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1998

THETA PI CHAPTER
OF PHI ALPHA THETA
AND THE
HISTORY STUDENTS ASSOCIATION
CALIFORNIA STATE UNIVERSITY, FULLERTON

Welbaethan Staff 1998



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Welebaethan Statement of Purpose

Phi Alpha Theta, the International History Honor Society, is a professional organization whose objective is to promote the study of history through encouragement of research, good teaching, publication, and the exchange of learning and thought among historians. The Theta Pi Chapter at California State University, Fullerton succeeds in bringing students, teachers, and writers of history together, both intellectually and socially. This chapter also encourages and assists historical research and publication by its members.

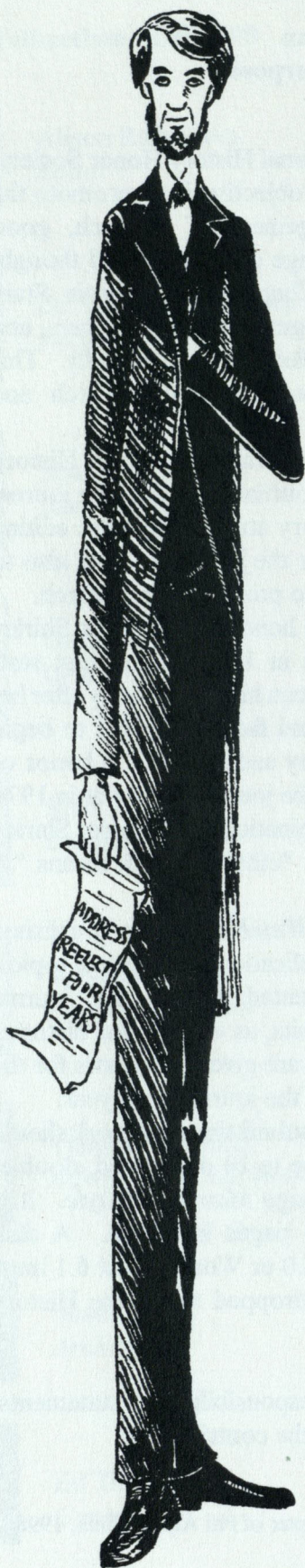
The Theta Pi Chapter, in cooperation with the History Students Association, publishes this journal annually. The journal is not only used as a vehicle for history students to learn editing and publishing skills in preparation for the job market, but also to provide an arena for CSUF students to present their research.

The *Welebaethan* is named in honor of Professor Shirley Weleba. She arrived at this campus in 1966 as the first staff member to specialize in African American history. Shortly after her death in 1973, a group of students and faculty decided to begin publishing an annual journal of history and named it in honor of Dr. Weleba. The first publication of the journal came out in 1974 bearing the name *Welebaethan*, a combination of Professor Shirley Weleba's name and the Latin suffix "ethan," which means "in honor of."

The nationally recognized *Welebaethan* is published annually and is specifically for the publication of historical topics. Along with traditional research-oriented articles, the journal accepts reviews of books, films, exhibits, as well as oral histories and historiographical essays. Awards are given to authors for the exceptional paper in each category of the journal each year.

Students who are interested in submitting their work should do so by August 1, 1998. Papers are to be duplicated, double-spaced, and prepared using the *Chicago Manual of Style*. It is preferred that they be less than 35 pages in length. A disk formatting the paper into MS Word 6.0 or WordPerfect 6.1 must also be submitted. Papers may be dropped off in the History Department.

The *Welebaethan* disclaims responsibility for statements, whether of fact or opinion, made by the contributors.



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Andrea Guarducci

Special thanks to contributing artist Kevin Dawson, a CSUF graduate student majoring in American History. In addition to his art in this edition of the *Welebaethan*, Dawson has sold various works through gallery showings and has created logos for local businesses, various clubs on campus and the CSUF Women's center. Dawson's mediums include watercolors, pen and ink, and acrylics.



Contributors

Michael Barry earned a B.A. in Criminal Justice in 1989 and returned to CSUF to earn a second degree in history. His "Agitation and Emigration: The Coal Fields of Great Britain, 1901-1913" was written for a course in historical writing. Michael plans to pursue a career where his writing skills and love of history can be applied.

Dana Blakemore completed her undergrad in history at U.C.L.A. and is a CSUF graduate student in history with an emphasis on Asian-Americans and the American West. Dana co-authored "Port of Sin: The Legal Plight of Chinese Prostitutes in San Francisco" for a graduate seminar. She plans to teach at the community college level and continue historical research and writing.

Craig L. Chyrchel, a graduate history student at CSUF with an emphasis on the American Civil War, wrote "The War of Northern Aggression: An Economic Historiography of the Civil War" for an undergraduate historical writing course. He would like to teach history at the community college and continue his work at the Family Homestead Museum in the City of Industry.

Kevin Dawson, author of "Lincoln-Douglass Debate: President Abraham Lincoln and Frederick Douglass' Opposing Views on the Constitutionality of Slavery," is a graduate student at CSUF specializing in Civil War Era America. He hopes to become a university professor.

Peter Gagnon is a CSUF graduate student with an emphasis on Public History. He co-authored "Judging the Octopus: California Courts' Treatment of Railroads at the Dawn of Progressivism" for a California History course. He is involved in the railroad preservation movement at the Orange Empire Railway Museum in Perris, California.

Pam Griggs was a history graduate student at CSUF when she wrote "What is Environmental History?" She is currently attending law school at U.C. Davis.

Scott Griggs will be receiving his B.A. in history in the Spring of 1998. He co-authored "Judging the Octopus: California Courts' Treatment of Railroads at the Dawn of Progressivism" for a course in historical writing.

Andrea Guarducci wrote a book review of Fred Emery's *Watergate: The Corruption of American Politics and the Fall of Richard Nixon* for a course in U.S. History since 1960. He plans to obtain his B.A. in history in June of 1998 and would like to work in a museum as a display curator.

Contributors

Ken Hough, a graduate student at CSUF with an emphasis on Turn-of-the-Century America, co-authored "Port of Sin" for a graduate seminar. Ken plans to teach history and become a screenwriter.

Lara Kasper-Buckareff received her B.A. in history in the Fall of 1997. Her paper, "The Agricultural Bracero Program of WWII" was written for an undergraduate historical writing course. She is currently involved in the discernment process to become an Episcopal priest.

Paul M. Kendel, a graduate student at CSUF, wrote "The Rhetoric of Post-Colonial Theory" as a part of his M.A. thesis on the British Empire. He aims for a doctoral degree in British History.

Andrew Kreighbaum received his B.A. in history from CSUF in the spring of 1997. He wrote "Rommel: German Patriot or Hitler's Pawn?" for a course in historical writing. He will soon be entering the officer's training program for the United States Coast Guard.

Sharon Kovach is a graduate student in Anthropology with an emphasis on archeology. She wrote "Khmer Empire: Replication of the Mandala at Angkor Wat" for a course on historical writing. Sharon is currently involved in ceramic analysis at a site in Honduras. She plans to teach anthropology.

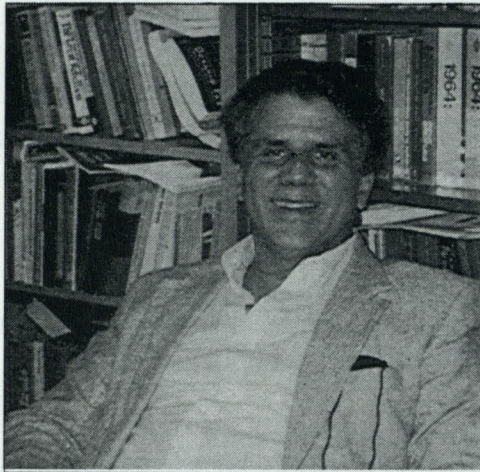
John W. Lantz, a graduate history student focusing on nineteenth century America, wrote "Water and the Law in California, 1898" for a course in California history. John plans to teach at the community college or high school level.

Shenandoah Grant Lynd wrote "The Huntington Beach Civic Center and the Politics of Location" for a course in Community History. He is a graduate history student with an emphasis on U.S. History after World War II. He will begin a Doctoral program at UC Riverside in the Fall of 1998.

Marla F. Peppers is a graduate history student at CSUF focusing on Ethnic and Women's studies in nineteenth century America. She wrote "The Economic Exploitation of Black Women in the Antebellum South" for a course entitled Democracy on Trial; 1845-1877. She hopes to teach at the community college level.

Allison Rubalcava, a graduate student of history at CSUF wrote "Arab Nationalism and Islam" for a history seminar. Although Allison's academic emphasis is Modern Middle Eastern history, she currently teaches science at a private school. She plans to teach at the community college level and pursue a Ph. D. Program

In Memory of Dr. Sheldon Maram



It was with great sadness that History Department students and faculty learned of the tragic and unexpected death of Dr. Sheldon Maram on April 10, 1998, at the age of 55. Professor Maram began his career as a history professor at the Instituto Brazil Estados Unidos in Rio de Janeiro, Brazil, in 1971. He finished his Ph.D. dissertation at the University of California, Santa Barbara, in 1972. He came to CSUF in 1973 after a one-year appointment at the University of Kansas, Lawrence. In addition to serving as an active member of the History Department, Professor Maram also served as the coordinator of Interdisciplinary Studies, the M.A. Social Science Program, and Latin American Studies. He was especially active in the Latin American Studies Program and raised money for the first scholarship awarded in that program in 1997.

Most students will remember Professor Maram as a nurturing and caring professor who always encouraged them to do their best work. He enjoyed mentoring students and was proud of the fact that in recent years several of his students received full fellowships to pursue doctoral degrees at such prestigious universities as U.C.L.A. and the University of Michigan. He also worked with students on many causes, including human rights, labor and immigration, and the promotion of cultural diversity.

Students also benefited from his active career as a professional historian, a career which allowed him to deepen his understanding of the causes to which he devoted much of his life. His first book, *Anarquistas, Imigrantes e o Movimento Operário Brasileiro, 1890-1920*, is still widely cited as the most influential work on immigration and the anarchist movement in early twentieth century Brazil. A second book, co-edited with Gerald Greenfield, *Latin American Labor Organizations*, won the "Best Academic Book" Prize for 1988 by *Choice*. Three additional monographs were funded by research grants, and these monographs grew out of his deep and lasting commitment to social justice in American society.

In addition to his monographs, Professor Maram also published several articles in the most prestigious journals in Latin American History. His "Labor and the Left in Brazil, 1890-1921: A Movement Aborted," appeared in the *Hispanic American Historical Review* in 1977 and won the James Robertson Prize of the Conference on Latin American History for the best article published in Latin American history in 1977. Most recently, Professor Maram received grants from the Fulbright Commission, the American Philosophical Society, and the *Universidade Federal do Rio de Janeiro* to pursue research on "The Political Culture of Juscelino Kubitschek's Brazil." As with his earlier work on immigration, Professor Maram's research resulted in several articles on the Kubitschek presidency that were published in several renowned journals. Professor Maram's scholarship was also well-respected in Brazil, where his article appeared in *O Brasil de JK*. Unfortunately, his untimely death prevented him from completing several other works-in-progress on the politics of patronage in Kubitschek's Brazil.

Professor Maram was an extremely well-rounded individual who carried his own enthusiasm for scholarship and creative activity into his classroom and into the academic community. Within the campus community, he struggled to maintain access to high quality education for all students and was among the first to lead the charge against thoughtless educational changes that he believed might threaten the foundation of higher education, especially in the CSU system. Professor Maram's loss will be deeply felt across the university community.

Dr. Nancy Fitch

In Appreciation of

Dr. Lawrence de Graaf



The history department has its own history, one replete with faculty that have brought their scholarship and concern to the campus enriching the lives of many students. However, it is reasonable that the department must change. We have lost several professors to sudden, tragic deaths. And we will also lose professors to time. One of those professors is Dr. Lawrence de Graaf who retired this year. He was honored at a retirement dinner on April 4, 1998, by faculty and students; due to the great contributions to the *Welebaethan*, we would like to say a few words here as well.

Dr. de Graaf came to this campus in 1959 at the age of 27. He had completed his course work at U.C.L.A. and he still had to complete his thesis on *Negro Migration to Los Angeles, 1930-1950*. De Graaf's first position here was as Instructor of Social Sciences. He taught California Geography, the U.S. and World Affairs, and History of the West, among other classes. His contributions to CSUF, then Orange State College, continued as he helped to shape the curriculum and to develop the history sections of the library.

Dr. de Graaf has taught a variety of undergraduate and graduate level history classes. He has served as the Coordinator of Internships and helped to develop the public history and oral history programs. Any attempt to list his accomplishments will be incomplete and not indicative of the true nature of his long service to CSUF and the community.

The *Welebaethan* started in 1974 and was continued for years by students and faculty who spent long, unrelenting hour preparing the manuscripts for publication. In 1992, Dr. de Graaf took over the effort as a part of History 494, the course on historical editing and indexing. He brought his expertise and energy to the project, which transformed the journal and illuminated additional career choices for history majors. Over the years, many students have found that they had skills that could be combined with their love for history. Others have learned how to improve their writing in preparation for their own future publishing adventures. The journal has won the Gerald D. Nash award for student journals three years in a row and is known all over the country as the standard for student scholarship and production.

Dr. de Graaf will continue to teach part-time, however, he will be retiring his role as advisor to History 494, the class that produces the journal. Last year, we named the prize given to the best overall paper after Dr. de Graaf to honor his long-time service to the *Welebaethan*. On behalf of Phi Alpha Theta, History Students Association and the *Welebaethan* Advisory Board, I would like to thank Dr. de Graaf for all that he has done for the journal and for all of the students involved.

Alexandra Kindell

P.A.T. and H.S.A. President, 1997-98

Editor's Comment

The publication of the 1998 edition of the *Welebaethan* has proven to be an exciting, challenging, at times overwhelming, but always a rewarding experience for all the members of the editing staff. For every member of the historical editing class this was a brand new experience, and with the retirement of Dr. Larry de Graaf, the role of faculty advisor was passed to Dr. Barbara Milkovich. We have all stumbled along the path of learning editing and publishing techniques and are pleased to present what we think is an interesting and informative journal.

We hope we have produced a journal of comparable quality to the previous editions which won, the last three years in a row, the Gerald B. Nash award for the best student-published history journal of any college with one hundred or more majors. The *Welebaethan* has set a nationally recognized standard of excellence in student publishing--the high quality of the articles it publishes and the quality of the publication itself--a testimony to the hard work of the contributing editors who have the task of helping the authors to put their best work forward.

A board of directors, composed of faculty and students, reviewed forty papers and recommended for publication the fifteen articles included in this edition of the *Welebaethan*. The quality of the papers is excellent due to the scholarship of the students and the professors who challenge them here at California State University, Fullerton. Papers are submitted by students as well as by faculty. In recognition of the "cream of the crop," awards are given to the best paper in each category, and one overall prize is awarded for the best paper in the journal.

This year's cover displays a world map and was chosen because it reflects the global nature of the articles inside the journal. The readers' eastward journey will begin locally, here in California, and move steadily east across the United States, into Europe, the Middle East, and culminate in a pictorial of the nine-hundred-year-old Cambodian Temple of Angkor Wat. We have also included several commemorative pages in this edition. One in memory of Professor Sheldon Maram whose sudden and un-timely death shocked and saddened all of us, and the other in recognition of Dr. Lawrence de Graaf's long time service to the history department and his devotion to the *Welebaethan* project.

I would like to express my gratitude to my editorial staff, all of whom dedicated enormous amounts of time to this project. The publication required more effort than any of us expected, but everyone contributed fully to the ultimate success! I would also like to thank the History Department staff who granted us complete access to the computers in the history offices. The support of the entire History Department has made our task easier.

Working on the *Welebaethan* has enriched my University experience, expanded my contacts with faculty and introduced me to a world of opportunities for historians. I encourage all students to become more involved in the History Students Association, Theta Pi Chapter of Phi Alpha Theta, and with their faculty members.

Allison Rubalcava
Chief Editor

PORT OF SIN:

The Legal Plight of Chinese Prostitutes in San Francisco

Dana Blakemore & Kenneth Hough

Slavery in the United States did not end with the stroke of President Lincoln's pen. For decades after the Emancipation Proclamation, thousands of Asian women suffered the hardships of chattel. Blakemore and Hough examine the origins and endings of Chinese prostitution practices in nineteenth and early twentieth century San Francisco. They insightfully focus on the legal causes of Chinese prostitution proliferation and efforts to systematically eliminate it. Chinese prostitution in San Francisco was eliminated by social groups that demanded an end to the sex trade and vice through political and legal constructs. This article will not disappoint the reader who is interested in San Francisco's maelstrom of temperance, vigilance, and vice.

No other ethnic group in American history has been the subject of so many specific regulatory and exclusionary statutes than that of Chinese immigrants entering the United States throughout the mid-nineteenth and early twentieth centuries. While racism was the primary motivation for enacting this sort of legislation, there was a legitimate reason for the regulation of Chinese immigrants: to end the slave trade of Chinese females. Prostitution, a unique form of slavery, was the inevitable destiny for most Chinese females entering the United States via the ports of San Francisco. Once established within the city, these prostitutes were at the mercy of San Francisco's political, economic, and social factions, controlled by three distinct groups: the American government and judicial system, the Six Companies and criminal tongs, and the women's missionary societies. As a result, Chinese prostitutes became subject to these factions' distinct and diverse agendas.

Chinese Prostitution and the American Legal System

Most Chinese females who entered California between the years 1850 and 1870 were prostitutes and commonly referred to by the Chinese community as *baak haak chai*, or "one hundred men's wife."¹ Initially, these prostitutes were welcomed by the Chinese community who consisted primarily of migratory young men, usually single or who had, in many cases, left their wives behind in China. Even the white community who depended on temporary, cheap, and efficient labor turned a blind eye to

¹ Benson Tong, *Unsubmissive Women, Chinese Prostitutes in Nineteenth-Century San Francisco* (Norman: University of Oklahoma Press, 1994), p. 4.

Chinese prostitution because prostitutes might prevent male laborers from feeling the need to marry or send for their wives, thereby establishing families in the United States. Demand for prostitution, primarily in San Francisco, was partially met by women from Hong Kong, Canton, and the region's surrounding areas.²

While initially condoned, or at least overlooked, by the mid-nineteenth century no group received more attention than that of Chinese prostitutes. Chinese prostitution at this time merely offered an excuse, as historian Richard Dillon maintains, "for the city to strike out at the irritant which was Chinatown."³ Chinese women who served as prostitutes from 1850 to 1880 were most often purchased, kidnapped, or lured by Chinese panderers in China, brought to San Francisco under "contract" and sold to Chinese men either as concubines or to work professionally in brothels.⁴ It has been estimated that in 1860, 85.6 percent of the Chinese female population were prostitutes, and by 1870 they numbered 62.6 percent. These figures inspired the enactment of the Page Act of 1875, and the Chinese Exclusion Act of 1882, excluding almost all Chinese females from entering the United States, despite 1880 figures showing only 17.5 percent of Chinese females as prostitutes.⁵

² Lucie Cheng Hirata, "Free, Indentured, Enslaved: Chinese Prostitutes in Nineteenth-Century America." *Signs* 5, (Autumn, 1979): 6.

³ Richard H. Dillon, *The Hatchet Men: The Story of the Tong Wars in San Francisco's Chinatown*. (New York, 1962), 40.

⁴ Elmer Clarence Sandmeyer, *The Anti-Chinese Movement in California* (Chicago: University of Illinois Press, 1973), 34-35.

⁵ Annette White-Parks, "Beyond the Stereotypes: Chinese Pioneer Women in the American West." Excerpt from *Writing the Range: Race, Class and Culture in the Woman's West*, ed. Elizabeth Jameson and Susan Armitage (Norman: University of Oklahoma Press, 1997), 258; Tong, 94.

As far as the evidence indicates, according to historian Annette White-Parks, "the enslavement of Chinese immigrant women was the most widely known secret in the American West in the mid-nineteenth century."⁶ Even the newspapers reported the illegal trafficking of Chinese females. Newspapers such as the *San Francisco Chronicle* who in 1869 reported: "...the fresh and pretty females who come from the interior, are used to fill special orders from wealthy merchants and prosperous tradesmen. A very considerable portion are sent into the interior under charge of special agents, in demands from well-to-do miners or successful vegetable producers." While some reports were sympathetic toward these women, the commonly held attitude by white society was to fault the Chinese community exclusively for the infamous trade.⁷

Despite their inherent reluctance, Chinese girls usually obeyed their families' decision and accepted their sale into prostitution. After 1870, luring and kidnapping females was often the case if agents could not fill their orders with contractual agreements.⁸ Once the female arrived in San Francisco, unless she was purchased in advance, she was put up for bid at a public auction. In 1869 the *San Francisco Chronicle* reported what took place at these auctions: "...[they are] sold to 'the trade' or to individuals at rates ranging from \$500 down to \$200 per head, according to their youth, beauty, and attractiveness. The refuse, generally consisting of 'boat-girls' and those who come from the seaboard towns, where contact with the white sailor reduces even the low standard of Chinese morals, is sold to the proprietors of the select brothels..." Historian Ronald Takaki describes two Chinese females and their experiences in the slave trade:

⁶ White-Parks, 267.

⁷ White-Parks, 267.

⁸ Hirata, 6-9.

"Lilac Chen was only six years old when she was brought to San Francisco. Years later, at the age of eighty-four, she remembered the day her father said he was taking her to her grandmother's house: 'And that worthless father, my own father, imagine...sold me on the ferryboat. Locked me in the cabin while he was negotiating my sale.' Chen kicked and screamed; when she was finally let out, she could not find her father. 'He had left me, you see, with a strange women.' Another prostitute, Wong Ah So, described her tragic experience: 'I was nineteen when this man came to my mother and said that in America there was a great deal of gold.... He was a laundry man, but said he earned plenty of money. He was very nice to me, and my mother was glad to have me with him as his wife...' But two weeks after Wong Ah So had arrived in San Francisco, she was shocked to learn that her companion had taken her to America as a 'slave' and that she would be forced to work as a prostitute."

After the 1882 Exclusion Act, these agents prowled the city of San Francisco to "fill their orders." A newspaper headline reported that in just one week in February of 1897, eight women had been kidnapped in the city for the purpose of prostitution.⁹

Valued only as property, these young females had little control over their lives which is evidenced by the "contract" they were forced to sign. Contracts such as these two were common:

For the consideration of (whatever sum had been agreed upon), paid into my hands this day, I, (name of girl), promise to prostitute my body for the term of ____ years. If, in that time, I am sick one day, two weeks shall be added to my time; and if more than one, my term of prostitution shall continue an additional month.

But if I run away, or escape from the custody of my keeper, then I am to be held as a slave for life.

(signed) _____¹⁰

Because she became indebted to her mistress for passage, food, etc., and has nothing to pay, she makes her body over to the woman Sep Sam, to serve as a prostitute to make out the sum of five hundred and three dollars. The money shall draw no interest and Loi Yan shall serve four and a half years. On this day of agreement Loi Yan may be her own master, and no man shall trouble her. If she runs away before the time is out Loi Yan may be her own master, and no man shall trouble her. If she runs away before the time is out, and any expense is incurred catching her, then Loi Yan must pay the expense. If she is sick fifteen days or more, she shall make up one month for every fifteen days. If Sep Sam shall go back to China, then Loi Yan shall serve another party until the time is out; if in such service she should be sick one hundred days or more, and cannot be cured, she may return to Sep Sam's place. For proof of this agreement, this paper.

(signed) Loi Yan¹¹

While it was the girl who was forced to sign the contract, the contract was really between the agent who sold the girl and the brothel keeper who bought her. Needless to say, these contracts did not stand up in court and an ordinance of the city of San Francisco forbade these types of contracts and the auctions themselves.¹² Although legally prohibited, Chinese prostitutes in the 1850s

⁹ Hirata, 13.

