

Walter M. Chandler: Building the Legal Case for Estonia's Independence



Walter M. Chandler
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As a four-time representative of New York's 19th District in Manhattan, U.S. Congressman Walter M. Chandler was a true American maverick. A follower of President Theodore Roosevelt, Congressman Chandler became a member of the Progressive Party which defected from the mainstream Republican Party. As both a trained lawyer and a devout Christian, Congressman Chandler would write one of the classical juridical apologies making the case for Christianity. And being both a Christian and a progressive in the truest sense of both those words, Congressman Chandler took some ground-breaking stands on the floor of the U.S. House of Representatives. In September 1922 when the Ku Klux Klan boasted over four million members across the United States, Congressman Chandler spoke out against the Klan's twisted teachings

of racial hatred.

Whenever he got the chance, Congressman Chandler also argued the case against anti-Semitism both in America and in Europe. He gave talks at U.S. churches about the contributions of Jews to American society and about the role that Jewish soldiers played in fighting for America from the Revolution to the Spanish-American War. When Romania began to persecute its Jewish population in 1913, Congressman Chandler stated on the floor of the U.S. House: "The marvelous contributions of the Jewish people to the spiritual and intellectual wealth of the world entitle them to the gratitude and homage, not the hatred and persecution of mankind. If gratitude were a supreme virtue of nations, as it should be of individuals, there would never be any organized governmental persecution of the Jews." While serving as a member of the Sixty-third, Sixty-fourth, and Sixty-fifth Congresses from 1913 to 1919, Congressman Chandler made a name for himself as a crusader.

As a skilled lawyer devoted to the abstract cause of justice, Congressman Chandler also played a key role in securing the U.S. Government's de jure recognition of Estonian, Latvian, and Lithuanian independence. After representing the New York's 19th District as a Progressive for two terms and then as Republican for a third, Congressman Chandler suffered defeat in the elections of November 1918. When his third term expired in early 1919, Chandler served for a time as an instructor with the American Expeditionary Forces University in Beaune, France. During this time, he developed an interest in the Baltic cause. As a result, he asked for a meeting with Samuel Eliot Morison of the Russian Section of the American Commission to Negotiate Peace on April 28, 1919. Armed with the information Morison provided to him, Chandler set off on his own fact-finding trip to the Baltics, becoming the first former Congressman to ever visit Estonia. On August 18, the newspaper *Vaba Maa* reported on Chandler's cross-country journey during the middle of Estonia's War of Independence. After returning to his private practice as a lawyer in New York City, Chandler decided he would take up the cause of Baltic independence in the court of U.S. public opinion.

Making the Case for Estonia, Latvia, and Lithuania

In January 1920, former Congressman Chandler argued his case for the Baltic States in front of one of the most important "courts" in the United States: the House of Representative's powerful Ways and Means Committee. A detailed, almost word-for-word account of his presentation appears in the January 25, 1920 edition of the *New York Times*. Chandler opened with the following argument: "The Republics of Esthonia, Latvia, Lithuania ... are distinct nationalities and separate states ... and each and every one of them has been a mighty bulwark, an immovable barrier against Bolshevism for more than two long years." He backed up his first words with first-hand experience: "During the Summer of 1919, I travelled extensively in the Baltic countries, by boat, train, and automobiles, and studied closely the economic, industrial, agricultural, military, and political conditions existing there. I was deeply impressed by what I saw and heard. I rode along hundreds of miles of Esthonian, Lettish, and Lithuanian battle lines. I was astonished at their system of barbed-wire defences which ... looked to me to be insurmountable barriers, impregnable bulwarks with many thousands of brave Esthonian,

Lettish, and Lithuanian warriors behind them.”

After his eloquent opening argument, Chandler went on to make his case using President Woodrow Wilson's well-known principles of self-determination. As a Republican borrowing an argument from a famous Democrat, Chandler hoped to sway both parties in Congress as well as American public opinion. In the finest traditions of a trial lawyer, Chandler feigns uncertainty before going on to redefine his case in his own terms: “By self-determination is meant, as I understand it, that any considerable group of people having a proper physical basis of territory and population with certain national characteristics of race, language and religion could claim this right of self-determination, provided a proper educational basis of citizenship could be shown, and provided further that many years of oppression had been exercised by the dominating power seeking separation and claiming rights of self-determination and independence.”

Chandler then sets out to show how his Baltic “clients” met the requirements of self-determination point-by-point: “In the first place, the territory of each is large enough. Esthonia, the smallest of all these states, is larger than Denmark, Holland, Belgium, Switzerland, Portugal, Costa Rica or Honduras. The population of each is larger than that of many small countries of the world now recognized as independent.” Next, Chandler set out to demonstrate that the Estonians and his other clients were distinct peoples: “The Esthonians are Finns in blood: the Russians are Slavs. The Esthonians are Finnish in language: the Russians are Slavic. The Esthonians are Lutheran in religion: the Russians are Orthodox Greek Catholics.” Chandler's clients also met the third condition of “providing a proper educational basis for citizenship.” Chandler argued: “The Esthonians and Letts lead with a percentage of literacy that exceeds 90 percent while ... the illiteracy of Russia is, by conservative estimate, 70 percent This diversity of educational status between Russia, on the one hand, and Esthonia, Latvia, Lithuania ..., on the other, is radical and phenomenal. Another condition of Mr. Wilson's theory of self-determination is thus completely fulfilled.” Finally, on the final element of oppression, Chandler stated it “is a matter of common history and requires no discussion. During a thousand years Russia has oppressed ... all peoples within her borders, including her own.”

