunity to see at first hand the effects of intolerance, suppression, and brutality, I have advocated, as all my friends know, additional national preparedness, so that our country could defend itself against a possible aggression by Germany, should she defeat the Allies, and I now strongly favor the military and naval program proposed by President Roosevelt. My only interest in this whole matter has been that I believe honest and loyal Americans, who have views contrary to my own should be free to express them.”<sup>12</sup>

The Champaign County chapter of the ACLU died sometime after its 1940 launch and was resurrected, perhaps in the 1960s, by Victor J. Stone (1921-2010) and others.<sup>13</sup> Victor Stone, a member of the University of Illinois College of Law faculty from 1955-1991, served on the board of the Illinois division of the ACLU from 1987-96, and received the ACLU’s highest recognition, the Roger Baldwin Award, in 2002. While the precise date of its rebirth is unclear, the Champaign County chapter of the ACLU is strong and growing in 2019, continuously advocating for and litigating on behalf of civil rights and civil liberties.

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1 My father, Don Irish (1919-2017), married Mulford Sibley's widow, Marjorie Hedrick Sibley (1921?-2003), in 1990. Marjorie was one of ten children from a family in Longview, IL. She received her B.A. and M.A. from the University of Illinois, and married Mulford in 1942. She got her master's of library science degree in Minnesota and worked as a librarian until her retirement in 1987.

<https://www.legacy.com/obituaries/twincities/obituary.aspx?n=marjorie-sibley&pid=744998> (accessed September 29, 2018). Some of Marjorie's and Mulford's papers were intermingled with my father's. Marjorie and Mulford's children, Muriel and Martin Sibley, gave me permission to write about this letter. Unless otherwise noted, all quotations by Mulford are from this letter.

2 "Fined for Posting Communist Literature," *The News-Gazette* (May 1, 1940). The three students were: Irving Zinziper, Martin Lieberman, and Ralph Telford. They were all juniors and were fined \$10 each.

3 "Three Communist Students To Be Reprimanded by U.I.," *The News-Gazette* (May 3, 1940), 2. The headline and lead paragraph of this article directly contradict the U.I. action, which was to do nothing further.

4 Frank Metzner, "Soapboxer Finds Work Tiring," *The Daily Illini* #217, p. 1.

5 "UI Students Make Last Plea for Peace," *The News-Gazette* (May 23, 1940), 3.

I haven't found much information on Carlos Renfrew (1886-1954), who was born in Arcola. He was the youngest son of Frances and Charles Renfrew. Frances was involved in the Daughters of the American Revolution (DAR). I examined DAR scrapbooks at the Champaign County Historical Archives but did not find further information about Carlos Renfrew.

6 "Sues for \$1000 for Damages to Auto Burned Here," *Pekin News* (May 28, 1940), 1. "City, County Sued in Pekin Vigilante Attack on C.P. Canvassers," *Daily Worker* (May 30, 1940), 5. Just a few weeks later, on June 16, 1940, 13 cars were damaged or destroyed by a mob in Litchfield, Illinois, by people who objected to the presence in their town of 60 Jehovah's Witnesses from Missouri; many of the Witnesses were beaten and jailed. See Edgar Bernhard, Ira Latimer, and Harvey O'Connor, eds., *Pursuit of Freedom: a History of Civil Liberty in Illinois, 1787-1942* (ACLU, 1942), 16.

7 "10 Communists 'Retreat' in Pekin Riot," *The News-Gazette* (May 26, 1940), 1; "Communists Take Refuge in Pekin Courthouse," *Daily Illini* (May 26, 1940); "10 Communists Go Home on Rocket After Short, but Lively Visit Here," *Pekin News* (May 27, 1940), 1. The *Pekin News* article listed the names of the Chicagoans, most of whom were in their twenties: George Schofield, Joseph Hildt, Alvin Randolph, Albert Schaefer, Alfred Hardy, Ernest Erickson, James Peterson, Edward Perry, Helen Higgins, and Laura Bloor; these names may have been aliases.

8 Ira Latimer (1907-1985) was executive secretary of the Chicago ACLU from 1936-1955. A member of the Communist Party, in 1947 he became a vocal anti-Communist. "Ira Latimer; Battled for Civil Rights," *Chicago Tribune* (February 17, 1985). <https://www.chicagotribune.com/news/ct-xpm-1985-02-17-8501090867-story.html> His papers are at the Chicago History Museum. See also Edgar Bernhard, Ira Latimer, and Harvey O'Connor, eds., *Pursuit of Freedom: a History of Civil Liberty in Illinois, 1787-1942* (ACLU, 1942).

9 Aaron Bindman (1916-2014) was a junior in 1940. Bindman's activism wove through the rest of his life. After the war, Bindman was an organizer with the International Longshoremen's and Warehousemen's Union in Chicago. N. Caroline Harney and James Charlton, "The Siege on South Peoria Street," *The Reader* (January 13, 2000). <https://www.chicagoreader.com/chicago/the-siege-on-south-peoria-street/Content?oid=901207> Bindman and his wife Louise lived

for a time in Chicago before moving back to Champaign in the 1950s to allow Aaron Bindman to finish his undergraduate degree, which had been interrupted by the war, and get his M.A. and Ph.D. degrees in sociology. Bindman's master's thesis was a study of the 1961 picketing campaign against J.C. Penney, which initially refused to hire Black people: "Minority Collective Action Against Local Discrimination: A Study of the Negro Community in Champaign-Urbana, Illinois." His 1965 dissertation was entitled "Participation of Negro Students in an Integrated University," <http://hdl.handle.net/2142/61300> He then joined the faculty at SUNY New Paltz where he had a long tenure. Bindman's papers are in the Wagner Labor Archive of New York University.

10 "Civil Liberties Union Organized on UI Campus," *The News-Gazette* (May 27, 1940), 3.

11 <http://designatmnblog.com/2016/12/in-memoriam-gertrude-esteros-b-s-head-36-m-s-head-41/> <https://www.twincities.com/2016/12/03/u-of-m-design-leader-gertrude-esteros-dies-at-102/>

12 G.W. Goble, "To the Editor," *The Daily Illini* (June 1, 1940).

13<sup>13</sup> "Victor Stone," *News-Gazette* (November 28, 2011) <http://www.news-gazette.com/obituaries/2010-11-28/victor-stone.html>