¹⁰ Mildred Crowl Martin, *Chinatown's Angry Angel, The Story of Donaldina Cameron* (Palo Alto: Pacific Books, Publishers, 1977), 187.

¹¹ Charles Caldwell Dobie, *San Francisco's Chinatown* (New York: D. Appleton-Century Co., 1936), 187.

¹² Alexander McLeod, *Pigtails and Gold Dust* (Cladwell: The Caxton Printers, Ltd., 1947), 180.

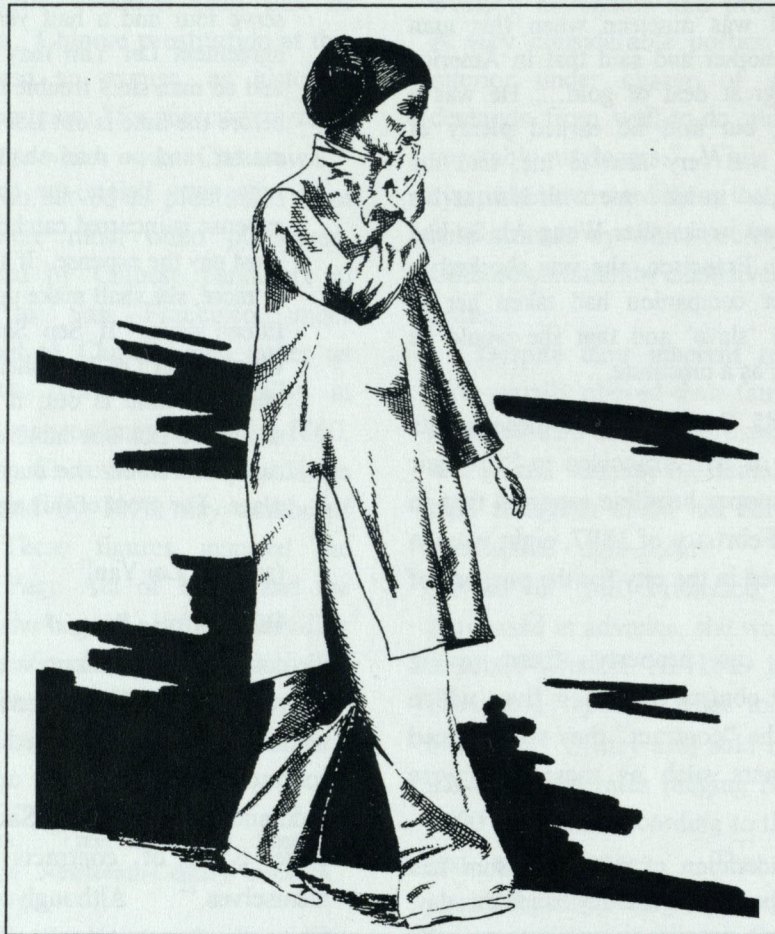
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were openly sold on the docks with police officers usually present.

During these early years, once a woman was bought, very rarely was she able to escape. When women did attempt to run away from their owners, police often handed them back to bounty hunters known as “highbinders” (men sent to obtain runaways) or brought them to

missions. While the Mission House of the Methodist Church took in runaways prior to the

turn of the century, it was the Protestant mission houses erected on the fringes of Chinatown during the Progressive Era that became highly active in “rescuing” women and children from enslavement.¹³



A Chinese Prostitute. Artist Kevin Dawson, 1998.

¹³ White-Parks, 267-268.

While the legal system during the nineteenth-century offered little protection to Chinese prostitutes, many depended on this system for legal redress against their captors. Yet many elements stood in their way: fear of their owners, the language barrier, and unfamiliarity with court procedures. When Chinese females, prostitutes *and* non-prostitutes alike, did come before the court on charges of prostitution, the court often dispensed, as historian Anne M. Butler maintains, "a fragmented and erratic justice" to these women.¹⁴

Possibly the first prostitute to arrive in San Francisco in either late 1848 or early 1849 was the notorious Ah Toy who later prospered in the city as a madam. She came to America on her own free cognizance and resisted attempts made by male-dominated organizations to control her business. She is important because she used the American legal system to protect herself and those employed by her. Ah Toy was an expert in manipulating the court's sympathy whether appearing in court to protect her business interests or to answer charges made against her. Once, she deliberately entered the courtroom with her hair mussed, dress torn, and eyes blackened to prove she had been attacked. At times she appeared in court to assist other prostitutes, as she had in 1852 when she defended a prostitute accused of attacking a customer who had refused to pay.¹⁵

In response to a complaint rendered by two Chinese men, Ah Sing and Lip Scm, a group of San Franciscans formed in 1851 to create the first Vigilance Committee. The Committee took immediate action in deporting two prostitutes,

Ah Low and Ah Hone. Sing and Scm maintained the prostitutes' presence had an "evil influence on the Chinese community."¹⁶ It was reported Ah Toy was spared during the Committee's investigation because the Vigilante brothel inspector, John A. Clark was a client of hers.¹⁷ Shortly after the deportation of the two prostitutes, charges were brought against other members of the community once people learned of this "convenient extradition service." The Vigilance Committee soon felt as though they were being used by one faction against another, and quickly disbanded.¹⁸

In August of 1854, a special committee commissioned by the San Francisco Board of Supervisors visited Chinatown and reported to the Board that most of the females encountered there had been prostitutes. It was this first report that branded *all* Chinese women as prostitutes, contributing further to anti-Chinese sentiment, specifically toward females, for many decades thereafter. Months before the committee's visit to Chinatown the city had passed Ordinance No. 546 "To Suppress Houses of Ill-Fame Within the City Limits," but police enforcement was "racially selective" and it was primarily Chinese and Mexican brothels that were shut down.¹⁹

Late in 1854, the courts tried to geographically isolate prostitution and were somewhat successful in reducing its visibility. When Chinese madams were convicted for

¹⁴ Anne M. Butler, *Daughters of Joy, Sisters of Misery, Prostitutes in the American West, 1865-1890* (Chicago: University of Illinois Press, 1985), 5-6.

¹⁵ Tong, 6-11.

¹⁶ Dillon, 43.

¹⁷ Judy Yung, *Unbound Feet, A Social History of Chinese Women in San Francisco* (Berkeley: University of California Press, 1995), 34.

¹⁸ Dillon, 43.

¹⁹ Sucheng Chan, "The Exclusion of Chinese Women, 1870-1943." Excerpt in *Chinese America, Stereotyped past, Changing Present*. Edited by Loren W. Fessler and compiled by China Institute in America, Inc., (New York: Vantage Press, 1994), 78.

keeping brothel houses, judges gave them the option of paying a fine of \$1,000, an exorbitant amount during this period, or move to a specified area assigned by the court. With little alternative, the madams opted for re-placement within the city.²⁰

While race was a prime factor in police enforcement against prostitution, historians differ as to the reasons behind this prejudicial action. For example, historian Sucheng Chan attributes it to a general racist sentiment toward the Chinese populace, while Jacqueline Baker Barnhart suggests it may have been economically motivated as well. Barnhart asserts Chinese women had "the least financial impact on the city's private sector. The Chinese were clannish and generally patronized professional merchants of their own race..." as opposed to white prostitutes who spent their earnings within the white private sector. Historian Benson Tong suggests another factor, quoting the *California Police Gazette* in stating sarcastically that police officers will not "pitch into white females who pursue the same course" because "their pleasures and interests would be interfered with!"

In 1860, another special committee was sent to investigate Chinese prostitution, this time at the request of the city police who then in 1865 received authorization to "remove Chinese public houses to parts of the city where they would be less offensive," after the "Ordinance to Remove Chinese Women of Ill-Fame from Certain Limits in the City" had been passed.²¹ While ordinances such as this one along with the 1866 "Act for the Suppression of Chinese Houses of Ill Fame" were intended to target both the owners and the prostitutes, it was the prostitutes who bore the brunt of these crackdowns. Between 1850 and 1870, most Chinatown arrests were of prostitutes. For

instance, from 1865 to 1866, 91 prostitutes had been imprisoned in the county jail and many others arrested and fined. San Francisco even had a separate area called the "Little Jail" restricted to Chinese prostitutes.²² During the 1860s, if convicted, Chinese prostitutes were fined \$5 to \$10, the same amount paid by non-Chinese prostitutes. This changed dramatically in the 1870 as anti-Chinese sentiment increased, when Chinese prostitutes' fines rose to \$15 to \$20 but non-Chinese prostitutes' fines remained steady at \$5.²³

As fines increased in the 1870s, immigration policies became more stringent against Chinese females. On March 18, 1870, the state legislature passed "An Act to Prevent the Kidnapping and Importation of Mongolian, Chinese and Japanese for Criminal or Demoralizing Purposes" making it illegal "to bring, or land from any ship, boat or vessel, into this State" any Asian woman unless she could prove that she had come voluntarily and was "of correct habits and good character."²⁴ Any ship captain violating this statute was to be charged with a misdemeanor and fined anywhere from \$1,000 to \$5,000 and jailed from two months to a year. Moreover, the state immigration commissioner was to receive twenty percent of all fees and commissions collected, giving the commissioner a "considerable" incentive to enforce this law.²⁵ Laws such as these targeted Chinese females, not just for the purposes of prostitution, but because of the myth that perpetuated in America regarding the specific "ill-effects" of Chinese women. It was thought that Chinese females brought in "especially virulent strains of venereal diseases" and in 1875, the American Medical Association reinforced this notion by declaring Chinese

²⁰ Tong, 112.

²¹ Sandmeyer, 52.

²² Dillon, 44, 229.

²³ Tong, 121.

²⁴ Chan, 79.

²⁵ Chan, 79.

diseases "beastly" and "Chinese syphilis" more deadly than any other form of the virus.²⁶ Lawmakers also accused Chinese females of introducing opium addiction and enticing "young white boys to a life of sin" thereby threatening "white civilization" as a whole.²⁷

In late August of 1874, the steamship *Japan* of the Pacific Mail Steamship Company brought eighty-nine Chinese women to the docks of San Francisco. The assistant state commissioner of immigration decided twenty-two of the women had come to San Francisco for "immoral purposes." Captain John H. Freeman was ordered to detain the women on board after the Pacific Mail Steamship Company refused to pay the fine, a \$500 bond for each of the women. Ah Lung, a San Franciscan who allegedly dealt in the trafficking of prostitutes, applied for *habeas corpus* on behalf of the women, maintaining they were being deprived of their liberty. Although several appeals were made to the court by Ah Lung to keep the women in San Francisco, the court repeatedly found the women guilty of "immoral purposes." Yet this ruling was ultimately reversed when the case of *In re Ah Fong* (1874) was heard by U.S. Supreme Court Justice Stephen J. Field who reversed the California State Supreme Court decision to deport the women and found the 1870 California statute unconstitutional. Justice Field ruled in favor of the defendants for various reasons, but primarily because "two dozen Chinese women hardly justified the extremes to which California had gone," and to exclude these women from entering the country "denied them the equal protection to which they were entitled."²⁸ Moreover, Justice Field argued "if future immigration is to be stopped, recourse must be had to the federal government, where the sole

power over this subject lies."²⁹ *In re Ah Fong* was a legal triumph for Chinese females immigrating to California, as well as for the men involved in slave trafficking, but the 1875 Page Law would prove particularly onerous for both of these parties.

On March 3, 1875, Congress passed "An Act Supplementary to the Acts in Relation to Immigration," commonly regarded as the Page Law after California Congressman Horace F. Page. A portion of the statute stated:

The importation into the United States of women for the purpose of prostitution is hereby forbidden...and whoever shall knowingly and willfully import...women...for the purposes of prostitution...shall be deemed guilty of a felony and, on conviction thereof, shall be imprisoned not exceeding five years and pay a fine not exceeding five thousand dollars.³⁰

Historians differ significantly in their opinion as to the effectiveness of the Page Law. While historians Mary Coolidge and Elmer Sandmeyer argue the law for the most part failed in its efforts to abate the flow of prostitution into the United States, historian Lucie Hirata finds that its immediate effectiveness is unclear. Historian Ronald Takaki maintains the Page Law was indeed effective, in that, from 1876-1882 the number of Chinese females entering the United States declined from the previous seven-year period by sixty-eight percent. Takaki's figures of course only prove the decline in Chinese females *as a whole* immigrating to the United States, not Chinese *prostitutes* per se. Historian Judy Yung estimates similar figures to Takaki's, but concludes "by making it more difficult for Chinese women to immigrate and by successfully reducing their numbers, the laws

²⁶ Chan, 117; Butler, 5-6.

²⁷ Chan, 117.

²⁸ Chan, 82, 83.

²⁹ Chan, 83.

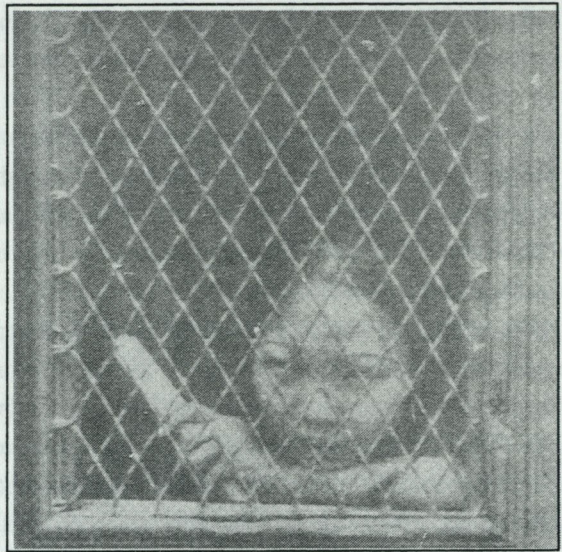
³⁰ George Anthony Pepper, "Forbidden Families: Emigration Experiences of Chinese Women Under the Page Law, 1875-1882." Excerpt from *Asian Americans and the Law*. Edited by Charles McClain. (Berkeley: Garland Publishing, Inc., 1994), 318.

inadvertently increased the demand and raised the value of prostitutes, but it still did not stop the lucrative trade.³¹ It is safe to argue that while the Page Law did succeed in limiting the influx of Chinese females, the law hurt legitimate Chinese female immigrants more than it did incoming prostitutes.

Abuse of the Page Law's immigration procedure was common, in that, if a woman was refused entry into the United States for not having the proper documentation, corrupt consular officials were not above taking money in exchange for a good character reference. In 1879, two years after David H. Bailey had left his post as United States Immigration Consul, it was discovered Bailey's office received between \$10 to \$15 for every woman shipped to America during his tenure (1875-1877) in Hong Kong.³²

In addition to the Page Law, by 1876, police began seriously targeting Chinese houses of prostitution. Moreover, between 1882 to 1904, various exclusion laws aimed at the Chinese were passed and succeeded in greatly reducing the number of prospective prostitutes, making their importation much more difficult. The 1882 Chinese Exclusion Act allowed only Chinese females who were "native born, married, or born overseas to domiciled merchants to immigrate to the United States."³³ Another exclusion law passed in 1888 placed further restrictions on Chinese females, who were under constant suspicion of engaging in prostitution. The 1888 statute stated: "No Chinese laborer...shall be permitted to return to the United States unless he has a lawful wife, child, or parent in the United States, or property therein of the value of a thousand dollars, or debts of like amount due him and pending settlement. The marriage to such a wife must have taken place at least a year prior to the application of the laborer for a

permit to return to the United States, and must have been followed by the continuous cohabitation of the parties as man and wife."³⁴



Chinese Slave Girl in a Chinatown Bagnio.
Pigtails and Gold, Alexander McLeod.

While immigration officials and judges heavily enforced Chinese exclusion laws in an attempt to prevent Chinese prostitutes from entering the city, by the turn of the century, San Francisco's law enforcement took rather peculiar actions contrary to these efforts. On April 20, 1900, the *San Francisco Chronicle* reported Mayor Phelan's brother-in-law, Frank J. Sullivan, had "surrounded one of the largest sources of his income with a board fence," when he fenced off an entire block notorious for Chinese prostitution. Sullivan claimed he wanted to "renovate" the area, making it less offensive to white spectators. Sullivan neither asked the proper authorities for permission nor were there any charges filed against the prostitutes or their owners inhabiting the buildings. Frank Sullivan's other brother-in-law, Chief of Police Sullivan admitted to the press "Brother-in-law Sullivan is breaking the law," and defended "him with vehemence."

³¹ Yung, 32-33.

³² Hirata, 10-11.

³³ Hirata, 11, 25.

³⁴ Chan, 92.

With the refusal from law enforcement to stop Chinese prostitution within the city, immigration officials and judges who wished to deport these women relied on the provisions of the exclusion laws by classifying them as "manual laborers."³⁵ In 1892, the Geary Law was passed, allowing immigration officials to apprehend and deport all Chinese laborers who failed to register as such. The first reported deportation case of a Chinese prostitute occurred in 1901, when Lee Ah Ying was arrested by a commissioner for being a "manual laborer without a certificate of registration."³⁶ The case of *Lee Ah Ying v. United States* (1902) was heard by Circuit Judge Gilbert who in his decision, noted Circuit Judge Ersken M. Ross had ruled earlier that Chinese gamblers and highbinders were manual laborers, and because in Gilbert's view prostitutes belonged to the same class of persons, they too should be classified as manual laborers. The lower court's opinion was thus upheld and five months later, in the case of *Wong Ah Quie v. United States* (1902), Judge Thomas P. Hawley confirmed "Chinese prostitutes were indeed manual laborers deportable under the Chinese exclusion laws."³⁷

While Chinese females were often targeted for deportation, Chinese men were not necessarily exempt from this "manual laborer" clause contained within the exclusion laws. In 1887, a man named Wong Ah Hung had been tried and convicted for violating the Act of 1874, which prohibited bringing to the United States any kidnapped persons for the purposes of enslavement and for violating the 1875 Page Law, because he had imported women into the United States for the purposes of prostitution. Although he was sentenced five years' imprisonment for each conviction and fined

\$1,000, his total term was reduced for good behavior. He was released in 1894 only to be re-arrested by immigration authorities who ordered that he be deported because he had not registered as a manual laborer as required by the Geary Law.

In 1903 and 1907, Congress passed two more general immigration laws to regulate the influx of entering immigrants and to ensure deportation if a person was found to be an "undesirable alien" as stated in the 1903 law. "Prostitutes were listed among the various categories of persons with mental, physical, or social defects to be barred."³⁸ In 1907, a more female-specific law stated any alien female "found an inmate of a house of prostitution or practicing prostitution, at any time within three years after she shall have entered the United States, shall be deemed unlawfully within the United States and shall be deported."³⁹ Her "importer, procurer, or pimp" however, would not be subject to deportation but rather a felony charge and if convicted "fined up to five thousand dollars or imprisoned for a maximum of five years."⁴⁰ Historian Sucheng Chan has observed these "general immigration laws provided a better basis for deporting Chinese prostitutes than did the Chinese exclusion laws, as immigration officials quickly realized."⁴¹ In the following years, *all* Chinese prostitutes proved vulnerable under these strict deportation laws, regardless of their citizenship status, for many of those deported had been born in the United States or had been the spouses of American citizens.

In 1913, the Red-Light Abatement Act was passed by the California legislature, and brothels throughout San Francisco were raided and shut down, curtailing much of the prostitution

³⁵ Chan, 111.

³⁶ Chan, 88-89, 112.

³⁷ Chan, 112.

³⁸ Chan, 113.

³⁹ Chan, 113.

⁴⁰ Chan, 113.

⁴¹ Chan, 114.

throughout the city, even in Chinatown.⁴² Not only were houses of prostitution shut down, but both prostitutes *and* the men operating the brothels were deported. Immigration officials were given free reign "to cast their dragnets far and wide" leading many Chinese women to live "under a virtual reign of terror."⁴³

The immigration law drafted and passed in 1917 would be the final stage of this campaign waged against Chinese prostitution. Section 19 of the law allowed immigration officials to deport prostitutes after only an *executive* hearing as opposed to the 1907 law allowing women to petition for a *judicial* hearing. This new law left women at the mercy of zealous immigration officers with no judicial recourse.⁴⁴

From the point of view of those legislating, administering and enforcing the law, Chinese prostitutes were a *nuisance*, aggravating the "Victorian principles of morality" within the city. Similar feelings were prevalent within the Chinese community's Six Companies as well, but it was the white Protestant missionaries, like Donaldina Cameron, who found in Chinese prostitution a new moral crusade.

Social Institutions, Chinese Prostitutes, and Legality

The anti-Chinese movement began to reach a fever-pitch after 1865, which in large part was a "reaction against the importation of thousands of Cantonese to build the Central Pacific Railroad across the Sierra." Labor groups, like the emerging Workingmen's Party, were just beginning to show political power in San Francisco. They claimed that the inundation of Chinese workers was a threat to the economic prosperity of not just the city, but the state. In 1877, violence erupted out of this racial fear, and the Workingmen's party played a part in

several days of rioting, attacking many Chinese and burning several areas of Chinatown.⁴⁵ A few years earlier, on April 5, 1874, a mass meeting of more than 20,000 people, including city politicians, adopted resolutions and sent them to Congress and President Grant calling for the immediate deportation of all Chinese; among the reasons cited was the claim that "not one virtuous Chinawoman had been brought to America."⁴⁶ City officials, anxious to quell the xenophobic demands of the burgeoning labor groups but unable to directly censure the railroad workers who operated outside their jurisdiction, did manage to "endorse stringent enforcement of the vice laws against Chinese gamblers and prostitutes."⁴⁷

The Chinese prostitute found herself in the midst of this harsh climate, with both her race and her occupation precluding her from direct legal assistance. "Chinese criminal organizations... the federal, state, and local governments, and to a lesser extent, San Franciscans of all ethnic origins proscribed Chinese Prostitutes' daily routine and pushed them to the fringe of society."⁴⁸ In this vacuum three distinct social entities emerged. Each party had its own mode of operation, set of values, and ultimate goals concerning the prostitutes. Two of these organizations were run solely by the Chinese themselves, one semi-legal the other, wholly illegal. Primarily female missionaries ran the third organization, and while it was promoted and accepted as a moral

⁴² Yung, 76.

⁴³ Chan, 116.

⁴⁴ Chan, 115-116.

⁴⁵ Doris Muscatine, *Old San Francisco: the Biography of a City From the Early Days to the Quake* (New York, 1975), 331

⁴⁶ Herbert Asbury, *The Barbary Coast: an Informal History of the San Francisco Underworld* (New York, 1933), 147.

⁴⁷ Jacqueline Baker Barnhart, *The Fair But Frail: Prostitution in San Francisco, 1849-1900* (Reno, 1986), 49.

⁴⁸ Tong, xviii.

crusade, it too challenged and ignored certain laws.

The Chinese Six Companies were a conglomeration of merchant guilds that represented the "five departments of the Kwangtung Province; there was one company for each of these departments, and one for those from other districts." Requiring only a ten-dollar fee to join, nearly all of the Chinese in California were members.⁴⁹ For over twenty years, from the onset of their arrival in San Francisco, the Chinese were barred from testifying in American courts, because of the obvious cultural and linguistic barriers and the assumption that the differences between Chinese and American legal systems were too great. Judges at the time asserted that the Anglo practice of swearing on the Bible would have had little influence over the testimony of a non-Christian Chinese immigrant.⁵⁰ Under this restriction, the Six Companies acted as "as a quasi-government" exclusively serving members of the Chinatown community. By the late nineteenth century, the guild association, as virtually the only legal representative of an entire population, "gained almost unlimited power to speak and act, to arbitrate disputes at every level, to initiate measures for overall welfare, and to try to keep order."⁵¹

The Legislative Committee of 1876 described the Six Companies skeptically: "The system is inherent and part of the Chinese mind, and exists because the Chinese are thoroughly and permanently alien to us in language and interest... The fact remains that they constitute a foreign government within the boundaries of the republic."⁵² Playing on these widespread beliefs, an 1869 article in the *San Francisco*

Chronicle reported "The Chinese [C]ompanies—the capitalists of Chinatown—have a keen eye for speculation. A long time since they saw that a traffic in women would be productive of enormous profits... they commenced the importation of females in bulk." For their part, the Six Companies actively denied having anything to do with prostitution, and in fact "saw prostitution as one of the major causes of the anti-Chinese movement in California."