Having made his four points, Chandler wrapped up his case: “It will thus be seen that the territory of each of the Baltic ... republics is large enough, that the population is adequate, that the earmarks of nationality under Mr. Wilson's definition of self-determination are present, that the educational status of the people of Esthonia, Latvia, Lithuania ... is superior to that of Russia These elements and considerations make a complete case for the little republics in their claims to rights of self-determination and independence.”

Chandler was also ready for any counter-argument – including whether or not these countries could exist without external support. During his rebuttal, Chandler added: “Esthonia, the smallest and poorest of the Baltic republics, paid 50,000,000 rubles into the Russian treasury in 1913. This money paid all the expenses of her Local Government and left a balance, a net deposit, of 5,000,000 rubles for the benefit of some other provinces of the Russian Empire that showed a deficit. Esthonia being the smallest and poorest, this fact alone is proof of the

economic abilities of all the non-Russian republics to be self-sustaining under an independent regime.”

Although Chandler made a strong case for Baltic independence, the U.S. House declined to issue a verdict. But Chandler did not give up. Knowing that the United States was a legalistic society devoted to the rule of law, Chandler was convinced that he had sufficient grounds to launch an appeal.

The First Baltic Congressional Lobbyist

In November 1920, Chandler ran as a Republican to represent New York's 19th District a fourth time and was elected once again to the U.S. House of Representatives. Ready to take up the cause of Baltic independence on a national stage, Congressman Chandler set off on a second fact-finding trip to the Baltic States before taking office. On January 22, 1921, the *Wall Street Journal* reported that “Representative-elect Walter M. Chandler, legal representative of the governments of Esthonia, Latvia, Lithuania, Georgia and Azerbadian, sailing on French liner *France*, said that he would be abroad several months studying the Baltic and Caucasian situation with a view to renewing his plea for the furtherance of the cause of these so-called little nations, when Congress convenes under the new administration.” On February 23, 1921, *Vaba Maa* announced Chandler's return to Estonia. The next day, *Tallinna Teataja* reported on Chandler's meetings with State Elder Konstantin Päts and several Estonian ministers. From the time he reclaimed his Congressional seat in March 1921 until the U.S. Government officially recognized Estonia, Latvia, and Lithuania on July 22, 1922, Congressman Chandler used his position to argue for the official recognition of the Baltic States on a regular basis.

On April 20, 1921, Congressman Chandler devoted one of the very first speeches of his fourth term in Congress to the topic of Baltic independence. Entitled a *Plea for the Independence of Esthonia, Latvia, and Lithuania*, his latest appeal was a polished and updated version of the original speech he gave to Congress back in January 1920. But this time Congressman Chandler was able to speak out on the floor of the U.S. House of Representatives rather than to just one of its committees. And now that he was a Congressman once again, Chandler instructed the U.S. Government Printing Office to publish his speech as a fourteen-page pamphlet for distribution to libraries across the country through the mandatory document depository program. Most importantly, Congressman Chandler now had easy access to hundreds of printed copies of his detailed case for Baltic independence to hand out to anyone he thought would be willing to listen.

On May 16, 1921, Congressman Chandler took the Baltic case directly to new Secretary of State Charles Evans Hughes. Secretary Hughes was both a fellow Republican and lawyer who had already served for six years as a Justice of the U.S. Supreme Court. As can be seen in two lengthy *New York Times* articles from both May 17 (“Chandler Appeals for Baltic States”) and May 22, 1921 (“Baltic Problem from Two Angels”), Congressman Chandler succeeded in moving the public debate about U.S. recognition of Baltic independence to the very highest levels of the U.S. government. The fact that both Britain and France recognized the Baltic States in

January 1921 also helped him make his case. But as the May 17 article pointed out, “So far Secretary Hughes has been silent as to his attitude toward appeals for recognition from such republics as Esthonia, Latvia, Lithuania. The decision of the Harding administration respecting the partitioning of Russia is keenly awaited by representatives in Washington of these smaller republics. Representative Chandler, who presented the appeal to the State Department, said that he did so as a friend of the three Baltic republics named. He recently returned from a visit to the Baltic littoral.”