Adversely affected both politically and financially by such an image, the Six Companies sought the help of American authorities in finding and deporting prostitutes. They even went so far as to engage the attention of the President of the United States in their efforts. In response to the accusations of labor, the Six Companies corresponded with President Grant claiming the "villainous traffic" that labor organizations associated them with was, in actuality, enriching white Americans. They also pointed out that many of "their attempts to return prostitutes by steamer had been thwarted earlier by American shysters who flashed writs of *habeas corpus* to protect the 'businessmen' involved."⁵³

It was hoped that by curbing the slave-trade, anti-Chinese feelings would all but disappear. This was not the result, but "their efforts did bring about a temporary decline in the organized traffic."⁵⁴ Their opposition to the importation and traffic in prostitutes inevitably led them into direct conflict with the importers themselves, the tongs. The term "tong" simply refers to an organization or fraternal guild; "these may be trade guilds, or merchant guilds, or benevolent lodges, or just pure racketeering associations."⁵⁵

⁴⁹ Elmer Clarence Sandmeyer, *The Anti-Chinese Movement in California* (Chicago, 1973), 23.

⁵⁰ Dobie, 120

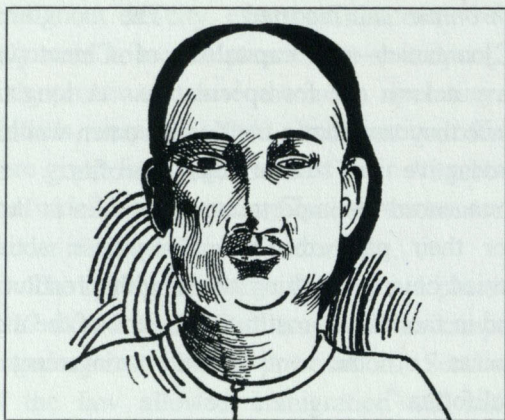
⁵¹ Martin, 96.

⁵² Charles Caldwell Dobie, *San Francisco's Chinatown* (New York, 1936), 133-4.

⁵³ Richard H. Dillon, *The Hatchet Men: The Story of the Tong Wars in San Francisco's Chinatown* (New York, 1962), 86.

⁵⁴ Sandmeyer, 24; Hirata, 27.

⁵⁵ Dobie, 136.



"Wong Fong Involved in Abduction Case"
April 4th, 1900.

Artist Kevin Dawson, 1998.

An important figure in the fight against the tongs was Chun Ti Chu, who had in the 1890's become president of the Sam Yup Company, then the most powerful branch of the Six Companies. He organized a vigilance committee to close down the tong prostitution houses. "This show of resistance," Dobie writes, "plus cooperation with the police, sent highbinders scurrying to cover for a season."

The success was short-lived because of wariness of Chinatown officials in the wake of increasing violence and death threats from the affected highbinders. In addition, Chun himself had incurred a large amount of political fallout for advocating the non-registration of Chinatown citizens in order to oppose provisions of the 1892 Geary Law. When the U.S. Supreme Court ruled the Exclusion Act to be constitutional, many Chinese who had taken Chun's advice were spurred on by the tongs to turn against him. This effectively removed him as a voice of authority over Six Companies policy.⁵⁶ Another factor that would permanently undermine the efforts of the Six Companies to fight the slave-trade was the infiltration of tongs into presidential positions within the

associations and even into the board of presidents itself. The unwritten law that had once barred them was broken between 1880 and 1905, "hence the tongs gained power and protection to pursue their debaucheries."⁵⁷

With the Six Companies under tong influence and their general lack of interest in actively fighting prostitution, other Chinese American organizations were left to risk opposing the criminal tongs. Judy Yung explains the dangers involved in maintaining such a stance: "All opponents had to put their lives at risk in the face of the overwhelming power of the tongs in Chinatown, specifically the secret societies that had the most to lose from the demise of prostitution."

The power of the tongs would prove to be resilient in the wake of these attacks and would not truly begin to diminish until well into the 1920's. In America, the tongs flourished "primarily to circumvent the American laws" and had been present in San Francisco since the beginning of Chinese immigration.⁵⁸ Echoing the importance of the Six Companies, a tong member explained, "We are strangers in a strange country. We must have a organization (tong) to control our country fellows and develop our friendship."⁵⁹

The importation and selling of prostitutes became an important aspect of the tong's business because, in the words of Lucie Cheng Hirata, "Chinese prostitution... provided Chinese entrepreneurs one of the few opportunities to accumulate capital in a hostile society." Chinese madams were often former prostitutes themselves, and they engaged in the

⁵⁷ Mildred Crowl Martin, *Chinatown's Angry Angel* (Palo Alto, California, 1977), 97.

⁵⁸ Dobie, 13.

⁵⁹ Takaki, Ronald, *Strangers From a Different Shore* (New York, 1987), 118.

⁵⁶ Dobie, 135.

buying and selling, "preying on younger women in a vicious circle of traffic and procurement."⁶⁰

The "need" for Chinese prostitutes swelled their numbers dramatically over the next few years, and in turn, the number of suppliers. Those tongs that participated in the slave-trade took flowery-sounding names, such as the On Leong society, which translated as "Chamber of Tranquil Conscientiousness" and the Kwang Tak Tong or "Chamber of Far-Reaching Virtue." These innocent, almost whimsical-sounding titles masked the true nature of the business of importing slave-women, of which violence was a staple.

The *Alta California* described the situation in 1869:

The war between the rival Chinese [tongs] to obtain possession of the women that are imported to this country, and sold into slavery, does not seem to come to an end, despite the many promises made to stop the importation and settle their difficulties amicably. Men are hired, and large premiums paid for them to watch the movements of rivals; and when the opportunity offers itself, to commit desperate deeds and the most treacherous acts.

The Hip Yee Tong, emerging sometime around 1852, quickly became the most predominant of these slave-traders. Early attempts by the Six Companies to stop it failed and the organization grew in structure and number by leaps and bounds. It formed "an elite corps of hatchet men" trained to violently discourage interference. Some 6,000 women were imported between 1852 and 1873, which accounted for a remarkable 87% of the total number of prostitutes imported at that time. From this trade, the Hip Yee Tong netted \$200,000 in profit by charging each buyer \$40,

of which \$10 was used to pay off white policemen.⁶¹

The graft that existed in San Francisco law enforcement was notorious and the tongs used this to their advantage. While police raids did occur, and were often violent in nature, more often than not they were only contrived displays for the newspapers. Until 1877, Chinese residents, especially the tongs, financed a "Special Police Force," a.k.a. the "Chinatown Specials" to act as peace officers. "They received no set wages but... collected fifty cents a week from each prostitute, and they admitted that whenever there was a crackdown on prostitution, their income was reduced."⁶²

The tongs had an efficient system for importing prostitutes from China; the women were coached to explain they were immigrating to America to join husbands, brothers, fathers or other relatives. These "relatives," unscrupulous Chinatown citizens paid a fee to act as false witnesses, came to vouch for them and to deliver them to the tongs. If there were difficulties or delays, "white attorneys-at-law, the courts, legal technicalities, all conspired to assist the highbinders to continue their nefarious trade."⁶³

Bribing police and other public officials, hiring lawyers, and subverting the immigration laws was only the beginning of the lengths the highbinders were willing to go to acquire and protect their valuable "property." While the risks were great, Chinese women did try to escape from the brothels, either to seek refuge in a mission home or with a lover. If the tongs could not retrieve them with the help of their kidnapping highbinders, the next step was often to exploit the American courts. "Contrary to what might be expected," Benson Tong reveals, "tongs frequently resorted to the legal system with the help of Caucasian attorneys." Filing

⁶⁰ Judy Yung, *Unbound Feet: A Social History of Chinese Women in San Francisco* (Los Angeles, 1995), 34.

⁶¹ Dillon, 230-231; Hirata, 10.

⁶² Hirata, 20.

⁶³ Dobie, 186.

minor theft charges, the tong owners would claim that the woman had stolen clothes or jewelry. Under writs of *habeas corpus*, they had only to wait for the police to locate the woman and then they posted the low bail. Once the woman was back in their hands, the owner would then drop all the charges. "This method of reclaiming a runaway slave-girl added no expense to his account, the American court assuming that cost."⁶⁴

In large measure, the power of the tongs to import and control prostitution in Chinatown remained unchecked. The Six Companies were either too afraid of retribution or just disinterested in fighting the problem; the graft in city law enforcement and the courts' inability and purposeful disregard of the matter made it nearly impossible to mete out any effective official punishment. The biggest challenge to the tongs' prostitution rings would come from an unlikely group: Presbyterian women.

When the Workingmen's Party seized control of San Francisco city government in the late 1870's, anti-Chinese sentiment was all but institutionalized. Ironically, in this very climate of hostility towards the Chinese, the Occidental Board was organized, with the specific purpose of establishing a home for the protection of Chinese prostitutes. The Chinese Mission Home was established in 1874 after women in San Francisco were asked to found an orphanage in Shanghai. Realizing that "within their gates was an opportunity uniquely their own," the women quickly put their efforts into establishing "the only foreign mission enterprise ever carried on within the United States" up to that time.⁶⁵

The Progressive Movement was then gaining momentum throughout the country. Protestant women began to see the plight of the

Chinese prostitute as emblematic of the urban abuse Western women were being subjected to, and thus in need of saving. "To the Western mind, the Tong's practice was deplorable and the women's condition was excused because it was no fault of their own."⁶⁶ However, the decision was controversial even within the church itself, especially among the churchmen who normally controlled church policy. As detailed in the June 5, 1876 edition of the *Sacramento Bee*, male leaders within the Presbyterian church were unanimous about how to deal with the Chinese at a meeting of the Chinese Commission:

Andrew Aiken testified... the churches were doing all in their power to Christianize them... but the continued immigration of the Chinese will be injurious and especially the importation of so many lewd women. Rev. Dr. Rice was then sworn. The different churches were working nobly in their efforts to convert the Chinese, but he thought that the work would progress much more favorably if all Chinese immigration would stop... Rev. J. H. C. Bonte thought... 'some measures should be adopted for the restriction of Chinese immigration, for their influx is bound to have none other than a very evil effect upon Christianity and upon morals. Peggy Pascoe writes, that in opposition to the churchmen's belief in the wholesale deportation of Chinese prostitutes, "for the women of the California Branch... the rescue of Chinese prostitutes was... a route to establishing a female vision of community moral order that held great appeal for white middle-class Protestant women in San Francisco."

⁶⁴ Hirata, 19-20; McLeod, 184-185.

⁶⁵ Carol Green Wilson, *Chinatown Quest: The Life Adventures of Donaldina Cameron* (Stanford, California, 1950), 10.

⁶⁶ Barnhart, 45.

The key figure in the running of the Chinese Mission Home was Donaldina Cameron. Cameron began her long tenure with the Home in 1895 at the age of 25, working closely with the first superintendent, Margaret Culbertson. "Culbertson devised the technique of rescue work, whereby brothels were raided with the assistance of the police," but when she died in 1897, it would be up to Cameron to perfect it and to turn it into a nationally recognized cause.⁶⁷ Many of the administrators at the Home had viewed their work as an extension of the "white man's burden," a problem between two different races, with the Chinese in desperate need of Anglo-salvation. While her efforts also included missionary-type conversion, Cameron developed close friendships with the girls, adopting many of their customs, including dressing in Chinese silk robes and answering to the name "Lo Mo," Cantonese for mother. She was so absorbed by the culture that when the national mission officials forced her to retire at sixty-five, "she left then only with a deep sense of personal loss, not quite at home in white American society."⁶⁸



Donaldina Cameron, known as "Lo Mo."
Chinatown Quest, Carol Green Wilson.

Prostitutes entered the Mission Home in several different ways. Much ado was made of the secret messages sent by the prostitutes to the Mission Home requesting assistance.

Prostitutes were often delivered to the Home by policemen who had risked their own lives protecting them from highbinders. An incident such as this took place in 1896 when an Officer McGrayan noticed a Chinese woman blowing a whistle and running down Clay Street. "He followed and managed to coax her from under a restaurant table where she had taken refuge. No sooner had he done so than he found himself surrounded by shouting and gesticulating highbinders who claimed the girl was drunk." The officer was momentarily distracted and the highbinders tried to seize the girl. She broke

from their grasp and, "as she clung to the startled officer she piteously

begged him to save her... but now the toughs changed their tactics and assaulted him while they tried to tear the girl from his grasp." McGrayan was successful in saving the girl, yet, "instead of taking her to the precinct house for booking and the usual bailing out by her oppressors," he obtained help for her from Margaret Culbertson at the Mission Home.

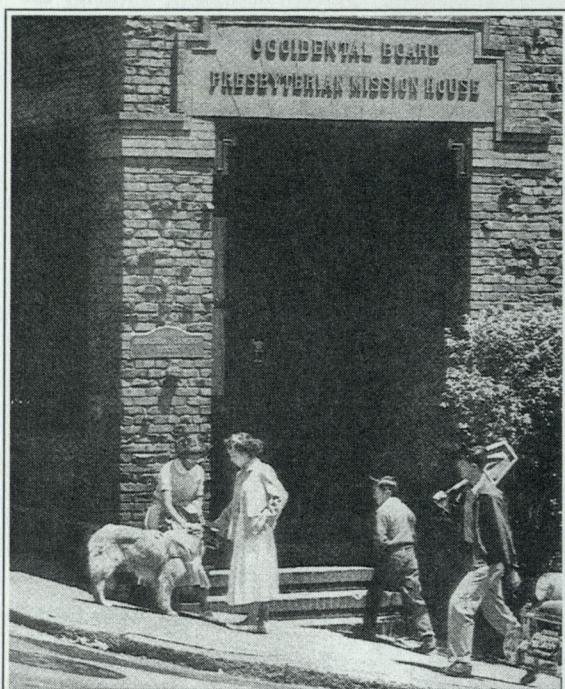
Police also protected the Home from the tongs, who "would try to recover [prostitutes] through legal and pseudo-legal means" which ranged from serving false warrants to outright

⁶⁷ Yung, 35; Wilson, 8.

⁶⁸ Peggy Pascoe, *Relations of Rescue: The Search for Female Moral Authority in the West, 1874-1939* (New York, 1990), 118.

kidnapping.⁶⁹ These dramatic events, with police shooting their way in and out of the brothels, “seized the public’s imagination” and were well documented in the newspapers of the day.⁷⁰ Stories dealing with Chinese female slavery had practically disappeared from the papers until the Protestant women’s campaign of the 1890’s.

Just as important were the Home’s ties to the court system. When the girls were arrested



Donaldina Cameron House. *Chinatown Quest*, Carol Green Wilson. Photo by Eddie Murphy.

and brought to trial, receptive judges would often allow Cameron to adopt them as wards.⁷¹ In court, Pascoe comments, Cameron along with other home officials acted as “informal legal advocates for Chinese women and girls faced with bewildering immigration requirements.”

Life in the Chinese Mission Home was a superior choice over living as slave or facing

deportation by the courts. The prostitute, however, was still under the control of someone other than herself, often to be used as a tool of publicity. As Judy Yung notes, “in their zeal to rescue and transform Chinese women into their own image, missionary women often manipulated the law and press to serve their ulterior motives. In the process, they not only infringed on the civil rights of an already disenfranchised population, but also helped to perpetuate negative stereotypes. “Not all prostitutes who entered the home enjoyed the experience, especially those who had not sent for help. The transition between lifestyles was often hard to take for women “accustomed to making money, disdainful of housework, and as a rule too old for school.”⁷²

Illustrative of the morality of the time, marriage of the prostitutes was usually seen as the ultimate goal of the Home’s administrators. Because of the “skewed sex ratios and the absence of established in-laws” it was often possible for the girls to marry respectable Chinese citizens. Inter-racial marriages, while rare, occurred as well. On April 1, 1877 the *San Francisco Chronicle*, under the headline “A Notable Wedding,” ran a story describing the marriage of William Madison Gray, a white ex-Sailor and Ki Ti Wong, a former Chinese prostitute, with the help of Rev. Otis Gibson of the Methodist Chinese Mission Home. The article ends on an interesting note, asserting that her new husband-to-be would also be her new “lord and master.” Indeed, Pascoe concurs: “exchanging prostitution for marriage, [was] a choice that often replaced one form of servitude for another.” The tongs also learned to use the promise of marriage to their advantage. “Sergeant William Price of the Chinatown squad said of the hatchet men, ‘They even fool the missions. They get a Chinaman to go up and

⁶⁹ Martin, 54.

⁷⁰ Dillon, 226.

⁷¹ Martin, 5-6.

⁷² Pascoe, 103-104.

marry a girl from the mission. Then they sell her to someone else."⁷³

The Chinese Mission Home did not always work directly with law enforcement officials. Recognizing that their objectives did not always correspond, and were sometimes directly antithetic to those of law enforcement and the court, the actions taken by Cameron and the Chinese Mission Home to secure prostitutes were often extra-legal in nature. In the face of tong-initiated arrest warrants for females in her charge, even when served by policemen, Cameron would lie, denying knowledge of the girl or her whereabouts. Raids were frequently conducted without search warrants or approval of the woman being taken, leading to legal questions of trespassing, breaking and entering and outright kidnapping. Contempt-of-court proceedings had also been instigated against Cameron..⁷⁴ She responded to these charges of breaking the law in her annual report:

In years past it was necessary in each case to break the *letter* though not the *spirit* of the law when we rescued a Chinese child for there was no written law to uphold us in entering a house to carry off a child...Those who had friends in the Senate or Legislature used all their influence to have the bill passed... Governor Pardee had already signed the bill and it soon became a State law! So that is how we can now go boldly into any house where we believe a slave child is, and take her away.

In time, the children residing in the home would far out number the prostitutes. Publicity from newspapers, however, still centered on those residents rescued from a life of prostitution because, "Mission women regarded residents as trophies in a tug-of-war between vigilant Protestant women determined to eliminate sexual slavery and Chinese

organizations that thrived on the profits of prostitution."⁷⁵

One of the most well-publicized "rescue" cases took place in March and April of 1900. According to reports in the *San Francisco Chronicle*, a 23 year-old woman named Kum Quey (alternately referred to as Kim Quey, Kum Quai, Kum Foong, Ah Guey, and Chan Kim Quey) had shown up on the doorstep of the Chinese Mission Home claiming she had escaped from a brothel in Baker Alley. Being able to speak only a little English and being "naturally reticent," Cameron was left to accept her story, knowing few other details of the woman's past. When San Jose Deputy Sheriff Harris, accompanied by two Chinese men, showed up at the home with an arrest warrant for Kum Quey, Cameron was reluctant. The warrant charged the woman with stealing \$30 dollars worth of jewelry. With an uneasy feeling about the whole matter, Cameron insisted on going with Kum Quey. Judge Edgar Dyer, who issued the warrant, was waiting for them in Palo Alto when they arrived by train that night. Cameron expressed to Judge Dyer her fears that "the Chinese were highbinders" and asked if the hearing could not be held at once. The judge said it would be impossible to secure the complaining witness, an Ah Kee, and excused himself. Cameron made sure the woman never left her sight, even demanding to stay the night with her in a jail cell. Sometime around two o'clock in the morning a Constable Dunsmore appeared at the jail cell trying to open the door, "but Miss Cameron had barricaded it from within. Dunsmore went for an ax and began to chop the door down." Cameron relenting, Kum Quey was taken from her and the constable claimed it was on the orders of Judge Dyer. Cameron pleaded to go with them but "Dunsmore flung the lady to one side, forced the girl into the buggy, and Harris drove off."

⁷³ Dillon, 224.

⁷⁴ Dillon, 237.

⁷⁵ Pascoe, 186; 98.

Meeting the two men on a country road, Dyer held an impromptu trial. "The two Chinese were present, one acting as interpreter. He said the girl waived trial, counsel, and pleaded guilty." After they paid the fine, Judge Dyer released the men and they disappeared with Kum Quey. After learning of the story from Cameron, public opinion was almost unanimously indignant towards the Palo Alto officials. On the 2nd of April a "monster mass meeting" of over 3,000 people was held at Turn Verein Hall in San Jose in order to "denounce the perpetrators of the foul outrage that had been committed at Palo Alto and to take such action as to insure the fair name of Santa Clara county would never again be brought to shame by the perpetration of such acts in the name of the law and by officers of the law." The crowd was made up of "as many women as men" and included "a large delegation of Stanford students." Failing to appear were Judge Dyer, Sheriff Harris, or Constable Dunsmore, but in their defense was the ex-District Attorney, B. A. Herrington. Not only did he maintain that Kum Quey was held against her will in the Mission Home in San Francisco, but that the entire incident was "a romantic love affair and on the evening following the trouble in Palo Alto the girl had been happily married." He then produced Kum Quey and her new husband on the stage before the startled crowd. "They were brought in surrounded by a bodyguard of police, the young women clinging to the man seemingly with devotion." While surprised, the crowd remained skeptical and went on with their resolution to investigate Judge Dyer and the other Palo Alto officials. One of the abductors was eventually jailed and Kum Quey was taken away from them. Back in the Mission Home, she was brought to trial on charges that she entered the country illegally, not being able to produce any certificate of registration. During the trial, Kum Quey's testimony flopped back

and forth, as if she was at the mercy of others. At one point she confessed:

All of her testimony at the hearing... was wrung from her by threats made against her life by Bert Herrington... Herrington threatened to put a bullet through her head unless she consented to do as he instructed her...that unless she answered the questions as they wanted her to, the lives of all three [including Wong Fong, her abductor and Wong Sing Ding, her husband] were in danger, and that they would be lynched by the populace.⁷⁶

Kum Quey then recanted the confession and to Judge Heacock it seemed "that perjury was too apparent in the testimony to deceive anybody" and he promptly ordered her deportation. It was eventually learned that Kum Quey had been born in China and had come to San Francisco to participate in the Omaha Exposition. Instead she was made to work in a brothel in Chinatown. Against her captor's wishes, she told of her illegal entry into the U.S. When Herrington attempted to abscond with Kum Quey during the middle of the trial proceedings, he was stopped and placed under federal arrest. In the end, deportation actions against the woman were dropped. "The court gave Kum Quey into Cameron's guardianship, and a San Jose grand jury later indicted the judge, constable, and abductors involved in the crime."⁷⁷

After the passing of the Red Light Abatement act in 1913, prostitution had begun a steady decline, and by 1930 the "Presbyterian Mission redirected its program to the growing numbers of neglected children."⁷⁸

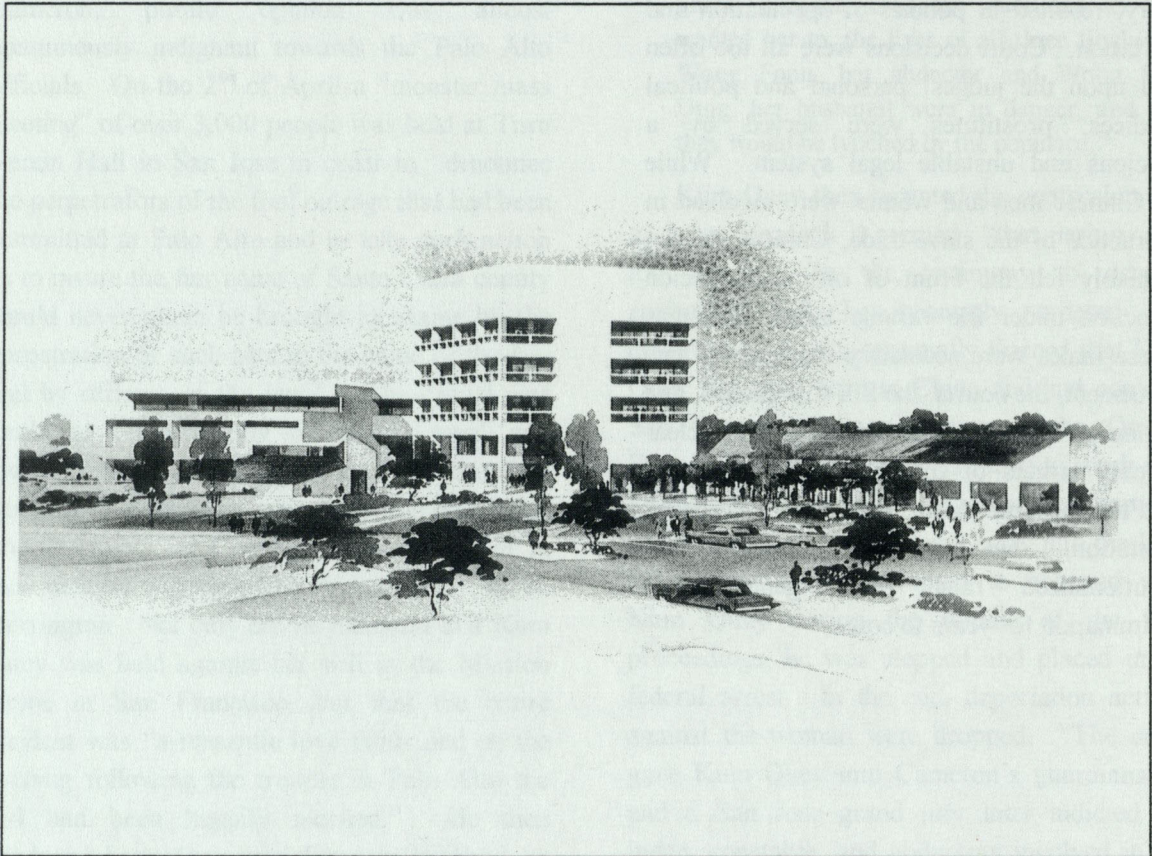
With the combined efforts of the San Francisco political and legal system, internal pressure from the Chinese Six Companies, and

⁷⁶ "Scandal in Chinese Case," *San Francisco Chronicle*, 24 April, 1900, 7.

⁷⁷ Yung, 75.

⁷⁸ Yung, 76-77.

the Progressive women missionaries, Chinese prostitution as a viable and remunerative enterprise essentially vanished. Slavery as a beleaguered institution of the nineteenth century could not survive the ethical onslaught it received in the twentieth century. Anti-Chinese sentiment combined with the push to end slavery, resulted in policies of speculation and deportation. Court decisions were all too often based upon the judges' personal and political prejudices; prostitutes were served by a capricious and unstable legal system. While both Chinese men and women were involved in the practice of the slave-trade, Chinese women undeniably felt the brunt of official suspicion and action under the various laws. Whereas Chinese males were secondary concerns to law enforcement, the courts, the Six Companies, and the mission homes, Chinese females were clear and easy targets of these controlling entities. San Francisco eventually squashed widespread prostitution, but in the process, it institutionalized racial and gender-driven discrimination for years to come.



Schematic of Huntington Beach Civic Center, 1973. City of Huntington Beach.

THE HUNTINGTON BEACH CIVIC CENTER AND THE POLITICS OF LOCATION

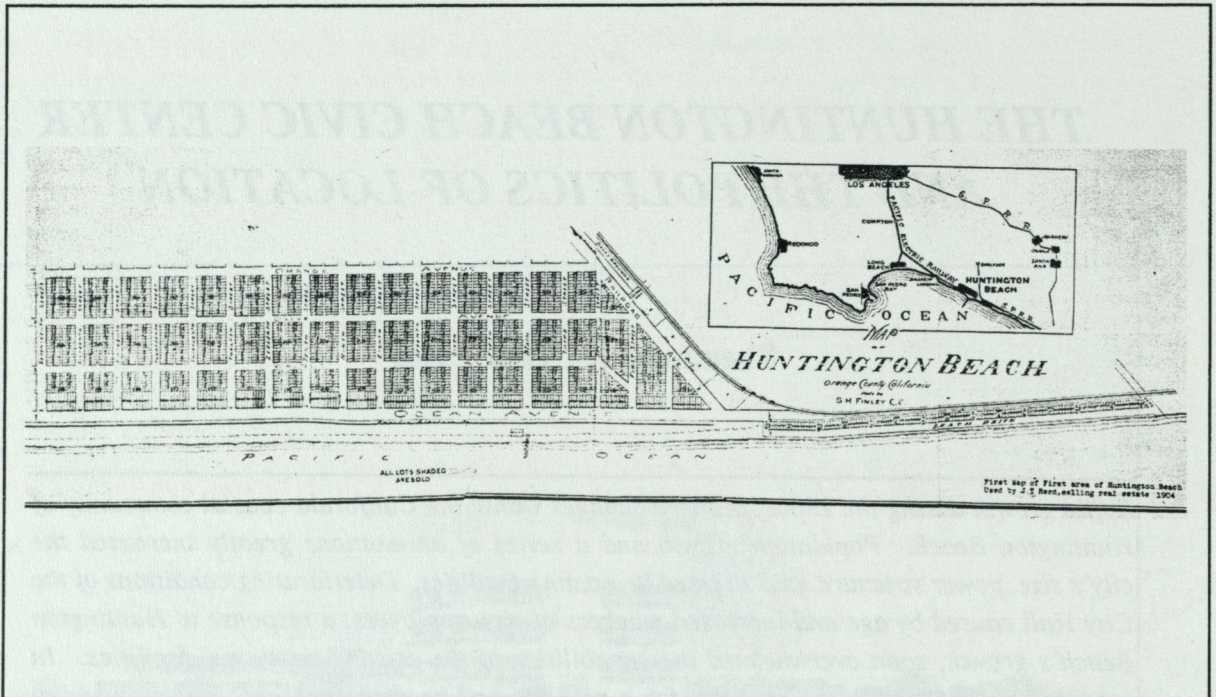
Shenandoah Grant Lynd

Rapid growth during the 1960s, inspired changes within the California coastal community of Huntington Beach. Population growth and a series of annexations greatly increased the city's size, power structure, and stressed its existing facilities. Deteriorating conditions of the City Hall caused by age and increased numbers of city employees, a response to Huntington Beach's growth, soon overwhelmed the capabilities of the existing municipal facilities. In response to this growth, the necessity for a new city hall became apparent. The decision to build new facilities did not create a conflict, but the location for the site became controversial. This controversy was ignited from competing concerns of groups representing the original residents living on the coast and residents from the newly annexed areas. Oral history interviews that extract information from those intimate with the subject document the controversy surrounding the decision for the new city hall's location. These memories, combined with other primary and secondary sources, describe the city's growth and emergence of competing political groups. Despite controversy, a centrally located site was chosen to better serve all residents and a state of the art civic center was built and completed in 1974.

The Huntington Beach civic center, currently located at the corner of Main Street and Yorktown Avenue, is a state of the art facility that stands as a symbol of the city's population growth during the late 1960s and early 1970s. Standing in its present location for over twenty years, the civic center site may not seem that important to the general public or the city's large population. Yet, a civic center is something that all large towns need and Huntington Beach is no exception. The need for the facility never became an issue. However, the battle over the location for the civic center seemed to be a hot-button political issue. A look back on the location struggle today reveals the history of Huntington Beach and offers a glimpse into the politics of those exciting times.

Historical Background

The period of the 1960s marked a shifted change for Huntington Beach. Prior to that time, the city had been primarily a petroleum and agricultural town. The original city limits of 1909 had been 3.57 miles along the beach near what today is called the downtown area. Beginning in 1957 the city began a



The Original Townsite Map used to sell parcels in 1904. *The Ultimate Challenge*.

series of annexations and by 1970 Huntington Beach consisted of 26 square miles.¹ During the decade of 1950-1960, the city's population more than doubled, increasing from 5,237 to 11,492; by 1970 the population had shot up to 115,960, making Huntington Beach one of the fastest growing cities in the United States.²

Population growth in the city brought on a major housing boom, which, in turn, brought a shift in the power structure and politics of Huntington Beach. The burst of growth in housing construction continued through the 1960s and 1970s.³ As new homes were sold, more were built, pushing development of

additional housing to the newer areas of the city and away from what was originally the city boundaries. One individual who purchased a new home in 1963 referred to the decade as an exciting time. Recalling that his tract did not have enough residents to warrant postal service, he remembered traveling to the post office downtown where there used to be "a big chalk board on the wall and they would put up every month the number of new people . . . in Huntington Beach. When we moved here there was something short of about 34,000 people and each month we would see the figure 1,000, 1,200, 1,500 and allegedly we were one of the fastest growing cities in the country at the time . . . tracts were just going up all over the place."⁴

Residents in the newly developed tracts sought political power through homeowner's associations. They had a "loose confederation of associations that would get together under the

¹ Alicia Wentworth, ed., *The Ultimate Challenge: City of Huntington Beach Miscellaneous Historical Data* (Huntington Beach, CA: City Clerk's Office, by the author, 1995), 23; Don Keller, "This is How Huntington Beach Began," Wentworth, 42; Patti Bauer, "1973 History of Huntington Beach," Wentworth, 44-46.

² Wentworth, 37; Keller, 42

³ "Pictorial History of Huntington Beach," Wentworth, XXI.

⁴ Al Coen, interview by Shenandoah Lynd, 22 November 1996.

banner of the Home Council." The Home Council would meet approximately once a month and agree upon mutually beneficial decisions; they would then go to the city council and say, "we represent twenty-four homeowners associations and so many thousand people."⁵ One Home Council delegate described the organization as "a consortium of other homeowner's associations brought together . . . [they] provided representation . . . for the newcomers . . . we were newcomers in the sense that they were the old guard . . . the farmers, the people that had been here for a number of years and they were the ones who were on the [city] council." He continued, noting that they tried to give a voice to "what our goals and objectives might have been at that time for the people who were coming into the community, who were generally young couples - young families, to balance out against the old-timers."⁶ It was through these types of grassroots organizations that the most recent inflow of homeowners gained political representation in the city.

Booming population and the rise of homeowner's associations quickly brought changes to representation on the city council. One Huntington Beach denizen recalled that "[19]64 was the first break when Dr. [Don] Shipley was elected to the city council . . . he was kind of an outsider in a way although everybody liked him down there."⁷ Corresponding to the growth in population, the city charter was amended in 1966, increasing the seats on the city council from five to seven; the subsequent election brought out a record twenty-seven candidates.⁸

Results of the April 12 municipal election proved beneficial to the influx of new residents.

One of the downtown residents, Tom Welch, chose not seek reelection leaving three seats open. Incumbent Robert Lambert lost his seat receiving 1,920 votes while newcomer Al Coen came in first with 3,347 votes. Another outsider, Jack Green won a post with 3,087 votes.⁹ Green recalled that "two of us were newcomers, Al Coen, who was the president or vice president of a homeowner's association . . . and myself."¹⁰ Coen verified that he had been president of the Pacific Sands Homeowners Association and gave credit for his first place win to the people on the Home Council who ran his campaign.¹¹ The two other members elected that day were Henry Kaufman, with 3,188 votes, and Ted Bartlett with 2,943.¹² Bartlett owned a gas station downtown which "was sort of the area where people congregated and talked, if there was a town hall meeting place, that was Ted's gas station."¹³ Another insider, Kaufman, "was an optometrist in town - he was downtown."¹⁴ Green summarized the election by noting that it appeared "very bitter for them - a lot of them downtown."¹⁵

Population growth became the key to the continued political power of the newcomers. Prior to the 1966 election the new inhabitants could not contend with the entrenched electorate in the original downtown. Green said, "the percentage of voting in the outlying areas was much lower, maybe sixty percent or fifty percent voted in the outlying areas; downtown it was like ninety-nine percent . . . the older established areas downtown, they voted very heavily . . .

⁵ Jack Green, interview by Shenandoah Lynd, 25 October 1996.

⁶ Coen, interview.

⁷ Green, interview.

⁸ "Record 27 In Race for HB Council Jobs," *Santa Ana Register*, 6 April 1966, B8.

⁹ "Plunkett Loses Oil City Post to Dale Bush," *Santa Ana Register*, 13 April 1966, A3. Jerry Plunkett was the incumbent city attorney who lost to Bush.

¹⁰ Jack Green, interview.

¹¹ Al Coen, interview.

¹² "Plunkett Loses," 13 April 1966, A3.

¹³ Coen, interview.

¹⁴ Jack Green, interview.

¹⁵ Green, interview.



The new City Hall and Municipal Auditorium were completed in 1923 - located at 5th and Orange.
The Ultimate Challenge.

finally we just outnumbered them so much that we were able to outvote them.”¹⁶

Subsequent elections brought more representation from the new areas of the city. In 1968 another election brought new members to the city council. Looking back, Green avouched that one of the newcomers was “Jerry Matney, who had been a homeowner’s association president . . . we were all friends and we knew each other for a long time so that was a change that was taking place at that time.” He continued, “we finally ended up, I think in [19]68 then we had a majority; we had Al Coen and Don Shipley. We worked closely with Don Shipley, and Jerry and myself.”¹⁷

Need for a New Facility

Concurrent with a climate of political struggle between the old-timers and the outlanders, the need for a new civic center presented itself. Growing rapidly, Huntington

Beach needed a facility that could deal with the new demands of a large city. Paul Cook, the traffic engineer at the time, explained that “as a city grows you need more police people and more firemen because the city’s bigger and you need more planners . . . more engineers and you have more parks so you have to hire more people . . . you get to a point where your city hall is getting too small and that is obviously why they were looking” for a new civic center site.¹⁸ Still another cited rapid growth as the major reason for the need.¹⁹ In short, the large number of people and the expanding city limits brought on the urgency for a new civic facility.

Pressure for a new building also came from the police department. They wanted a facility that could house a new police building. Lieutenant Michael Biggs articulated the demands that the growing city had put on the police department. He wrote, “The city increased its boundaries from 4.7 square miles

¹⁶ Green, interview.

¹⁷ Green, interview.

¹⁸ Paul Cook, interview by Shenandoah Lynd, 4 November 1996.

¹⁹ Green, interview.

up to 25 square miles and the city's population increased to an official 11,492 in 1960. People began moving into Orange County and into Huntington Beach at the rate of almost 1,000 persons per month, creating new demands on local law enforcement." Moreover, the size of the police force had increased. In 1946 there had been an eleven man staff which had increased to 150 by the end of 1969.²⁰

Many of the new police officers also came from the recently developed outlying areas. One officer recalled moving to the city in 1972 while he was still on the Compton Police Force; he purchased a home in a new tract. He referred to this period as the city's "big building stage" and noted that a lot of people were moving to the city for the quality of life. From the Compton Police Department alone, substantial numbers of officers were working in Compton, but living in Huntington Beach.²¹ Even Earle Robitaille, Chief of Police from August 1969 to April 1987, had originated from Compton.²²

The Old Building

In addition to the personnel growth and the population boom, the poor state of the old civic center prompted the desire for a new structure. The Police Department was located in the lower level of the city hall while the Department of Public Works resided on the second floor. Robitaille recalled the dilapidated condition, stating: "it was unbelievably bad - the building had totally worn out; of course, between the salt air and age, it was just about gone . . . guys would take pockets full of marbles and we'd drop them at the front door and watch them roll through the whole building, they'd roll down the isles and we'd try to figure out where the new

low spot was as the ground settled and the building settled. And, they would roll halfway across the building, down the hallways and everything. You always felt off balance as you walked up and down the halls because it was off balance."²³

There was also a lack of space in the building so they set up a pre-constructed trailer-type mobile building to house the detective bureau in.²⁴ The retired chief also recalled that the Planning Department vacated the upstairs and the Police Department began to store records up there. This caused the floor to sag to the point where a twelve-by-twelve beam was only inches away from falling off the crossbeam; if it had happened the entire floor would have caved in. He summarized by saying that he wanted "to get the hell out of that thing before it caved in on us."²⁵ He began to drop hints to elected officials at every opportunity; if he was at a civic gathering, he would let them know.

Employees in the Police Department were not the only people hoping for a new building. Councilman Jack Green remembered that the council meetings were held in the old Veterans Memorial Hall near the old city hall. He called those meetings horrible. Green said, "people would come in and out of there, particularly if someone was mad because you voted against them, they'd go out of that council and you were sitting there, and they'd slam that door, and it was like a huge [emphasis added] explosion [laughter]." Hence, council members felt the need to vacate the old structure as well.

Location Battle

The shoddy police facility, city hall and other city offices which made up the civic center were located at Fifth Street and Orange. Built in 1923, the facilities were located in the heart of

²⁰ Michael Biggs, *The First 80 Years: History of the Huntington Beach Police Department* (Huntington Beach, CA: by the author, 1989), 24, 20, 29.

²¹ Robert Barr, interview by Shenandoah Lynd, 16 September 1996.

²² Earle Robitaille, interview by Shenandoah Lynd, 15 November 1996.

²³ Robitaille, interview.

²⁴ Biggs, 29; Robitaille, interview.

²⁵ Robitaille interview.

the old city, downtown and near the beach.²⁶ By the early 1960's the facilities had become unmanageable and the need for a fresh facility had become acute. As early as 1963 talk of a new facility could be heard. When asked what the issues were regarding the new civic center facility, then Councilman Coen responded: "just where to put it."²⁷ He was right.

That September, the city's Planning Department prepared a study called *The Civic Center Question*. The purpose of the study was "to help the citizens, Planning Commission, and city council answer that urgent, all-important question of what is the fate of [our] civic center."²⁸ The study asserted a definite need for a new facility and declared that "time for discussion and study is rapidly running out." Further, it alerted that population growth has "placed a fantastic demand upon all municipal services . . . interim facilities for personnel have been provided on a stop-gap basis which are no longer adequate." It was also noted that "the temporary buildings, make-shift additions and temporary quarters are no longer feasible, and any further provisions of this type can only be a waste of funds."²⁹

The Planning Commission report set out several conclusions and recommendations. The conclusions included the following: 1) "The need for larger civic facilities is an undisputed fact;" 2) "A decision to develop a civic center is urgent and necessary;" 3) "That decision should be based on the long-range need of the city and

other governmental agencies;" 4) The design "should include separate buildings for police, fire and library facilities;" 5) "Expansion of the present civic center site is economically unfeasible;" and, 6) "A location in close proximity to the geographic center of the city would best serve the needs of all citizens." Finally, the "purely objective study" recommended that the city council "reach an immediate decision to locate the permanent civic center on a site situated near the geographic center of the city for best service to all citizens."³⁰

On the back of the Planning Department report came additional pressure for action. A memorandum was issued about a month after the first report; the Planning Commission suggested that the information in *The Civic Center Question* report "be kept confidential, at least for awhile, in order to prevent the wildest type of speculation."³¹

Although the need for a new civic center was not an issue, the development of the facility was hindered as debate over the location developed; confidentiality apparently had been ignored and rumors of possible locations surfaced. In December 1963 a prominent resident, former Mayor Thomas Talbert, wrote the city council requesting that they keep any future facility in the downtown area. Asserting his claim, Talbert pointed out that he had moved to Huntington Beach in 1904 and was a chairman of the committee for the incorporation of the city in 1909. Writing with much authority, he informed the council: "I am writing you to protest against the moving of our civic center back into the country . . . even if the cost should be more, I think it would be good business to pay it and keep the civic center as near the ocean as possible." He then drew

²⁶ "Pictorial History," Wentworth, XV.

²⁷ Al Coen, interview.

²⁸ W. C. Warner, Planning Director, *The Civic Center Question* (City of Huntington Beach: Planning Department, September 1963), Civic Center Site #3 file of the inactive records in the office of the City Clerk, Huntington Beach, California. The Complete label title reads, "Civic Center Site #3 Opposite High School Reports & Recommendations 1963-1970." Category 200.10, Subject 69, Box 143, ID 3638.(hereafter referred to as CCS3), 1.

²⁹ Warner, 1.

³⁰ Warner, 2, 3.

³¹ W. C. Warner, Planning Director, to Huntington Beach City council and Planning Commission, 28 October, 1963, CCS3, 1.

attention to the needs of the recent residents in the outlying areas of the city. He wrote, "I believe the citizens of the back country will be pleased and happier to come to the present location to do business near the ocean where it is always cool and pleasant the whole year through."³² Another citizen presented a far less decisive view: "I am writing you, not in criticism. Some of you are young, some inexperienced, and all, I am sure, are anxious to do the right thing . . . I'm sure you are all sick of this drivel about the location of the new civic center as I am. We aren't going to build it tomorrow, are we? . . . If the property on Main Street is such a hot buy, let us buy it now. Let's make mistakes. Do your utmost best today. Write down your decision, sit on it, let it cool, then abide by it, and live with it. Quit being so namby-pamby."³³ As the future would show, Talbert was wrong, not all the "back country" folk were anxious to drive downtown.

Action on the issue waned until early 1968. The city council was urged by the Urban Land Institute to make a decision regarding the site of the new facility before the election of April that year; however, more research had to be done and action became delayed.³⁴ The Downtown Businessmen's Association addressed the city council on March 18 and presented a petition signed by 1900 people, which urged the council to build a new facility in its present location; the

council took the petition into consideration. That same evening, the council carried a motion considering the Dwyer School site downtown on Palm Avenue.³⁵ Two months later, consideration for the Dwyer School site was rescinded when the price of the land estimated at \$1.5 million. The council then agreed to meet with the Urban Land Institute on June 6 to discuss the matter further.³⁶

Deliberation on the issue came to a crest in the summer of 1968. On June 17 the city council, by way of resolution, declared its intention to seek a site for the new civic center facility. In their regular meeting they discussed the three sites that had been considered: site one had been the dismissed Dwyer school location; site two comprised the existing civic center site; and, the corner of Main Street and Mansion Avenue, across from Huntington Beach High School became declared as site three.³⁷ A public hearing was set for July 1 and "Mayor Coen went on record as favoring site [number three], according to his personal ranking sheet on civic center site selections." The resolution regarding site three was put to a vote; Councilmen Shipley, Coen, Green, and Matney, all newcomers voted yes; Councilmen Bartlett, Kaufman, and [George] McCracken voted no.³⁸ An affidavit of Publication was filed and "Notice of Public Hearing Proposed Civic Center Site" was published in the *Huntington Beach News* on June 20, 1968.³⁹ Local media

³²T.B. Talbert, to Huntington Beach City council, 5 December 1963, Municipal Building file of the inactive records in the office of the City Clerk, Huntington Beach, California. The complete title reads, "Municipal Buildings - Civic Center Study 1963-1988." Category 910.10, Subject 69, Box 270, ID 5579 (hereafter referred to as *MB*).

³³ Laura [Fleming], to Mayor and Council Members, undated, *MB*. This writer did not sign a last name; however, the letterhead shows a family crest with the word "Fleming" printed very small under it.

³⁴ "Civic Center Criteria," Council Minutes files in the office of the City Clerk, Huntington Beach, California (hereafter referred to as *CM*), vol. 10, pg. 305(A), 15 February 1968.