As part of his “memorandum submitting vigorous arguments in favor of recognition of the United States Government of the independence *de jure* of the Baltic republics of Esthonia, Latvia, and Lithuania, which have been set up on the soil that formerly belonged to Russia,” Congressman Chandler dismantled the three major objections raised by opponents of recognition. To the objection on debt repayments, Congressman Chandler responded that Estonia, Latvia, and Lithuania “agree to pay their proportionate share of the Russian pre-war debt, to allow neutral countries of the League of Nations in conference with their own representatives, to determine the amount, and to pledge their natural resources and future revenues for the payment.” To the objection that Baltic independence would cut Russia off from the sea, Congressman Chandler answered: “the Baltic States have all repeatedly proposed ... to keep their ports on the Baltic open to the Russians under fair and equitable conditions of port duties and customs charges.” And to the principle objection that Russia might one day replace its Soviet government with a pro-Western one and therefore reproach its former allies for allowing it to be dismembered, Congressman Chandler had this to say: “Neither the wisdom of the philosopher nor the vision of the prophet can tell what will be the result of government in Russia in the next generation or century Should the rights of the intelligent, well-organized non-Russian republics to self-determination and independence be made contingent upon the speculative proposition of a stable government in Russia any time within the next few years? I think not. Justice requires that these little countries be immediately recognized and admitted to the League of Nations”

Bureaucracies are not known for making quick decisions – especially when it comes to deciding an issue as delicate as this one. As the *New York Times* pointed out in its May 22 article, “The question involves elements in which there are no exact precedents in former diplomatic process. In fact, it is generally admitted that diplomatic practices such as have ruled in handling problems of this character in the past are inadequate for the existing situation. It is considered quite probable that Secretary Hughes, in treating this problem from the standpoint of American interest and policy, may make an important contribution to the code and practice of international law, and may, perhaps, endeavor to solve the question by harmonizing practical needs with the upholding of the principle of respect for law and political morality.” Secretary Hughes did just that after the legalistic U.S. system had time to run its course. A year, two months, and two days after Congressman Chandler's visit to the U.S. Department of State, the U.S. Government announced its decision to recognize Estonia, Latvia, and Lithuania's independence. Congressman Chandler won his case on July 28, 1922.

All Roads Lead to New York City

Walter Marion Chandler was born near Yazoo City in the state of Mississippi on December 8, 1867. After graduating from public schools, Chandler went to study at both the University of Virginia in Charlottesville and the University of Mississippi in Oxford. Chandler then worked for a time as a school teacher before going on to study history and law at the Universities of Berlin and Heidelberg in Germany. He eventually graduated from the University of Michigan in Ann Arbor in 1897 and was admitted to the bar later that year. From 1897 to 1900, Chandler practiced law in Dallas, Texas. Moving to New York City in 1900, Chandler continued working as a lawyer as well as devoting his time to lecturing and writing.

Chandler's most successful book was his 1908 *The Trial of Jesus from a Lawyer's Standpoint* which remains popular today after being reprinted multiple times in 1925, 1956, 1976, and 1983. According to Philip Johnson of the Presbyterian Theological Center in Sydney, Australia, Chandler belongs to the school of *juridical apologists*. By this Johnson means, a narrative style "that employs either general legal principles or technical legal criteria in presenting a reasoned case for Christian belief. Apologists in this school are those who have been educated in the law and held positions as solicitors, barristers, judges, and law school lecturers." Johnson goes on to explain: "What distinguishes juridical apologetics, as a distinct school of thought, is the use of jural analogies or metaphors that are applied in the defence of Scripture. Major analogies entail the concept of evidence, degrees of proof, and techniques for assessing eyewitnesses. Others include the interpretation of documents, the admissibility of ancient documents in court, judicial notice of accepted facts, and legal logic. Often the metaphors of a legal brief or a moot (mock trial) have been employed as a genre for the apologist's argument." In his book, Chandler used the approach he knew best: the trial. It was the exact same technique he would use to win his case on behalf of the Baltic States.

Although Congressman Chandler ran for re-election in both 1922 and 1924 trying to earn a fifth term in Congress, he was defeated both times at the hands of a musical entertainer and entrepreneur known as Sol Bloom who would go on to represent New York's 19th District until 1945. And so Chandler returned to practicing law in New York City in 1923. He would continue doing so until his death on March 16, 1935. He was buried at West Evergreen Cemetery in Jacksonville, Florida. Although he passed away quietly, during his two years as a member of the Sixty-Seventh Congress (1921-1923), Congressman Chandler helped put Estonia, Latvia, and Lithuania on the U.S. Government map where they have remained ever since.

Sidebar: The U.S. Government's Recognition Statement

On July 28, 1922, the U.S. Department of State formally recognized the independence of Estonia, Latvia, and Lithuania using language which echoes Congressman Chandler's legal arguments. The official statement reads:

"The governments of Esthonia, Latvia and Lithuania have been recognized, either de jure or de

facto, by the principal governments of Europe and have entered into treaty relations with their neighbors.

In extending to them the recognition on its part, the Government of the United States takes cognizance of the actual existence of these governments during a considerable period of time and of the successful maintenance within their borders of political and economic stability.

The United States has consistently maintained that the disturbed condition of Russian affairs may not be made the occasion for the alienation of Russian territory, and this is not deemed to be infringed by the recognition at this time of the governments of Esthonia, Latvia and Lithuania which have been set up and maintained by an indigenous population.

Mr. Evan E. Young will continue to act as commissioner of the United States in these countries, with the rank of Minister."



(Photo: Tallinn Photo Museum)