³⁵ "Civic Center Site - Petition," *CM*, vol. 10, pg. 340, 18 March 1968.

³⁶ "Dwyer School - Civic Center Site," *CM*, vol. 10, pg. 426, 20 May 1968.

³⁷ "Dwyer School - Civic Center Site"; "Proposed Civic Center Site #3," *CM*, vol. 10, pg. 464, 17 June 1968; H.E. Hartge, City Engineer, to "Honorable Mayor and City council," 1 August 1968, *CCS3*; "Civic Center Site" and "Site No. 3" loose documents, undated, *CCS3*.

³⁸ "Proposed Civic Center Site #3," *CM*, vol. 10, pg. 464-465, 17 June 1968.

³⁹ "Affidavit of Publication," 21 June 1968, *CCS3*.

ran stories regarding the hearing. One paper alleged that "there are strong arguments favoring both of the final sites under consideration . . . for downtown . . . the land is already bought and paid for . . . Thus, affording a saving to the taxpayer . . . and it would be a high-rise edifice." On the other hand, site number three was more centrally located.⁴⁰

The public hearing on July 1 proved to be a high stressed discussion. Reports were read by the City Administrator, Planning Director and a special consultant; Councilman Green spoke in favor of the proposed site and Councilman Kaufman presented arguments against the location; then Mayor Coen opened the hearing to the public. The clerk presented written documentation from several homeowners associations in favor of the site. Issues of traffic control were raised by the superintendent of the local school district. People spoke out on both sides of the issues from suitability to loss of personal revenues.⁴¹ At one point Mayor Coen had to admonish the citizens and other groups to "speak to the merits and don't get emotional." The next day the paper read: "The March 10, 1933 earthquake had a 6.5 reading on the Richter Scale. On Monday evening, July 1, in the city chambers there was a jolt that measured about 10.7 on the Reynolds scale." The article referred to the fact that Planning Director Ken Reynolds had presented the merits and demerits of both sites, informing the council that site number three had a major earthquake fault line running through it.⁴² Nevertheless, the council voted for the site, along the exact same lines as they did two weeks prior with the resolution. Kaufman, Bartlett and McCracken voted for reconstruction and expansion of the old site;

Coen, Green, Shipley and Matney outvoted the others in a decision to "develop the 9.23 acres near the high school after its acquisition from the Huntington Beach Company." So it was at exactly 12:10 am on July 2, 1968 that the council ended the drawn-out civic center location debate.⁴³

A New Site

Emotions were very mixed regarding the decision to build the new facility at Main Street and Mansion Avenue just east of the Huntington Beach High School. One writer noted that "some, among them the 'old-timers' and struggling downtown businessmen, may mark today on their calendars as the day the death sentence was pronounced for the downtown original town lot area . . . others will look upon the date as the spiritual birthday of a vigorous and renewed waterfront tourist convention mecca, its redevelopment no longer hanging in suspension upon the hope of a new civic center at the present Fifth and Pecan location." It was pointed out that development of the actual center would not come quickly as the councilmen faced problems of actual land cost.⁴⁴

Site number three garnered written reaction from the public as well. Most of the support came from residents of the newly developed tracts in the city; the newcomers liked the site more centrally located to all the citizenry. Shortly after the site was chosen, The Golden West Home Owners Association wrote the City Council and said they "would like to commend you on your choice for a site for the proposed civic center. We too, feel that the more central location will serve the city and its residents better."⁴⁵ Opposing the choice, the Property

⁴⁰ "Civic Center Hearing Set," *Huntington Beach News*, 27 June 1968.

⁴¹ "Public Hearing - Resolution of Intent," *CM*, vol. 10, pg. 491-493, 1 July 1968.

⁴² "High School Site Wins 4-3 Decision," *Huntington Beach News*, 4 July 1968, A1.

⁴³ Harry Weisberger, "Civic Center Site by High School Approved," *Huntington Beach Independent*, 2 July 1968, A1.

⁴⁴ Weisberger, A1.

⁴⁵ Jack Maltby, President, Golden West Home Owners Association, to Huntington Beach City council, 26 June 1968, CCS3.

Owners Protective League wrote, "As you very well know, our previous choice for a site was the downtown area. We felt that a development of this magnitude would stimulate expansion and development, acting as the catalyst in an upgrading cycle for the downtown area." They urged that the council reconsider their decision and reminded them that November 5, 1968 was election day.⁴⁶ Still another organization informed the council of their "pleasure and support of the selected (by resolution) civic center site across from the Huntington Beach High School. We are also disappointed in the fact that some members of the city are not willing to accept a majority vote approval."⁴⁷

Notwithstanding some post-facto opposition, the development of the new facility proceeded as planned in the chosen site. On January 30, 1969 the city formally submitted an offer for the land that the Huntington Beach Company, a subsidiary of Chevron, subsequently accepted.⁴⁸ The following May the Home Council prepared a resolution and presented it to the council in favor of their decision; it read, "whereas a majority of the Huntington Beach City Council selected the civic center site in the vicinity of the Huntington Beach High School, and whereas the Huntington Beach City Council has unanimously made the principle owner a bona fide offer to purchase said site, and whereas the principal owner . . . has accepted said offer . . . the Home Council wholeheartedly supports Mayor Jack Green and Councilmen Jerry Matney, Don Shipley, and Al

Coen in their indefatigable endeavor to carry out the will of the people."⁴⁹

Tedious matters finalizing the development were conducted throughout 1969 and 1970. Comparative cost analysis continued to be brought up by Councilman Kaufman.⁵⁰ A Public Facilities Corporation had to be created to handle the finances, funding had to be secured, and bond measures had to be set up and passed.⁵¹ Architectural interviews began early in 1969; in May, Councilman Shipley made a motion that "Kurt Meyer & Associates and Honnold & Rex acting in joint venture be selected as architects." It was decided that the Design Review Board should take the matter under advisement.⁵² Meyer & Associates eventually got the job.⁵³ Meyer began the drawings for the building in November. By this time, all seven councilmen had their votes entered under "ayes."⁵⁴ A purchase price of \$360,000 was formally approved in December.⁵⁵ Throughout the next year, Meyer made periodic presentations to the council about the development of the project.⁵⁶ The formation of a non-profit corporation to handle development and the bond issues did not become finalized until December of 1970. Known as Huntington Beach Public Facilities Corporation, the organization received oversight by the firms of

⁴⁶ Joseph S. Ferm, Property Owners Protective League, to City council, 16 September 1968, *MB*.

⁴⁷ Mrs. Ronald L. Blair, Financial Chairman, Concerned Citizens Council, to Mayor Coen and Members of the Council, 24 September 1968, *CCS3*.

⁴⁸ Brander Castle, Assistant Administrator, City of Huntington Beach, to J. D. Froggatt, Huntington Beach Company, 30 January 1969, *CCS3*; Jack Green, interview.

⁴⁹ Robert L. Brown, Secretary, "Home Council Resolution on Civic Center," 28 May 1969, *CCS3*. The resolution was not brought before the City council until President Cris Cris of the Home Council did so on 2 June 1969; *CM*, vol. 11, pg. 865, 2 June 1969.

⁵⁰ "Report - Civic Center Site," *CM*, vol. 11, pg. 834, 12 May 1969.

⁵¹ Jack Green, interview.

⁵² "Informal Architectural Interviews," *CM*, vol. 11, pg. 848, 26 May 1969.

⁵³ Jack Green, interview; Al Coen, interview.

⁵⁴ "Preliminary Drawings - New Civic Center," *CM*, vol. 12, pg. 21, 24 November 1969.

⁵⁵ "Agreement - Purchase of Civic Center Site Property - Approved," *CM*, vol. 12, pg. 35, 15 December 1969.

⁵⁶ "Presentation - Kurt Meyer & Associates," *CM*, vol. 12, pg. 257, 8 September 1970.

O'Melveny & Myers and Stone & Youngberg.⁵⁷ Looking back, Councilman Jack Green said that "All of these structures would never have been built if they had not been built at that time."

He notes that passing the bonds and the securing the funds were the keys to getting the facility built.⁵⁸

Construction began in January 1972. That September local newspapers covered the first tour of the facility. They reported: "Already eight months along on a 20 month schedule . . . the new \$6 million civic center project now rising at Main, Mansion and 17th streets . . . based on a 20 month work schedule the project is six percent ahead of the timetable which places the completion date at October 7, 1973."⁵⁹ That date was later pushed back; however, things progressed smoothly. By May 1973 the city council had considered requests from the Masonic Lodge and Huntington Beach Historical Society who wanted to secure the formality of laying the cornerstone.⁶⁰



The New City Hall Complex-dedicated March, 1974. *The Ultimate Challenge.*

On March 30, 1974 the city held dedication and grand opening ceremonies for the new civic center; it included a lot of hoopla. Friday night, March 29 the civic center facilities were lit up for the first time. Due to an impending energy crisis and conservation effort, a local paper had to alert city residents not to call authorities about the lights - they were only a reminder that a "formal dedication of the elegant new civic

center" was taking place the next day.⁶¹ Former secretary of health, education and welfare, Robert Finch, gave the keynote address at the big event. Finch, a noteworthy national figure, had entered politics in 1958; under Vice-President Richard Nixon, he had served as administrative assistant. Along with the prominent speaker, the ceremonies included several bands and lasted from 9:30 a.m. until after 3:00 p.m.

The new civic center stands today as a symbol of the crossroads that Huntington Beach faced three decades ago. Built to serve a population of 270,000, the six story administration offices, modern multi-media equipped council chambers, development facilities and state of the art police facility are housed together in a grand central plaza.⁶² Eventually, Mansion Avenue became Yorktown and the easily accessed civic center stands proudly at the corner of Yorktown and Main Street today.⁶³

⁵⁷ "Presentation on Formation of Non-Profit Corporation," *CM*, vol. 12, pg. 350, 21 December 1970.

⁵⁸ Jack Green, interview.

⁵⁹ "October 7, 1973 Look" and "Today's Look," *Huntington Beach News*, 28 September 1972. The tour took place the day before with Kurt Meyer and project inspector Mike Fitzpatrick leading the Design Review Board.

⁶⁰ "Laying of Cornerstones," *CM*, vol. 14, pg. 792, 21 May 1973. Unfortunately, there appears to be no evidence as to who ultimately laid the cornerstone or if anyone ever did.

⁶¹ "Civic Center Will Be Lit Up Friday," *Huntington Beach News*, 28 March 1974, A1.

⁶² "Pictorial History," Wentworth, XXVI; "Huntington Beach Civic Center" brochure, *MB*.

⁶³ Floyd Belsito, City Administrator, to Mayor and Council Members, 27 July 1977, Civic Center General file of the inactive records in the office of the City Clerk,

One historian put it best when she wrote, "The choice of this location indicated that the city realized that the bulk of its population would be inland."⁶⁴

Hindsight

Oral history presents a unique opportunity for individuals to look back at things that have happened in the past. In the case of community history, utilizing oral inquiry prompts individuals to contemplate changes that have occurred in their own locale. In this regard, the Huntington Beach modern civic center provided four men with such an opportunity. Each offers a unique perspective and differing view on the development of the facility.

Before divulging the additional insights of the four interviewees, a word of caution must be heeded. Histories such as this paper, which are based largely on oral research, must be kept in perspective. Oral history is an act of remembering, and it is only as reliable as the memory of the narrator. In this regard, scholar Valerie Yow asserted that evidence based on memory "is never accepted unquestioningly." She continued, noting: "some things may have been forgotten; other things may be recalled. And the remembered version may have discrepancies within itself when compared with other sources."⁶⁵ Still, other writers have warned that "human memory is a fragile historical source; it is subject to lapses, errors, fabrications and distortions. Anyone who uncritically accepts an oral history memoir as historical truth is destined to misunderstand the

past."⁶⁶ Finally, as author David Lowenthal suggests, "the remembered past is both individual and collective. But as a form of awareness, memory is wholly and intensely personal Memory also converts public events into idiosyncratic personal experiences."⁶⁷ As such, oral accounts should not be blindly accepted as "The Truth."

Recognizing the consequences of oral history does not dismiss it as a valuable tool for writing history. In summarizing the value of oral inquiry, several scholars wrote: "Oral history, then, is not heresy. When conscientiously gathered, carefully processed, and critically examined, it contributes modestly to the quantity and uniquely to the quality of what we know about the recent past."⁶⁸ Oral historian Valerie Yow stated it well: "Oral history is therefore inevitably subjective: Its subjectivity is at once inescapable and crucial to an understanding of the meanings we give our past and present. This is the great task of qualitative research and specifically oral history interviews: to reveal the meanings of lived experience."⁶⁹ With this task in mind, interviews were used to write this history of the Huntington Beach civic center. Offering accounts of their lived experience were four men: Jack Green, Paul Cook, Earle Robitaille, and Al Coen; their memories provide the rest of the story.

Jack Green was part of the council that made the decision regarding the new site; he voted for it. Green served on the council from April 1966 to April 1974; he was mayor from April 1969 to 1970; he is now retired. Focusing

Huntington Beach, California. The complete label title reads, "Civic Center General 1977." Category 200.10, Subject 69, Box 270, ID 5568 (hereafter referred to as CCG).

⁶⁴ Barbara Milkovich, "Huntington Beach - Modern City Driving Tour" (Huntington Beach, CA: by the author, September, 1996), 2.

⁶⁵ Valerie Raleigh Yow, *Recording Oral History: A Practical Guide For Social Scientists* (Thousand Oaks, CA: SAGE Publications, 1994), 24.

⁶⁶ Cullom Davis, Kathryn Back, and Kay MacLean, "Understanding Oral History," in *Public History Readings*, ed. Phyllis K. Leffler and Joseph Brent (Malabar, FL: Krieger Publishing Company, 1992), 268.

⁶⁷ David Lowenthal, *The Past is a Foreign Country* (Cambridge: Cambridge University Press, 1985), 194-195.

⁶⁸ Davis, 269.

⁶⁹ Yow, 25.

on the timing of the decision and the use of federal money in securing the land and facility, he recalls that "it was just the time when you could get things accomplished." He proudly compares his city's civic center with those of surrounding cities and notes that other cities did not act when they had a chance. Contrasting Newport Beach he asserts, "it is this wealthy community and they really think they're great down there, and they've got this civic center that is a mess - they ought to be ashamed of themselves."⁷⁰

Speaking of the present site, Green stands by the decision to put the civic facility at Main and Yorktown. He avouched: "The location was the biggest battle . . . they recommend a number of sites, one of them, and I, to this day I kind of wish it had occurred, would have been to put the city hall up at Talbert Avenue across the street from the city - public - big [Central] library, but that was out of downtown and they were still of that attitude even back in the early 1970s of 'we want it downtown' In fact, Ernie Gisler was on the council with me [and] was defeated for reelection because he endorsed the site where the city hall is now because the people down there didn't consider that downtown. And, I don't know, if its not downtown, I don't know what the hell it is. It *is* downtown."⁷¹

Paul Cook, the second interviewee, presents a contrasting view from a downtown perspective. Once employed by the city, he worked for many years in the old city hall near the beach. He was traffic engineer from 1965 to 1970; director of public works from 1978 to 1987; city administrator from 1987 to 1990; he is now self-employed and has an engineering consulting firm in downtown Huntington Beach, just a stone's throw from the ocean.⁷²

⁷⁰ Jack Green, interview.

⁷¹ Green, interview.

⁷² Paul Cook, interview.

Cook considers himself a "downtowner." What he thought "was the best option . . . was to build the city hall over on Atlanta and Lake which is still vacant land . . . that would have kept the civic center in the downtown area, near the beach, where in my opinion, it belongs." He condemns the decision saying they didn't even put it in the center of town: "right now it's in neither place, it's not in the center of town and it's not near the, what should be the hub of the city . . . politics as it is . . . where it is now is sort of between neither here nor there in my opinion. It is just far enough away from the hub, what I consider should be the hub, and that's the beach area, and its not even close to the geographical center of town. That to me, was by far, the largest mistake that the city [long pause] ever made. That took a city that could have grown and been known to be progressive, like Newport Beach is perceived by outsiders, to a city that virtually nobody ever heard of outside the of the Orange County/L[os] A[ngeles] area."⁷³

Earle Robitaille constitutes the third oral history. He is a retired career law enforcement officer. Robitaille joined the Huntington Beach Police Force in 1963 as an officer; he subsequently became sergeant, lieutenant, then captain; he was appointed chief of police on July 31, 1969, he remained in that capacity until he retired in 1987. Robitaille did not see himself as an old-timer or newcomer. When asked about that he said, "The camps, no! No, I made a concerted effort never to get stereotyped as a newcomer, as an upstart, as an old-timer, as any of those." Explaining his law enforcement duties, he maintained that "I had to, your job as police chief is to serve everybody in the community, you can't be taking sides with anybody, even the political sides, which becomes very difficult at times . . . but, that's just part of the job."⁷⁴

⁷³ Cook, interview.

⁷⁴ Earl Robitaille, interview.

As far as the civic center goes, Robitaille thought "it was obvious we had to have one in the very early seventies, late sixties. The big question was: Where? All of the old-timers wanted it downtown in the same spot that it was in, Fifth and Main; everybody else was saying that's crazy because that land is so expensive . . . there was another big element that said the city hall should be geographically centered in the city and available to all of its residents - that put it almost where its at right now - although the area where the library is now was really, essentially, the geographic center of the city, and there was a big push to put it there . . . it came down to bucks . . . where they could afford to get the land." When asked if he cared about the location he declared: "No! I could care less; they could put it on the pier if they wanted. We just had to have a building; our building was unsafe - it was inadequate and unsafe - I didn't care where it went . . . it made sense to me to have a city hall in the geographic center of the city, but of course, the geographic center of the city could change with one annexation."⁷⁵

The last interview came from Al Coen, currently a practicing attorney in Huntington Beach. Coen, like Green, was on the city council that choose the current civic center site. Coen served as a councilman from April 1966 to April 1978; Coen served as mayor three times: April 1968-1969; April 1972-1973; and, April 1974-1975; during his second stint as mayor he presided over the meetings which decided the location of the facility.⁷⁶

Coen spoke of the location battle and did not back down from his original decision. He discussed the two sides of the issue: the first, "was a faction who wanted the downtown site, you know, right on Coast Highway because we were a beach community, and that would be our face to the world so to speak; the second, "group, and I was included in that . . . felt that

the land was too valuable downtown for it to have a civic center on it and we didn't really need to have that exposure to draw people into our community . . . I felt we could do it in other ways, which apparently has been supported by the development that has occurred." Thinking of the current building and site, he recalls that they "wanted to make sure that whatever we built wasn't offensive to the high school . . . I wouldn't want anything to have detracted from that; I don't think our civic center does . . . whether that is the best site in retrospect now, who knows?" He concludes by saying that a lot of his constituency were unhappy with the decision, "but that's the way it is."⁷⁷

Ultimately, Coen is correct - that is the way it was; the facility has been standing in its current location for over two decades, and the battle over location has been silenced. However, for those who know their community history, the civic center is much more than a public building; it represents a struggle over two very different visions of Huntington Beach, a city that turned its back to the ocean and reached for the stars.

⁷⁵ Robitaille, interview.

⁷⁶ Al Coen, interview.

⁷⁷ Coen, interview.



Hiram Johnson takes on "The Octopus," 1910. Courtesy of the Bancroft Library.

JUDGING THE OCTOPUS:

California Courts' Treatment of Railroads at the Dawn of Progressivism

Peter Gagnon and Scott Griggs

The development of railroad laws in California at the turn of the twentieth century reflects the transportation technology issues concerning the rest of the country. This essay discusses cases dealing with land, rates, and liability that flooded the courts as more and more people came in direct contact with the railroads. Each landmark case set a precedent as the verdicts determined the ownership of thousands of acres of land, methods of fair and legal pricing, and responsibility for railroad-related accidents and deaths. A new set of laws ensued, benefiting both the railroad industry and private citizens as regulation was desperately needed to protect both parties.

Introduction

The year is 1898. The Gilded Age is ending and the period that historians would later label the Progressive Era is about to commence. William McKinley presides over the nation from Washington. The economy is recovering nicely from the effects of the Panic of 1893. Before the year ends, America will have fought a "Splendid Little War" in which it will acquire an overseas empire. Electricity is becoming an important form of energy for lighting and city transit systems. The opening of a hydroelectric plant at Niagara Falls is viewed as an historic event. Henry Ford's first automobile is but five years old.

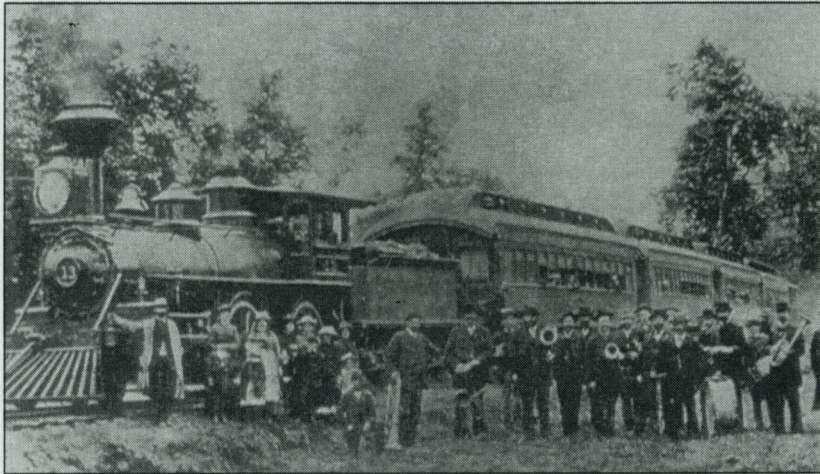
At the end of the nineteenth century, the railroad corporations were the epitome of big business in America. Their owners and managers were either seen as captains of industry by those who saw these changes as progress, or as robber barons by those who felt the true nature of the nation was being betrayed by greed. Early attempts to regulate this new economic powerhouse met with small success, and the courts were often seen as the spoilers by those favoring regulation.

In California, that vast domain wrested from Mexico in another little war fought fifty years ago, prosperity is returning and the boosters are busy booming the state. Yet, five years of depression have been hard on the state. Once again, Californians are wrestling with the Southern Pacific Railroad in their homegrown version of the national debate over the "railroad question." Public antipathy towards the railroads was not new in California, particularly towards the Southern Pacific and its predecessor,

the Central Pacific. The issue had bubbled up strongly at the convention held in 1879 to revise California's Constitution. Speeches describing the "Railroad Evil" as the "paramount issue of the day" were not uncommon. One result had

governorship on a promise to tame the railroads.³

In a recent book on California and its railroads, author William Deverell notes that the diffuse railroad opposition that was a constant



"Southern Pacific arrives amidst fanfare and music, Los Angeles, 1876."

Railroad Crossing, William Deverell.

been the creation of a railroad commission to regulate the industry.¹ In the August 19, 1882 issue of *The Wasp*, a satirical weekly published in San Francisco, cartoonist George Keller depicted the Southern Pacific Railroad as an octopus squeezing the economic life out of California, cheating and killing her people.² By 1910, opposition to the Southern Pacific would propel "dragon slayer" Hiram Johnson to the

theme in California during the later part of the nineteenth century tended to quiet down in times of prosperity. The severe recession of 1893 had rekindled it. In bad times, anyone could "mount almost any political stump... and blast the railroad." The Gilded Age sin of conspicuous consumption, exemplified in the lavish lifestyles of many railroad officials, joined shipping rates that were perceived as excessive and unfair, in fueling the fires under the pots of unrest. This led to the vague, oft repeated, and widely-

¹ A. A. Cohen, *Railroad Evil and its Remedy* (San Francisco: Francis, Valentine & Co., 1879), 3. See also: Leonard Pitt, *California Controversies*, p.81-90. Chapter six, titled "The Constitutional Convention of 1879-1880 and the Southern Pacific Railroad: Grappling with the 'Octopus,'" presents arguments made at the convention both for and against regulation of railroads. In his introductory essay, Pitt tells us that "to many disaffected Californians, a basic source of evil was the Southern Pacific Railroad."

² Richard J. Orsi, "Railroads in the History of California," *California History* 70 (Spring, 1991): 9.

³ William Deverell, *Railroad Crossing*, (Berkeley: University of California Press, 1994), 173. Deverell's revisionist history of the relationship between Californians and their railroads presents a refreshingly balanced treatment of a subject too long dominated by derivative, often poorly-informed works of the Robber Baron school. While no apologist for the excesses of the corporations or their managers, he challenges many of the assertions of the older historiography and succeeds in casting doubt on the accuracy of more than a few of them.

believed charge that "the railway corporation kept California and Californians down."⁴

The battle against railroad abuses, both real and perceived, would be fought on many fronts including the ballot box, the legislature, the law courts, and in the courtroom of public opinion, the press. Some appreciation of how the railroad was popularly viewed and treated by the legal system can be gleaned from the records of both these "courts." During 1898, the key questions to reach the California Supreme Court in legal contests involving railroads concerned land, rates and liability. The question to be explored is: how did the California courts treat the railroads at the eve of the Progressive Era?

Taking and Selling Land

Two distinct land issues were important to the development of California railroads during the nineteenth century: eminent domain and land grants. Charters granted to railroad corporations by state legislatures and by Congress allowed the railroad to use the government's power of eminent domain to obtain the lands it needed to complete a continuous right-of-way for its tracks.⁵ The other important land issue involved the railroads' rights to ownership of the enormous tracts of public lands that had been granted by Congress as a construction incentive. California's courts were active in deciding cases related to both these issues in 1898.

As the nineteenth century neared its end, railroad finances were recovering from the Panic of 1893. As Figure 1 shows, by 1898, new railroad construction was well into an upturn across the nation. California was no exception to this trend, and the press was buzzing with stories of new railroad schemes. On January 16, the *Los Angeles Times* directed readers to its Midwinter Number where they could find full

details of the "manifold advantages" of a proposed Los Angeles-to-Salt Lake railroad.⁶ Elsewhere in Southern California, the Terminal Railroad in Pasadena was making plans in June to build a branch line to a quarry it owned in Millard's canyon northwest of the city. Speculation in the press was, that the stone was to be used for construction of the harbor improvements at San Pedro.⁷ Two different companies were reportedly talking about building railroads to connect Los Angeles to Westminster.⁸ In the north, the newly incorporated California Northwestern Railway Company was said to be planning an extension of its line from Ukiah to the "timber belt" of Mendicino County.⁹ With so much talk of construction, it comes as no surprise that land condemnations were also regularly reported. The railroads, using the power of eminent domain granted in its charter, sought to obtain title to privately-owned land in a court proceeding. In a separate proceeding, a jury would determine how much money should be paid as damages to the former owner as compensation for the land

⁵ Eminent domain is the power of a government to take land for public use from private citizens in exchange for a fair compensation. *West's Business Law*, p. 1168.

⁶ *Los Angeles Sunday Times*, 16 January 1898, p. 4. The *Times* was a few years ahead of itself. The San Pedro, Los Angeles & Salt Lake Railroad would not be chartered until 1900, with construction getting underway in 1902. For a popular history of this line, see Mark W. Hemphill, *The Union Pacific Salt Lake Route* (Erin, Ontario: Boston Mills Press, 1995).

⁷ "Terminal Road Opening a Granite Quarry," *Los Angeles Times*, 13 June 1898, p. 11.

⁸ "Railroad Talk," *Los Angeles Times*, 5 September 1898, p. 9. The article reports on a proposed extension of the Newport Beach Road through Westminster, in present day Orange County, to the city of Los Angeles. Had it been carried out, this scheme would have connected the city by rail to McFadden's wharf in Newport Beach, providing an additional sea outlet for Los Angeles freight. The Southern Pacific was reported in the same article to be considering an extension of its own to Westminster.

⁹ "Another Railroad Deal," *Los Angeles Times*, 21 September 1898, p. 4.

⁴ Deverell, 63-4.

being taken. In January 1898, the *Los Angeles Times* reported that three of four property owners involved in a Ventura County condemnation suit brought by the Southern Pacific had answered the complaint. Together, they sought \$4,000 in damages.¹⁰ Farther east, in a condemnation suit brought by the San Jacinto, Lakeview, and Northern Railway Company, the jury assessed damages of \$2,362.50 to the American Live Stock and Land Company, \$5520.00 to the Webster Tract, and \$237.50 to the Bear Valley Irrigation Company.¹¹

At least one large railroad construction project was underway. In May, it was reported that the new San Joaquin Valley railroad had reached Bakersfield. In September, under the

owned Southern California Railway. The *Times* in 1898 used “uncle” to refer sneeringly to Southern Pacific president Collis P. Huntington.¹²

The Santa Fe had reached Los Angeles in 1885, breaking the Southern Pacific’s nine-year monopoly on rail transport to that city. Larger, more prosperous San Francisco had to wait substantially longer for a competing rail connection to the east. In 1891, a group of shippers formed the San Francisco Traffic Association to seek more favorable freight rates for their city. They attempted at first to use San Francisco’s excellent port to secure their objective, and returned to shipping bulk cargoes by sea around Cape Horn. The attempt failed,

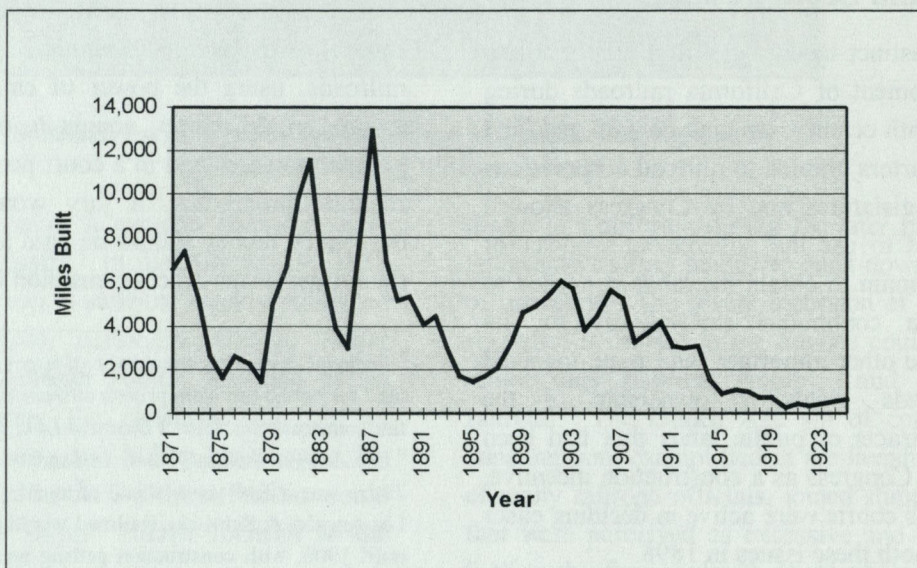


Figure 1. Railroad Construction in the United States, 1871 to 1926.
American Narrow Gauge Railroads, George Hilton.

headline “Run Against Uncle: Southern Pacific to Have Northern Competition,” the *Los Angeles Times* reported the incorporation of a new company to extend the valley railroad to Los Angeles via a connection with the Santa Fe-

largely because the Southern Pacific still controlled rail access to the hinterlands. In 1892,

¹⁰ “Two Damage Suits Against the Southern Pacific,” *Los Angeles Times*, 7 January 1898, p. 3.

¹¹ “Damages For the Defendants,” *Los Angeles Times*, 22 June 1898, p. 22.

¹² “San Joaquin Valley Railroad,” *Los Angeles Times*, 22 June 1898, p. 21; “Run Against Uncle,” *Los Angeles Times*, 21 September 1898, p. 4. In reporting on a collision involving a passenger train in Los Angeles, the sub-headline crows “Some of Uncle Collis’s Rolling Stock Smashed.” There were no injuries in the accident. “Collision at Junction,” *Los Angeles Times*, 4 Jan 1898, p. 9.

they decided to build their own railroad between Stockton, which had ferry service with San Francisco and Bakersfield. With major support from Bay Area sugar merchant Claus Spreckels and his sons, the San Francisco and San Joaquin Valley Railway (SF&SVJ) was chartered. The SF&SVJ soon began billing itself as "The People's Railroad." By 1896, tracks reached Fresno. A special train, named "The Emancipator," initiated service with Stockton. In 1898, the SF&SVJ reached Bakersfield. A connection with the Santa Fe was sought, but the SF&SVJ treasury was empty. In December, the valley road was sold to the Santa Fe. To complete the route, Santa Fe successfully negotiated for trackage rights on the Southern Pacific from Bakersfield to Mojave through narrow Tehachapi Pass.¹³

Enroute to Bakersfield, the SF&SVJ, like all railroads, had initiated land condemnation proceedings to obtain a right-of-way. Despite being the "peoples'" railroad and its avowed purpose of loosening the grip of the Southern Pacific's tentacles, individuals did not always rush to surrender their lands to aid its advance. In Tulare County, landowner George Gould had filed a demurrer to a complaint for condemnation by the SF&SVJ.¹⁴ Gould argued that the complaint was defective because the description of the land to be taken was vague and uncertain. Disagreeing, the trial court found for the company. On appeal, the California Supreme Court agreed with Gould. The map prepared by the railroad to describe the lands to be taken was held to be "singularly deficient." It

was found that the legal need for a "proper description and proper map" was not relieved even if the value of the lands to be condemned was largely unaffected by the specific route across them. The court ordered that the demurrer be sustained, but granted "leave to the plaintiff to amend his complaint and map." In other words, the condemnation could proceed once the supporting papers were in order and the requirements of the law were satisfied.¹⁵

Another way that steam railroads and, more importantly, street railways could take land was by a municipal franchise permitting the company to operate rail service on a public street. All parties did not always read the specific language of the franchises the same way, so controversies arose. The Riverside City Board of Trustees conducted a lively debate over the validity of a franchise held by the Southern Pacific. In the thick of it all, a motion was introduced to the effect that the city should either tear up the company's tracks on Market street, or undertake legal action to permit their removal. Cooler heads prevailed, and the motion was not seconded.¹⁶

Court actions resulted showing that the law on franchises was not yet clear. In *O' Connor v. Southern Pacific Company*, the court held that the railroad was liable for damages to the adjacent land owned by O' Connor. The company had argued that its franchise from the city of Pomona exempted it from the suit.¹⁷ A similar case in San Diego involved a street railway company. In this case, the plaintiff had sued the city for damages when a streetcar company re-graded a street in conformance with the terms of its franchise. The court rejected the plaintiff's suit against the city, but suggested

¹³ G. Holterhoff, *Historical Review of the Atchison, Topeka and Santa Fe Railway Company* (Hawthorne: Omni Publications, 1986), 6; Keith Bryant, *History of the Santa Fe* (Lincoln: University of Nebraska Press, 1974), 173-78.

¹⁴ *West's* defines a demurrer as, "a pleading in which a defendant admits to the facts as alleged by the plaintiff but asserts that the plaintiff's claim fails to state a cause of action (i.e., has no basis in law)."

¹⁵ *San Francisco, etc. Railway Co. v. Gould*, 122 Cal 55, 411 (1898).

¹⁶ *Los Angeles Times*, 8 June 1898, p. 11.

¹⁷ *O' Connor v. Southern Pacific RR Co.*, 122 Cal 681, 688 (1898).

that had she sought damages from the company, the result would have been different.¹⁸

Turning to the issue of land grants, Deverell states, "Land had long been a critical and sensitive western subject. ...with the granting of

prevent adverse action as to the ratification of past donations."²¹

The public lands of the United States grew from state cessions of about 259 million acres to more than 1.8 billion acres by 1867. Of that

Disposition	Acres
Cash Sales	214,414,395
State Grants, Special and General	165,476,402
Railroad, Wagon-road, Canal and River Improvements to States and Corporations.	106,584,898
Homesteads	102,280,228
Private Land Grants	70,000,000
Military Bounty-Land Warrants	60,252,790
Timber-Culture Acts	16,118,228
Script Locations	3,008,516
Donations	3,006,128
Indian Allotments	560,780
Total	741,702,365

Table 1 - Disposition of Public Lands in the United States by 1899.
Congressional Grants of Land in Aid of Railways, John Bell Sanborn.

gigantic plots of land to newborn railroad companies, the land issue took on a compelling urgency."¹⁹ An early railway skeptic, Henry George, expressed astonishment at the extent of the railroad land grants. "Think of it! 25,600 acres of land for the building of one mile of railroad."²⁰ Railroad officials were described as "men who, having received a gift of an empire in lands and money for the construction of a transcontinental railway, proceed to bribe legislators and buy up public officials to obtain further grants for their corporations, or to

total, the federal government had disposed of about 40 percent by 1899, as listed in Table 1. Congress originally began to make land grants an indirect way to fund internal improvements. Prevailing interpretations of the Constitution held that only the states, not the federal government, could fund construction of internal improvements like roads, railroads, canals, and improvements to navigable rivers.²² With the notable and controversial exception of the National Road over the Allegheny's , all the early improvements were funded by states and cities.

¹⁸ *Bancroft v San Diego*, 120 Cal 432, 652 (1898).

¹⁹ Deverell, 32.

²⁰ Deverell, 32.

²¹ James F. Hudson, *The Railways and the Republic* (New York: Harper & Brothers, 1886), 6.

²² John Bell Sanborn, *Congressional Grants of Land in Aid of Railways* (Madison: University of Wisconsin Press, 1899), 8-9.

Starting in 1835, a number of bills were introduced seeking grants for canals and roads. The Senate generally voted in favor of them, but the House was tougher to persuade. In 1851, an agreement was reached to grant land to the State of Illinois to support construction of the Illinois Central Railroad. The agreement hinged on an alternate section policy that was to characterize all subsequent railroad grants. The railroad was granted alternate sections of land in a broad band on either side of the track. The edges of the band were set at a distance that represented the supposed limit of the railroad's economic influence, initially six miles. It was assumed that the sections retained by the government would increase in value, and their minimum price would double, so that their sale would produce a net-revenue to the treasury. This would completely offset the value of the granted lands. In practice, the width of the band grew over time. Later, grants were made directly to railroad companies. Many California railroads were among the recipients. The last grant to railroads came in 1871 with passage of the Texas and Pacific bill.²³

In practice, land sales proved to be less brisk than expected. Passage of the Homestead Act in 1862 made public lands available free to settlers and "reduced the cost of land to almost nothing," further reducing sales.²⁴ Railroads set up subsidiary land companies and actively promoted sales at attractive prices, in hopes that settlers would develop the land and generate traffic needed to meet the operating and fixed capital expenses of the railroad. By 1897, the Southern Pacific Company had sold nearly four million acres of Central Pacific and Western Pacific grant lands at prices averaging around \$3.50 per acre.²⁵

Disputes between settlers and railroad companies about ownership of lands within a railroad's land grant were frequent. At times, they could be violent, as in the case of the infamous Mussel Slough shoot-out between settlers and marshals acting for the railroad in 1880. Fortunately, most "combatants" resorted to the courts and not the six-gun. The United States Supreme Court had decided in *Schulenburg v. Harriman* (1874), that the Congressional grants were made *in praesenti*. This meant that title passed to the grantee immediately. This decision was interpreted to mean that the grants could only be withdrawn by another act of Congress.²⁶ Despite this, settlers seeking free land, and speculators seeking access to land at cheap government rates, often sought to void the railroads' claim to granted lands in order to claim it for themselves. They argued that railroads should not be allowed to claim lands within their grant if the entire line had not been completed by the date originally stipulated.

The fact that the Supreme Court's ruling did not slow the settlers' assault is illustrated by a case reported in the *San Francisco Chronicle*. In 1885, Otto Groeck filed a claim under the Homestead Act for eighty acres of land near Visalia. The United States gave him a clear title on the land in 1890. He later sold the land to a man named Merrill. The Southern Pacific also claimed the land under a congressional act of 1866 that had authorized the company to construct a railroad from San Francisco to Needles on the Arizona boarder. In 1896, a United States Circuit Court judge apparently ignored *Schulenburg* and ruled in favor of Groeck and Merrill, on the theory that the railroad had lost its right to the land because it had not finished construction on time. The 1896

²³ Sanborn, 9-37, 66.

²⁴ Robert Edgar Riegel, *The Story of the Western Railroad* (Lincoln: University of Nebraska Press, 1926), 276.

²⁵ Sanborn, 120.

²⁶ Riegel, 293.

decision was "hailed as a great victory for the settlers."²⁷

The *Chronicle* printed its story as a result of the reversal of that decision by the United States Circuit Court of Appeal. The Circuit Court ruled that the lands had been legally withdrawn from settlement at the time of the act. This meant they could only be entered for settlement by agreement between the settler and the railroad. The decision potentially effected 1,500,000 acres of land claimed by the Southern Pacific.²⁸ Having such vast tracts of land tied up in railroad grants during a period when the Homestead Act created the expectation of free grants of government land to settlers, generated considerable public discontent and litigation.

The delays and uncertainty in the granting of title under the railroad grants also created substantial opportunities for the unscrupulous. California's Supreme Court decided on such a case involving the Central Pacific land grant. A man named Cardoza had settled on railroad grant lands in Siskiyou County. In 1889, he died and his son Joseph was appointed administrator of the estate. The following year, after filing his inventory with the probate court, Joseph filed an application with the railroad to purchase the land his father had settled. Before that application was completed, Joseph himself died and was succeeded as administrator by his brother Thomas. During probate, the court ordered the land sold to Manual Pereira to cover probate costs. On October 31, 1894, G. S. Avila applied to the railroad company to purchase the same land, even though he knew that Pereira had purchased the land from the Cardoza estate, was living there, and had made improvements.

For some reason, the railroad had not fully processed the application by Joseph Cardoza, perhaps because of his death, so their local land

agent was unaware of its existence and had agreed to sell the land to Avila for \$880. At trial, it was held that Avila's contract was void due to previous sale to Cardoza. The railroad agreed to refund Avila's money and cut a payment voucher that was never claimed. Instead, Avila filed an appeal claiming that the railroad's contract had been with Joseph Cardoza and not with the estate, so the estate never had any rights to the land. Avila also claimed that sale of the land by the estate prior to perfection of the title had voided that contract with Joseph Cardoza. The California Supreme Court did not agree with either of these contentions and affirmed the judgment of the Siskiyou County Court.²⁹ Clearly, the court was unwilling to stretch the law to aid the unscrupulous.

Rates

Freight rates were a topic of intense controversy during the late nineteenth century. As noted above, San Francisco interests, led by Claus Spreckels, had undertaken construction of a competing railroad in their quest for relief from rates they considered too high. The press often reflected the view of the shippers. On May 22, the *Times* ran this: "San Joaquin Valley Railroad. — The long-looked-for completion of the San Joaquin Valley Railroad to Bakersfield is hailed with great joy in that section of the San Joaquin Valley which has hitherto been at the mercy of a road which charges 'all the traffic will bear.'"³⁰

In search of a remedy, people of the nineteenth century looked to the granting power of eminent domain as evidence that the railway was acting in a quasi-governmental capacity and could be compelled to serve the public interest rather than the private interests of its

²⁷ "The Southern Pacific Wins," *San Francisco Chronicle*, 3 May 1898.

²⁸ "Southern Pacific Wins."

²⁹ *Avila v. Pereira*, 120 Cal 589, 840 (1898).

³⁰ *Los Angeles Times Illustrated Magazine*, 22 May 1898, p. 21.

stockholders. Railroads had been built by "invoking the sovereignty of the government in its behalf." Elaborate arguments were constructed on the need for the railways to be operated for the public interest, without regard for private profit, as they were in effect public highways.³¹ The wording of many of the railroad land grant bills lent weight to these arguments. Based on the early canal and road grant acts, these bills stipulated that the land-grant railroad should "be and remain a public highway" for use by the government without charge.³²

Counter-arguments claiming that the public highway doctrine was unfeasible were often complex, and they relied on an understanding of technical and economic issues foreign to most people's experience. People who were equipped to understand these complex issues mostly worked for large railroads, so their arguments were politically self-defeating.³³ In the end, the question to be decided was, what constitutes a fair rate?

The courts had frequently been asked to answer that question. The establishment of railroad regulatory commissions, first by the states and then by the federal government, did not put all the rate questions to rest. One history of the Interstate Commerce Commission (ICC) describes the agency as, "emasculated by the courts, ignored by the railroads, and unaided by Congress, the ICC in the 1890's also suffered

from mediocre leadership."³⁴ As a result, public confidence in the regulators was not high and people resorted to the courts.

There were two cases related to rates decided in 1898. One involved the question of determining fair rates, and the second on setting special rates by contract. In the first, precedents of law previously established in cases involving railroads, strongly influenced the decision of the California court in *Water Company v. Redlands*. Also discussed is the question of how to establish the value of the assets of a company suspected of having "watered" stock.

The Redlands, Lugonia, and Craftton Domestic Water Company appealed to annul an ordinance by the Board of Trustees of the City of Redlands fixing water rates. In its appeal, the company claimed that the rate set was unfairly low as it failed to take fully into consideration debt service costs, operating expenses, taxes, and the need to pay dividends on the capital stock by the company. Attorney John Bicknell, long associated with the Southern Pacific, represented the water company. The court disagreed with this argument, and citing prior railroad cases, held instead that regulated rates for a company in a monopoly should be set so as to achieve a fair return on the value of the property actually employed. It did not feel that capitalization was necessarily a fair reflection of the values of that property. Therefore, rates need not be set to ensure profitability of the company or dividends to stockholders.³⁵ Left unanswered was the crucial question of how to actually establish the fair value of the assets used to perform the service. As regulators were to discover over the better part of the twentieth century, answering that question honestly would be difficult.

³¹ Hudson, 110.

³² John F. Stover, *American Railroads* (Chicago: University of Chicago Press, 1997), 84.

³³ Much has been written about the complexity of railroad economics. Perhaps the best treatment is still Alfred D. Chandler Jr. *The Visible Hand: The Managerial Revolution in American Business* (Cambridge: Belknap Press, 1977). For a broader view of social and economic issues arising from nineteenth century industrialization, see William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York: W.W. Norton & Company, 1991).

³⁴ Ari and Olive Hoogenboom, *A History of the ICC* (New York: W.W. Norton & Company), 37.

³⁵ *Water Co. v. City of Redlands*, 121 Cal 365, 843 (1898).

The second case involved a shipment of orange trees sent by rail from Florida to a grower in Riverside County. The shipping contract stipulated that damages on the shipment would be limited to their value at the point of shipment in exchange for a reduced freight rate. The shipment was transferred to the Southern Pacific at New Orleans for delivery to Colton, the station stop nearest to the grower. The railroad's southern route across New Mexico and Arizona had been washed out by winter storms, so the trees were routed north to Ogden, Utah, to be carried on the company's Central Pacific route over the Sierras. There was an alternate southern route available via competitor Santa Fe, but company headquarters had issued orders to avoid its use. The trip over the mountains in February proved to be too much for the trees, which arrived at Colton dead from frost. At trial, damages were awarded to grower R.W. Pierce.

The Southern Pacific's appeal sought to overturn that ruling on two bases. The first was that under master/servant precedents, the company was not liable for damages on acts committed by its employees unless there was gross negligence. The court rejected this argument on the grounds that a railroad was a common carrier and could not avoid its liability on that basis. The second objection made by the railroad was that the amount of damages was excessive as it represented the value of the orange trees in Riverside and not at the point of shipment, as called for in the contract. Here the court agreed, upholding the contract to limit liability by finding that the reduced freight rate constituted the consideration being exchanged.³⁶ In essence, the court had held that discriminatory freight rates were lawful when a valid basis for such discrimination could be shown.

³⁶ *Pierce v. Southern Pacific Co.*, 120 Cal 156, 302 (1898).

This was contrary to the prevailing public view on rate discrimination. The public expected that "fair" freight rates should be charged to each shipper at the same rate per mile regardless of how large that shipper's business with the railroad was or over what route. Business practices that are standard today, like giving volume discounts to one's biggest customers, were considered discriminatory against the small customer. Likewise, charging extra for shipments to or from locations outside the main streams of commerce was viewed as favoritism towards the cities.

Accidents and Liability

The Railroad Question was composed of many parts, with safety being one of the more important. In a chapter titled "Remedies" in his 1893 book, author William Larrabee characterizes an accident at Hastings, New York that resulted in "great slaughter" during a period of "extreme prosperity" for the railroad. As a critic of the railroads, he was demonstrating the owners' willingness to sacrifice "life and limbs of passengers and employees...in order to secure large dividends on watered stock."³⁷ Table 2, taken from Larrabee's book, shows ICC accident figures published in 1893. The numbers show that passengers fared much better than employees and other people who crossed or tarried on or about railroad lines. These accidents created cases of insurance claims and railroad liability in the courts.

1898 newspaper articles on railroad accidents were frequently very gory, and reflected a casual attitude by reporting them in subdued, matter-of-fact tones. Accident reports could be found almost daily in the press and several articles showed just how easily an accident could occur. One article told of a switchman who worked in a Santa Fe railroad

³⁷ William Larrabee, *The Railroad Question* (Freeport: Books for Libraries Press, 1893), 450.

yard. On April 11, 1898, his chewed-up body was found beside the tracks. It was surmised that he had fallen under the wheels of a moving train while trying to get into one of the cars.³⁸ Another incident involved a brakeman who was killed falling from a moving caboose.³⁹

An article in the *Los Angeles Times* shows how commonplace railroad accidents must have seemed in 1898. The body of Joseph Raeside was found on a set of railroad tracks in Oakland. He had apparently been killed by the 11:15 p.m. Berkeley train. On investigation, authorities learned that Raeside had cashed in \$300 in racetrack tickets the day before, yet only a few pieces of silver were found in his pockets. From this, they surmised that he had been murdered for his money and his body thrown onto the tracks in hopes that his death would be seen as just another railroad accident.⁴⁰

Among issues raised in the courts by railroad accidents was the proper interpretation of insurance policies, liability for damages, and questions of contributory negligence. There were several California Supreme Court decisions concerning all three areas. Three cases dealt specifically with insurance companies.



"Railroad wrecks proved to be extremely popular public spectacles." *Railroad Crossing*, William Deverell.

In the first, *Slevin v. Board of Police*, the widow Slevin had attempted to collect \$1,000 from her husband's pension fund by claiming that his death from injuries suffered in a railroad accident was from natural causes. Citing both legal and general dictionaries on the definition of the three terms "natural," "death," and "natural death," the court rejected Mrs. Slevin's appeal. The Court also noted that a section of the fund agreement allowed for collection of monetary compensation in the event of a violent death while on duty. Slevin was not on duty when he died, and he had been retired for several years. It appears his widow clearly knew she could not collect under the violent death clause, so had attempted

to collect on the natural death section instead. While noting the peculiarity of the stipulation of a death benefit for retired police officers only if their death was from natural causes, the court upheld it as lawful.⁴¹

The next two cases involve a single accident and led to a different result for the insurance company. The case of *Berliner v. Travelers' Insurance Company* dealt with two separate policies on the decedent: one a life insurance policy and the other a policy on accidental death. The decedent, a mining engineer named George Berliner, had been killed in a train wreck in

³⁸ "Killed By The Cars," *Los Angeles Times*, 11 Apr. 1898, p. 12.

³⁹ "Fatal Accident," *Los Angeles Times*, 10 Jan. 1898, p. 9.

⁴⁰ "Killed By A Train," *Los Angeles Times [Associated Press Day Report]*, 15 Jan. 1898, p. 3; "Murder Suspected," *Los Angeles Times [Associated Press Night Report]*, 16 Jan. 1898, p. 3.

⁴¹ *Slevin v. Board of Police*, 123 Cal 130, 785 (1898). For another case in which the court refused to let sympathy for survivors influence the amount of monetary award, see *Green v. Southern Pacific Co.* 122 Cal. 563, 577 (1898). In this case, a verdict was overturned due to the nature of instruction to the jury on the question of damages.

Mexico. At the invitation of a railway company official whom he knew, he had been riding on the locomotive at the time of the accident. In the first case, the insurance company filed an appeal with a lower court that had ruled in favor of Berliner's widow. The company claimed that the policy on Berliner's life had not been in effect at the time of the accident because Berliner had not fulfilled a policy provision that stated, "This policy shall not take effect unless the first premium is paid while the insured is in good health."⁴² Insurance broker W. W. Haskell, who sold Berliner the policy, was a close personal friend of his. Knowing that Berliner was short of funds at the time the policy was issued, Haskell didn't press him for payment of the premium. Later, when Berliner inquired whether his policy would be good while traveling in Mexico,

The California Supreme Court disagreed, finding that the locomotive of a passenger train was as much an integral part of the passenger conveyance as were the separate sections of a steam ship. In reaching this conclusion, the court stated, "It is well settled that policies of insurance should be liberally construed in favor of the insured," and, "it has become a rule of law that if it be left in doubt whether words of the contract were used in an enlarged or restricted sense, other things being equal, the construction will be adopted which is most beneficial to the promisee."⁴³

The Court cited several other cases and concluded that Berliner's policy covered everything possible except those situations that were explicitly excluded. The Court listed several more-precise alternative wordings that

	1888		1889		1890		1891	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Employees	2,070	20,148	1,972	20,028	2,451	22,396	2,660	26,140
Passengers	315	2,138	310	2,146	286	2,425	293	2,973
Others	2,897	3,602	3,541	4,135	3,598	4,206	----	----
Total	5,282	25,888	5,823	26,309	6,335	29,027	----	----

Table 2- Railroad Accident Statistics Published in 1893, *The Railroad Question*, William Larrabee

Haskell informed him in front of witnesses that it would be. As Haskell did not ask Berliner for the premium when giving him assurances about coverage in Mexico, the court ruled that his actions were in effect, a waiver of payment and that the policy was in force at the time of death.

Berliner's widow brought the second appeal against the lower court's decision that her case under the accidental death policy was a non-suit. The trial court had agreed with the insurance company that the locomotive was not part of the "passenger conveyance," and therefore, Berliner was not covered under the terms of the policy.

could have been used in the policy had the company not intended to cover situations like the ones at issue in this case. The decision granted Mrs. Berliner's appeal and reversed the judgment that Berliner had not been covered while on the locomotive.

Even if the courts were willing to construe ambiguous language in favor of policyholders, they were only willing to push presumptions that favored the insured so far. The newspapers reported on the difficulty faced by the father of Albert Robinson when death could not be clearly established. The younger Robinson had jumped

⁴² *Berliner v. Travelers' Insurance Company*, 121 Cal 451, 922 (1898).

⁴³ *Berliner v. Travelers' Insurance Company*, 121 Cal 458, 918 (1898).

from a moving Pullman car. He was insured for \$75,000, but as his body had not been found, his family could not collect. The article also mentioned that the family was offering a reward to anyone who found young Robinson's body.⁴⁴

One of the key issues considered by the courts in accident cases was the question of contributory negligence on the part of the person injured. One definition of contributory negligence is: "Any negligent act by a complaining party which contributed to or caused the complaining party's injuries. Contributory negligence is an absolute bar to recovery in some jurisdictions."⁴⁵ The following case makes clear that in 1898, California was such a jurisdiction.

On January 13, 1898, an accident occurred involving two electric streetcars and an eighty-seven year old woman in Pasadena. The woman, Mrs. Crowell, had waited for one streetcar to pass but was then hit by another one coming from the opposite direction as she walked across the second track.⁴⁶ An inquest determined that her death was accidental, freeing the railroad company from all blame in the matter.⁴⁷ Presumably, the coroner felt she had been negligent in not waiting long enough to see if there was another streetcar coming her way on the second track before attempting to cross.

A somewhat similar case, *White v. Southern Pacific Company*, reached the Supreme Court later the same year. James White had been driving his one horse vehicle across a double set of railway tracks and was injured while trying to avoid being hit by a freight train that had backed up into him. The facts established at trial were

that a set of box cars resting on the tracks nearest to White had blocked his view of a second set of tracks on which the freight train was approaching. Applying the reasonable-man rule, the court held that White had acted in a prudent manner, checking as best he could to see whether a train was coming on the far track. He had not heard any whistle nor had he seen any smoke indicating an approaching train. Also, White had observed another vehicle with a full view of the far track, cross towards him immediately before he started across. The people in the passing vehicle had not done anything to indicate that there was a train coming. The Court decided that White had not been negligent in this case. The train crew, on the other hand, had made no attempt to warn people in White's position that they were about to back across the street. Because the company's employees had been negligent, and because it could not be shown that White had contributed to the accident by some negligence of his own, the high court affirmed the lower court's decision against the railroad.⁴⁸

Comparison of the Crowell and White cases helps clarify what was considered to be contributory negligence in 1898. Crowell seems to have been judged negligent because she did not wait long enough after the first car had passed to see if another car was approaching from the opposite direction before stepping onto the second track, something she could easily have done. White, however, could not see past the stationary boxcars, and made attempts to ascertain whether a train was approaching before starting to cross the tracks. Under the circumstances, it was reasonable for him to conclude that it was safe to cross the tracks.

While some railway accident cases involving contributory negligence were fairly clear, others were not. Arthur Boetsch was struck by an electric streetcar on April 10, 1898, and was

⁴⁴ "Life Insurance Cannot Be Paid Until Robinson is Found," *Los Angeles Times*, 5 Mar. 1898, p. 13.

⁴⁵ *West's Business Law*, p. 1166.

⁴⁶ "Struck By A Car," *Los Angeles Times*, 14 Jan. 1898, p. 15; "Died of Her Injuries," *Los Angeles Times*, 15 Jan. 1898, p. 14.

⁴⁷ "Verdict of Accidental Death," *Los Angeles Times*, 16 Jan. 1898, p. 14.

⁴⁸ "Verdict of Accidental Death," p. 14.

lucky to escape with only minor cuts and bruises. He was especially fortunate since he had been intoxicated at the time of the accident. The police bandaged him up and sent him home.⁴⁹ Clearly, Boetsch contributed to the accident by his intoxication. In the case of a "seventeen-year old colored school girl who was thrown from her bicycle and run over by a Main-street electric car," it was not so clear.⁵⁰ An inquest found that the girl was "short-sighted, and the collision was purely accidental."⁵¹ The assumption here would be, that the girl was negligent in not wearing eyeglasses to correct her near-sightedness.

Studer v. Southern Pacific, a case about the death of the twelve year-old son of Chris Studer, offers an opportunity to see how the high court handled a case in which both parties were negligent. A train had stopped and blocked a public street for approximately eight to ten minutes. Young Studer grew impatient and attempted to get past the train by crossing between two of the cars. While the boy was still between the cars, the train began to move backwards and crushed him.⁵² The plaintiff argued that the railroad was negligent by not giving notice of movement and by blocking the road. The Court reaffirmed the lower court's decision by finding that it was not the negligence of the railroad that had caused the boy to die, but his own negligence in attempting to cross between two cars of the stopped train. The Court reasoned that the boy did not execute ordinary prudence, even for someone of his age, in ignoring the obvious danger of stepping between two cars of a train that could move at any instant. Had the boy attempted to cross at a

reasonable distance in front of or behind the train, in all likelihood, he would not have been injured.⁵³

Evidence that railroad crossings were generally considered dangerous was often found in the press. In January 1898, a report on a meeting of the Riverside City Council informed readers that investigations were being conducted by various groups to make grade-crossings safer.⁵⁴ This awareness was not particularly new. In 1879, Charles Francis Adams, Massachusetts' first Railway Commissioner, criticized the fierce resistance of local people to building roads that would cross over or under the railroad on a separate grade. He claimed that "in the abstract, every one is opposed to grade-crossings, but those most directly concerned always claim that their particular crossing is exceptional." He went on to predict that the time would come when the consequences of such "recklessness" would cause crossing to be rebuilt on separate grades, "no matter at what cost to the community."⁵⁵

An illustration of how Adams' prediction would be borne out can be found in another California grade crossing accident case. T. L. Herbert, a resident of Penryn on the line of the Southern Pacific, won damages against the railroad in the lower courts for injuries he had suffered when a train struck a wagon he was driving at a grade crossing. The railroad appealed. In reviewing the evidence presented at trial, the California Supreme Court found that Herbert had known that the train was approaching the grade crossing, and had whipped up his horse in an attempt to beat the train to the grade crossing. The court characterized Hubert's action as, "a most

⁴⁹ "Struck by a Car," *Los Angeles Times*, 11 Apr. 1898, p. 12.

⁵⁰ "An Inquest Held," *Los Angeles Times*, 4 May 1898, p. 14.

⁵¹ "An Inquest Held," p14.

⁵² *Studer v. Southern Pacific Company*, 121 Cal 400, 942 (1898).

⁵³ *Studer v. Southern Pacific Company*, 121 Cal 400, 942 (1898).

⁵⁴ "City Council Looking After Railroad Crossings," *Los Angeles Times*, 5 Jan. 1898, p.13.

⁵⁵ Charles Francis Adams, Jr., *Notes on Railroad Accidents* (New York: G.P. Putnam's Sons, 1879), 245.

reckless race with death.” Further, the opinion stated, “when injury results which might have been avoided by the use of proper care, the plaintiff cannot recover, although the defendant has also been guilty of negligence.”⁵⁶

The case also illustrates another important concept: the rule of caution at railroad crossings were sufficiently well established to be questions of law to be decided by the courts, not questions of fact to be decided by the jury. “The railroad track ... must itself be regarded as a sign of danger and one intending to cross must avail himself of every opportunity to look and listen for approaching trains.” Herbert, unlike White, had not taken every reasonable precaution to ascertain if a train was approaching, and had deliberately tried to beat the train to the crossing. While a jury had been willing to award damages against the railroad in spite of Herbert’s reckless behavior, the Supreme Court, as a matter of law, was not.⁵⁷

The contributory negligence rule also applied to employees hurt or killed on the job. In *Holmes v. Southern Pacific Company*, William Holmes, a brakeman employed by the railroad, was crushed to death while attempting to couple a flatcar to a boxcar. It was shown that the drawbar of the boxcar was built to a new standard, being one-and-one-half inches higher than the old standard of thirty-three inches used on the flatcar. The question that arose was, did the “difference between the drawheads [constitute] a defect” in the design of the cars for which the company was liable, or was it negligent of the employee to fail to identify the differing types of drawheads? Evidence presented by a number of railroad employees, including some brakemen and switchmen, showed that:

[S]witchmen are likely to be called to couple cars between which there is a much greater difference than that between the two cars involved here. Cars from other roads having different drawheads are in constant use, and the cars built upon the same plan and on the same standard often by use are made to vary, as the testimony showed, to the extent of three inches.

The Court ruled that there was to be a new trial on the ground that the evidence did not support the verdict against the company.⁵⁸ Clearly they felt that the question of contributory negligence by Holmes had not been adequately addressed. If he had been negligent, as a matter of law, he was responsible for his own death.

One other interesting issue was raised in this case. The company had also argued that Holmes did not follow the procedure listed in the employee rulebook for coupling cars. Thus, in the company’s view, it was Holmes’ disobedience of the rules that had caused his death. Testimony of other brakemen at trial did not support that position. Instead, they stated that that the rule was so restrictive as to be absurd, and in fact was widely and openly ignored in practice. The court agreed, strongly condemning the company’s attempt to hide behind such a rule — which was characterized as dishonest — and declared it to be void.⁵⁹ If the California justices were ready to uphold the principle of contributory negligence, they were clearly not ready to let employers shield themselves from responsibility for workplace safety, behind rules contrived solely to manipulate and exploit that principle.

⁵⁶ *Herbert v. Southern Pacific Company*, 121 Cal 227, 651 (June 20, 1898).

⁵⁷ *Herbert v. Southern Pacific Company*, 121 Cal 227, 651 (June 20, 1898).

⁵⁸ *Holmes v. Southern Pacific Company*, 120 Cal 357, 652 (March 24, 1898).

⁵⁹ *Holmes v. Southern Pacific Company*, 120 Cal 357, 652 (March 24, 1898).

Conclusion

Progressivism has been widely seen as the government's willingness to intervene actively in the affairs of big business in order to regulate and reform its practices. Some historians argue that progressivism was the culmination of a liberal reform movement, having its roots in populism, that curbed the worst abuses of business. Others see it as a cynical and successful adjustment by capitalist interests to prevent needed social reforms. There is no lack of viewpoints falling somewhere between these two positions. So, were the California Courts progressive or were they the reactionary tools of the evil corporate establishment?

Careful consideration of the decisions of the California Supreme Court in 1898, together with newspaper accounts of lower court rulings during the same period, suggest that the lower courts were more frequently swayed by popular opinion or business interests than the high court. It would be hard to portray the California Supreme Court either as the instrument of the populist anti-railroad forces or of the corporations themselves. The court does appear to be judicially conservative, in that it seeks to find precedent for its rulings in the corpus of established law. If Hiram Johnson is taken as the model of progressivism in California, and vigorous opposition to the "railroad evil" as its litmus test, then the 1898 court cannot be considered progressive.

Yet, the court's willingness to permit rate regulation, its rejection of claims of liability under franchise, and its dislike of the use of fine print by large, powerful corporations, does indicate a commitment to justice and equity sufficient to permit it to break with past interpretations of the law. Thus, if we take progressivism to mean an attempt to mitigate some of the more glaring inequities through a process of reform, this court can be seen as progressive. In the final analysis, one's view of

the California Supreme Court's relationship to progressivism during this period is likely to be determined mainly by one's definition of progressivism.

WATER AND THE LAW IN CALIFORNIA, 1898

John W. Lantz

California water law is a complex issue with diverse origins and changes. Lantz examines a plethora of cases from a critical time in California water history: 1898. This axial period changed the experience of water law as practiced. The primary focus of this article is the nature of important issues of law brought before the Supreme Court. Lantz guides the reader through a labyrinth of legal dialogue derived from actual case material. The decisions of the court reduced fraud and changed the way in which water law is practiced in the state. The article accomplishes its aims well and without losing the focus of its context. Unlike most water law discussion today, Lantz samples cases from around the state, thereby avoiding geopolitical barriers.

Eighteen ninety-eight was a critical year in the development of California water and property law. Fifty years of economic and social change grounded in water policy was at stake. Mark Twain's words, "Whiskey is for drinkin and water is for fightin" would hold true. Cases from the California State Supreme Court would prove him right. The years 1895-99 experienced drought and depression, making water issues critical.¹ Agriculture had surpassed the wealth produced by mining, and irrigation of the land had created a population and land boom. Water was key to the economic growth of California. Access to, control, and the use of water, proved essential to the life of the state.

Water rights became a point of controversy in the legislature and in the courts during the first fifty years and continued to prove contestable until the present time. In 1898, five hundred and twelve cases reached the State Supreme Court. Fifty-five of these cases involved issues related to water.²

A review of selected cases from this group provides insight into the role of property rights law relating to water use and development when compared with prior legal doctrines in California.

California water rights law from 1848 to 1898 developed from Spanish law, English common law, mining customs, local ordinances, state statutes, administrative decisions, federal legislation, and state judicial decisions.

¹ H.B. Lynch, *Rainfall and Stream Run-Off in Southern California Since 1769* (Los Angeles: The Metropolitan Water District of Southern California, 1931), 8.

² Lexis-Nexus California Legal Database System.

California recognizes several categories of rights, each relating to various characteristics of water.³ Surface water rights in 1898 were governed by one of two doctrines: the riparian doctrine or the appropriative doctrine. Both water rights are usufructuary, rights to use the water and not own it.

The Spanish and Mexican occupation of California (1542-1848), provided some pattern of water use and development in the western states that came under the influence of Spain and Mexico. The establishment of the California missions by Father Junipero Serra began with San Diego de Alcalá on July 16, 1769 and continued until July 14, 1823 with the founding of the last mission at San Francisco de Solano.⁴ Each mission developed a water resource for domestic and agricultural purposes. The missions grew and prospered until the separation of Mexico from Spain in 1821. In 1833, the Mexican Government secularized the missions. The Spanish Government secularized the missions in 1813, but the law was not published in California until 1821. The 1833 declaration reduced mission lands to a few acres and opened the remainder to settlement. Immediately after the final execution of the secularization of the missions, prominent members of the Mexican-Californian families requested and received land grants from the California Mexican governors. The mission period ended and the rancho period began. Irrigation of land increased by riparian action and diversion, but the practice was localized. Rancho grantees principally raised cattle, horses, and sheep. They irrigated only small plots for domestic use and for feed grain for livestock.

The philosophy of Spanish water law was dramatically different from the law that would develop in California. The Mexican government used land grants to attract settlers and to reward service to the state. Although Spain and Mexico made absolute water grants to individuals or groups of individuals, it did so only rarely. Water was too important to be regarded as a tool to promote individual wealth. Water rights were a right of use, not a title to the water itself or even to the use of a specific amount. When water was short, everyone suffered, regardless of how long he or she had irrigated or where the land was located. The main purpose of irrigation was to create a permanent community, not to engage in individual enterprise.⁵

The American influence began to be felt during the late mission period and early rancho period as Americans moved into California and became Mexican citizens. Some married into land-holding Spanish or Mexican families, while others acquired land by purchase.⁶ The Mexican-American War and the subsequent Treaty of Guadalupe Hidalgo in 1848 ceded California to the United States. All the land became the territory of the United States. The Treaty protected land titles granted by Spain and Mexico and their rights to water.⁷ The quieting of the Spanish-Mexican land grants would be the subject of lengthy litigation for several decades.

Two famous cases in California, *San Diego v. Cuyamaca Water Co.*, 290 Cal. 105, 287 (1930), and *Los Angeles v. San Fernando*, 14

³ Arthur Littleworth and Eric R. Garner, *California Water* (Point Arena, California: Solano Press, 1995), 27.

⁴ Mike Roberts, *California Missions* (Emeryville, California: Mike Roberts Color Productions, 1979), 1-33.

⁵ Donald J. Pisani, *To Reclaim a Divided West - Water, Law, and Public Policy, 1848-1902* (Albuquerque: University of New Mexico Press, 1992), 39.

⁶ M.B. Scott, *Development of Water Facilities in The Santa Ana River Basin, California 1810-1968* (Menlow Park, California: Department of the Interior Geological Survey. Report 77-398, 1977), 8-9.

⁷ Harrison C. Dunning, *Water Allocation in California: Legal Rights and Reform Needs* (Regents of the University of California, 1982), 1.

Cal. 3d 199 (1975), focus on the "Pueblo Right" from Spanish law. The "Pueblo Right" was the right of a California municipality, as the successor of a Spanish or Mexican pueblo, to use the water naturally occurring within the old pueblo limits for the use of the inhabitants of the city.⁸

Appropriative water rights developed in California in order to satisfy the requirements of miners who moved to California when gold was discovered. The miners did not own the land they worked, and the water they used was frequently diverted to locations some distance away from the natural stream or river. They typically mined on federal public domain land. The lack of ownership of the land prevented a claim of riparian right. Because there was no official state government during the first two years of the gold rush, the miners developed their own custom of apportioning water based on the concept of "first in time, first in right."⁹

Under this custom, the first water user was entitled to divert all of the water needed from a stream, and a later user could be forced to stop or reduce diversions if the supply were insufficient for all, even if the diversion was further upstream from the senior diverter. The miners were required to act diligently and put the water to beneficial use or they risked forfeiting their rights, which was known as the "use it, or lose it" rule.¹⁰

The customs and regulations of the miners were recognized and adopted by the California Supreme Court. In one of the early cases, *Irwin v. Phillips*, 5 Cal 140, 147 (1855), the court found that the defendants who claimed riparian rights did not have the necessary ownership of

the land and therefore, appropriative rules controlled the issue.

The court also decided the case on the "first in time, first in right" doctrine. The Supreme Court noted that the principal of prior appropriation was fixed by "a universal sense of necessity and priority."¹¹

The appropriation doctrine was originally applied to the mining counties of the state. It was later expanded to cover other uses and established priorities between them as seen in *Rupley v. Welch*, 23 Cal. 452, 455-457 (1863). The appropriative water right was recognized as having several important characteristics. It assumes that water is an independent natural resource to be allocated separately from the land, that land ownership rights do not confer water rights, that land ownership is not a prerequisite to the perfection of an appropriative right, and that water once appropriated may be used where needed.¹²

In 1872, the State Legislature formally recognized the prior appropriation doctrine through enactment of the Civil Code Sections 1410-1422. The procedure required a potential appropriator to both post a notice in a conspicuous place at the point of diversion and to record the notice with the office of the county recorder within ten days of posting. The appropriator also had to begin construction work within sixty days of posting notice and to work diligently and continually to deliver water to the planned location of use.¹³ Beneficial use, rather than land ownership, became the central requirement. This also resulted in the right becoming quantified. If a greater quantity was later put to beneficial use, the increased amount became a new appropriation junior to the earlier appropriation by its prior date of use. Allocation of water in times of shortage was by

⁸ Wells A. Hutchins, *The California Law of Water Rights* (Sacramento: State of California Printing Division, 1956), 256-258.

⁹ Littleworth, 40.

¹⁰ Hutchins, 41-43.

¹¹ *Irwin v. Phillips*, 5 Cal. 140, 146 (1855).

¹² Dunning, 3.

¹³ Littleworth, 41.

priority date because at this time all uses have been deemed beneficial.

The original riparian water right is found in English common law. The doctrine developed from the concept that legal access to water was generally limited to those who owned property contiguous to a watercourse. This water gives the owner of a parcel of land the right to divert water for reasonable, beneficial use on that property. A riparian right is not gained by use, nor generally lost by disuse, but is a part of the land. Unlike an appropriative right, a riparian right is not quantified. It is a right to use a portion of the natural flow of the water in common with other riparian users. This is called a "correlative right." One may apply as much water to the land as is necessary to make reasonable, beneficial use of the land, as long as other riparians are not injured.

Reasonable use is a question of fact to be determined on a case-by-case analysis. In times of shortage, all riparians must decrease their water use and share the available water. The riparian doctrine was applied in the eastern United States. The first California legislature passed the Act of April 13, 1850. The 1850 Act recognized English common law as the rule of decisions in all the courts of the state. Because of this provision, several early court decisions recognized riparian rights based on private ownership of property as in *Los Angeles v. Balwin* 53 Cal. 469, (1879).¹⁴

The 1872 California Civil Code Section recognized the right of appropriation. However, it noted in Section 1422 that the "rights of riparian proprietors are not affected by the provisions of this title." California recognized the dual doctrines and that conflict between appropriators, generally between those with and without riparian land, were to follow.

Lux v. Haggin 69 Cal. 255, (1886) addressed this conflict. The case was in the courts for nine years. The Miller and Lux Company owned large tracts of land throughout the San Joaquin Valley. They used water along the Kern River and the San Joaquin River, and the land was used for ranching. The Miller and Lux Co. relied on the spring flood flow to irrigate and to deposit silt on the land. As landowners, they claimed a riparian right to have their flows uninterrupted by those above them. Haggin was one of the founding partners of the Kern River and Cattle Company, later to become the Kern County Land Company. Haggin and his partners intended to divert large quantities of water upstream from the Miller and Lux land to use for irrigation.¹⁵ The court recognized both doctrines and found that California had recognized riparian rights since the 1850 Act. The riparian right had operated as a transfer since the United States held common law water rights in non-navigable watercourses that flowed through the public domain. Federal patents transferred public domain lands and state grants to private ownership and included riparian water rights. The court held that the Civil Code sections addressing water rights established riparian water rights as "paramount" to the rights of nonriparians. It also held that a riparian was limited to taking a reasonable quantity of water without harming other riparian owners.¹⁶

The Tenth Amendment to the Constitution reserves for the states all powers not delegated to the federal government or prohibited by the Constitution. Because of this amendment, states have generally made their own laws relating to the distribution of water. The United States acquired the water resources of California under

¹⁴ Littleworth, 30.

¹⁵ Mary Catherine Miller, *Flooding the Courtrooms: Law and Water in the Far West* (Lincoln: University of Nebraska Press, 1993).

¹⁶ Littleworth, 31.

the 1848 Treaty of Guadalupe Hidalgo. When California was admitted to the Union two years later, no provisions were made for the unappropriated water except for the reference to English common law. Several federal laws had the appearance of affecting the issues of water rights in its encouragement to develop the public domain. It enacted a series of land laws including the Homestead Act (1862), the Free Mining Act (1866), and the Timber Culture Act (1873), to transfer the public domain into private ownership.¹⁷ In 1890-91, Congress passed an omnibus land reform bill that eliminated loopholes in the Homestead Act, the Desert Land Act, and abolished the Timber Culture Act.¹⁸

Federal courts affirmed that under the Homestead Act, the Mining Act, and the Desert Land Act, patents issued by the United States carried no water rights and the patent holder had to appropriate water pursuant to local custom or laws.¹⁹ In *United States v. Rio Grande Dam and Irrigation Co.*, 174 U.S. 690, 704[43L.3Ed. 1136,1142](1898) the Supreme Court noted:

Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same...

Two criminal cases confirm Mark Twain's statement about water being for "fightin." These cases demonstrate that legal action between the parties should have taken place rather than the exchange of gunfire in the heat of the moment, resulting in the death of a participant in each argument. *People v. Dice*

involves the death of a man as the result of an argument and altercation over stopping the flow of water in an irrigation ditch. The defendant was on the property of the deceased when the action took place. The defendant was convicted of second-degree murder and was in the process of appeal on procedural issues involved in the trial rather than water rights issues. The case information involved the following: the men argued over the water problem on prior occasions; the men were related (the deceased was the defendant's brother-in-law); the deceased had physically beaten the defendant on another occasion; the defendant had considered taking legal action regarding the stoppage of flow in the ditch; the deceased had set a spring gun at the ditch-dam; a physical altercation between the deceased and his sister was taking place at the time of the incident. The appeal was denied concerning the procedural questions and the conviction of second-degree murder was upheld.

People v. Milner involved the death of a man, but the outcome of the appeal of manslaughter had a different result. From the case it is learned that the men had prior arguments over the water issue. The defendant had previously taken the deceased to court over a right-of-way issue and the disturbance of the peace for threatening his life. The incident occurred as the deceased was in the action of removing the defendant's diversion works from the creek on the defendant's property. Both men were armed; heated words preceded the exchange of gunfire. Self-defense was claimed and the appeal concerned unproved allegations by the prosecutor that were inadmissible. The case was remanded to the lower court for retrial.

Both cases indicate some understanding of the conditions in 1898. Although the cases took place at significant distances from each other (Dice in Tulare County and Milner in Riverside

¹⁷ Pisani, 7.

¹⁸ Pisani, 238.

¹⁹ Littleworth, 192-194.

County), they have some similarities. Individuals had access to and used firearms. They had an understanding of the legal avenues open to them. One party tried to use that avenue to resolve conflict; the other knew, but took no action according to the record. Also, the individuals knew each other prior to the fatal incident. The heat of the moment aroused by the physical act of one man tampering with water facilities of another resulted in a tragic outcome.

Barker v. Gould is a Santa Barbara County case where the plaintiff requested that the defendants set forth their claim (riparian) and that their claim be adjudged invalid and void against him. Barker built an infiltration tunnel on his land and developed about five "miner's inches" of water. A miner's inch of water is a flow rate of one and one-half cubic feet of water a minute.²⁰ The defendants claimed that taking this water was an infringement on the natural flow of the creek and both parties hired expert witnesses to support their claim. The jury found for the plaintiff. The appeal concerned the sufficiency of conflicting evidence submitted by the parties. The Supreme Court stated that "The court was not required to accept the opinion of either experts as conclusive upon the subject unless it should be satisfied that it was based upon cogent and sufficient reasons; and its action in determining the sufficiency or cogency of these reasons is as conclusive there to as is its decision upon a conflict of testimony upon any other question at issue." The judgment and order were affirmed. The importance of this case lies in the development of groundwater as opposed to the diversion of surface water. The plaintiff's expert testimony in this case overcame the claim of an abstraction from the natural flow.

²⁰California Division of Mines and Geology, *Mining laws, United States and California* (Sacramento: Division of Mines and Geology, 1914), 20.

Daneri v. Southern California Railway Company is a Los Angeles County case. A levee constructed by the railway company deflected a storm water flow to the plaintiff's property six miles away from the river, causing considerable damage. The levee was completed in March, 1888. The storm flow deflected by the levee occurred in December, 1889, and the original complaint was filed on April, 1892. The defendant's action for demurrer at the trial was overruled. The demurrer concerned the statute of limitations. The Supreme Court ruled that "the action would not have been trespass, but an action on the case." The judgment and order were reversed and the cause remanded with instructions to the trial court to sustain the defendant's demurrer. No new ground was explored in this case of property damage as the result of other's actions. The review clearly shows the necessity to file action within the statute of limitations for the type of action involved. As a matter of policy, the law did not allow parties to sit on their rights.

Fitch v. Board of Supervisors of the City and County of San Francisco addressed the issue of the State Constitution, Article XIV, Section 1, concerning the setting of water rates and the resulting malfeasance for the failure to do so within the specified time period. Review of the case indicates the political motivation of, rather than actual damage to, the plaintiff. The Supreme Court reversed the judgment and order denying a new trial and directed the superior court to enter an order dismissing the proceeding. In a long concurrence, Justice Garoutte declared that any attempt to remove all of the individual defendants (Board of Supervisors) as a group without respect to individual guilt or innocence would be unconstitutional.

The Lewis v. Fox case, from San Bernardino County, concerned the transfer of water rights to artesian flow as separate from property rights. In this case, two separate water rights were

given a quantified flow and were transferred prior to the recording of the property deed to Lewis. The cross-complaints were dismissed as it concerned a future transfer that would take place when the artesian flow diminished. This case recognized the "first in time, first in right" doctrine between holders of the artesian rights. It also recognized the artesian (flowing) right as separate from the property and treated it as a diversion. It did not consider the effect of future water development by pumping of the groundwater when the artesian flow ceased.

Meyer v. City of San Diego concerned a change in the place of trial. The City of San Diego and the Southern California Mountain Water Company had planned to expend one and one-half million dollars for a water project and to sell bonds to carry out the contract for the work. Plaintiffs desired to set aside the contract for the work and to enjoin the issuance and sale of the bonds. Before the trial, the plaintiffs presented a motion to change the venue. The grounds for the motion stated that all of the judges of the Superior Court should be disqualified because they owned real property situated and taxed in the City of San Diego for municipal purposes. The bond indebtedness would be a special tax of the property for forty years. The trial judge (Torrance) concluded that he was not disqualified, refused to grant the motion and retained the action. From this ruling and order, certain intervenors prosecuted their appeals. The Supreme Court reversed the order.

The Perris Irrigation District was organized in 1890 under the provisions of the Wright Act. The irrigation district made a bad investment decision about its water resources by purchasing Bear Valley Irrigation Company "Class B" stock certificates. The stock purchase included provisions that each share would have a semi-annual assessment. The elected treasurer, D.G. Mitchell, served the district until March, 1893. Two warrants were issued to him for his salary. When he presented these warrants for payment

in August, 1895, they were "not paid for want of funds." Mitchell obtained a judgment in Riverside Superior Court. Patterson, the current treasurer of the district, appealed from judgment and order, denying his motion for a new trial. The Supreme Court in *Mitchell v. Patterson* affirmed the judgment and order. This case had two sets of clerical errors by the lower court. It is a personal puzzlement as to why Mitchell waited so long to cash his warrants. He was fully aware of the failing financial condition of the district in 1893.

Murray v. Tulare Irrigation Company in Tulare County is a case of David and Goliath. In this case, David is Murray and nineteen others seeking to obtain an injunction restraining the Tulare Irrigation Company from diverting any waters of the Kaweah River until their ditch, known as the Watson Ditch, was supplied with twenty cubic feet of water per second (visualize twenty basketballs per second). The Superior Court held for the plaintiffs in that their right was prior and superior to that of the defendant to divert water from the Kaweah River or Mill Creek through its ditch. The defendant made a motion for retrial based on a bill of exceptions covering eight hundred and eighty-six pages of printed transcript. The Supreme Court affirmed the lower court. This case affirmed the basic appropriation/diversion doctrine.

In *Edwards v. North Fork Water Company* the rights of the holder of an easement for a water ditch (North Fork) to those of the under laying land of Edwards were in question. North Fork had acquired a right of way over the Edwards land by prescription. Prescription is a right established by a continuous use without objection for a stated period of time. The problem resulted when another party developed the land above the ditch. Due to the improvements on this property, storm drainage reached the ditch carrying storm water, sediment and debris. On occasion the material filled the ditch and the ditch overflowed, causing damage

to the lower property. North Fork constructed aprons at two locations to allow the storm water to pass over the ditch and onto Edwards' property. Edwards built dams to block this flow and to prevent additional damage. North Fork brought action to restrain Edwards from maintaining the dams. The Superior Court ruled in favor of the Edwards and North Fork appealed. The Superior Court stated in its opinion "Rights by prescription are *stricti juris*, and should not be extended beyond the user." The right to maintain the ditch does not extend to the building of the aprons. Drainage of the property above the ditch should have been provided for when the right of way was being acquired. The Supreme Court affirmed the judgment.

Smith v. Hawkins is a case that had been to the Supreme Court on a previous occasion and had the judgment reversed. This Nevada County case was retried and was again affirmed for the plaintiffs. The case contended that the evidence was insufficient to sustain the findings and that the findings did not support the judgment. The plaintiff owned a ditch since 1865 with a capacity of 285 miner's inches of water. The plaintiff and their grantors had diverted water for a useful purpose. The lower court awarded the plaintiffs a superior right in the stream over that of the defendant, a subsequent appropriator, who had taken continuous use of water for the last thirteen years. The Supreme Court again reversed the judgment and order. It found that it was necessary to quantify the maximum amount of water beneficially used by the plaintiffs at some time within the last five years. Since this was lacking a material fact the judgment could not be sustained. This is stated formally in Section 1411 of the Civil Code in regard to forfeiture of rights for non-use over a five-year period. The miners had established this rule of "use it, or lose it."

Spurgeon v. Santa Ana Valley Irrigation Company was heard in Orange County. W.H.

Spurgeon brought action against the Irrigation Co. over rights under a purchase of the corporation's irrigation shares. Spurgeon purchased shares of the corporation that had become delinquent to unpaid assessments. He then requested that he be issued a new certificate, but not with the endorsement restricting the use to the property from which they were acquired. The corporation refused, stating that this was in conflict with its by-laws. The Irrigation Co. was successful at the lower court in having a demurrer for special and general facts. The special grounds were overruled. The Supreme Court ruled that this was a mistake. The charter and by-laws were silent with regard to delinquent stock sold for assessments. The Supreme Court stated that general law must establish the rights of the purchaser. In doing so, the Court reversed the judgment and remanded the case with directions to the lower court to overrule the demurrer.

Pacific Rolling Mill Company v. Bear Valley Irrigation Company involved an appeal from a judgment and order from the San Bernardino County Superior Court. The water issue between these two corporations concerned a lien by Pacific Rolling Mill for nonpayment by the defendant for materials used in the construction of two sections of a canal system taking water from the Santa Ana River. For various reasons, the U.S. Circuit Court had placed the defendant Bear Valley Irrigation Co. into receivership. The receivers answered the complaint, filed an appeal by a bill of exceptions from the judgment and order denying a motion for new trial. The Supreme Court found no error in the lower court and affirmed the judgment and order. This is an example of an irrigation company, formed with good intentions, that failed to finish construction and furnish water to its share-holders. The water business was fraught with uncertainty in the 1890's.

The case of *Purser v. Cady* involved the possession of certain property in Lassen County, described in the complaint as a storage reservoir known as "Ball's Canyon Reservoir," together with a canal leading from it known as the "Eagle Lake Company Canal." The controversy between the parties concerned the priority of their respective titles to the property. Both parties were in receipt of titles as the result of liens for labor and services. The court determined that it was necessary for the plaintiff to establish the existence of the lien under which he claims his title by evidence other than that of judgment. The judgment of the lower court was reversed in favor of the defendant. This is another case of an irrigation company becoming insolvent. It is also a case of an individual not obtaining full documentation of his claim.

Another case involving the Bear Valley Irrigation Company was brought in Los Angeles County between *Russ Lumber and Mill Company v. Muscupiabe Land and Water Company*. The defendant, Muscupiabe, acquired "Class B" certificates in exchange for a promissory note with semi-annual interest payments. The "Class B" certificates were attached to the promissory note as collateral security for the payment. Bear Valley Irrigation Co., as collateral security for a pre-existing debt, transferred the promissory note to the plaintiff, Russ Lumber. The case gets interesting as it is alleged that Russ Lumber knew of the pending insolvency of Bear Valley Irrigation Co. and that Muscupiabe did not know of the insolvency until Bear Valley went into receivership. The lower court found Muscupiabe responsible to Russ Lumber and Muscupiabe appealed. The Supreme Court found that Muscupiabe would have had a defense if Bear Valley had brought the action. However, Bear Valley was incapable of performing at the time the certificates were issued, which constitutes fraud. The Supreme Court reversed the decision of the lower court.

The Modock County case of *Williams v. Harter* focused on an injunction restraining the defendants from diverting water from their own land and on recovering damages for their past diversions. Mary E. Williams' complaint, as Executrix of the estate, is that the estate owned and occupied the "Williams Ranch" for more than twenty years during which time it developed a ditch to divert the flow of two springs from the adjoining property of the defendants. The ranch used all of the water for irrigation, watering stock, and domestic purposes for the last twenty years when not prevented by the defendants. The plaintiff's testator had constructed the ditch, diverted, appropriated, and acquired a right to all of the water of both springs in 1871. He conveyed his rights to the testator in 1877.

All of the land now owned by both the plaintiffs and the defendants were public lands of the United States in 1871-72. The springs were located on the defendant's land. He made application to purchase the land in 1880 under the Desert Land Act, made full payment in 1882, and received a government patent in 1890. The Supreme Court found no valid ground for reversal and affirmed the judgment and order.

The final case under review is that of *Wood v. Etiwanda Water Company* from San Bernardino County. In the lower court action, the judgment enjoined Etiwanda from use of a newly constructed pipeline that replaced the original flume and restricted its diversion to 125 miner's inches of flow in East Canyon Creek. The flume was to be maintained upon the line on which the pipeline was constructed. The dam and diversion were to be maintained and the plaintiff awarded the balance of the flow in East Canyon Creek.

There was no motion for a new trial, and the appeal was from a judgment that was not entered until seven months after it was filed. During the time interval between the filing and the entering, the defendant reconstructed the

flume. The appeal is from the part of the judgment reinstating the flume. The plaintiffs sought arguments over the following: the plaintiffs had prior riparian rights from lands granted by Congress to the Southern Pacific Railroad Company and the state issued prior to five years before the pipeline was constructed. The Supreme Court, after discussing the Desert Land Act of 1866, state lands of public domain, and *Lux v. Haggin*, denied any riparian right over the original diversions by the plaintiffs or defendant since 1882.

The court reversed the portion of the judgment concerning the flume reconstruction and gave leave to both parties to amend or supplement the pleadings as they may see fit. It is curious why the lower court allowed the seven-month time period between the filing and the entering unless it firmly believed that the defendant should reconstruct the flume. The appeal by the plaintiff shows the "bad will" it had toward the defendant for his willful disregard of property rights in the construction of a pipeline replacing an old flume and in the attempt to fully appropriate the flow of East Canyon Creek. Wood was successful in restricting Etiwanda's diversion and stopping the pipeline, but with hard feelings, sought to remove his presence from his property and to void his diversion.

A review of the Supreme Court cases in 1898 did not reveal any new decision that would affect the course of water rights law in California. The laws already in place were upheld in every case examined here. The review of the selected cases did demonstrate that individuals and corporations across the state chose to seek protection of their property and rights through the courts. In choosing a course of law, plaintiffs accepted the time involved and the necessary expense in order to protect their property and rights. Litigants employed attorneys and expert witnesses to support their claims. However, they were not always

successful in resolving the conflict to their advantage. The role of law, like water, was inseparable from the land. Law was essential to the development of the state. In most cases, parties chose to resolve their differences in a battle of words, briefs, and bills of exceptions, rather than bullets, bloodshed, and death.

LINCOLN-DOUGLASS DEBATE:

Opposing Views on the Constitutionality of Slavery

Kevin Dawson

Both Abraham Lincoln and Frederick Douglass are remembered for their work in bringing about the end of slavery in the United States. This essay examines the two different tactics employed by these leaders to achieve that goal. While both men found the institution of slavery abominable, Lincoln believed that the United States Constitution defended it and prevented him from acting against the states' wishes. To Douglass, the very foundation the document rested on, as outlined in the Preamble, could not possibly tolerate human bondage. In the end, only one man would see his vision fulfilled.

From 1861 to 1865, in a world dominated by kings, czars, emperors, and aristocratic dogma, Americans engaged themselves in an epic struggle to decide the fate of democracy. This conflict has been given many names: the Civil War, the Second American Revolution, the War of the Rebellion, the War Between the States, the Brother's War, the War of the Attempted Secession, the War of Northern Aggression, the Lost Cause, and the Late Unpleasantness. Europeans apprehensively followed this conflict that they had christened the "American Question." It was in this setting—with war as its backdrop—that the future of American slavery would be forever decided.

Determined not to merely play supporting roles in this momentous drama, two men set forth to occupy leading parts in the destruction of American slavery. Both men were of humble origins. One was black, the other white. One was born a slave; the other was born free. One was born of frontier parents in Kentucky; the other was the product of a miscegenatic relationship between a Maryland slaveholder and his chattel. At the age of nine one lost his mother; the other hardly knew his. Both were largely self-educated. Both were fond of using barnyard metaphors to support a point. And, for a brief time, both considered themselves friends.

Despite their lowly origins and many early deficits, both were destined for greatness. One would rise to become the sixteenth president of the United States; the other would become the most prominent black man in America and one of the most salient men in the country. One would become the voice of union; the other would become the voice of freedom and equality. Both would greatly shape the course of contemporary and future events. Both were solemnly opposed to slavery. Neither actually met the other to debate its eradication. In the end, only one would live to witness slavery's ultimate demise.

Frederick Douglass and Abraham Lincoln's views on the course that emancipation should take were diametrically different. This paper examines how these two men's interpretations of the United States Constitution helped shape their opinions and beliefs on the best means of ending slavery. While neither slave nor slavery was ever mentioned in the Constitution, the fact that slaves were considered property brings this document into the discussion. Lincoln felt the Constitution was proslavery, insofar as it upheld slaveholders' rights to own chattel. The only way to abolish "that peculiar institution" was through gradual change brought about by a constitutional amendment. Douglass, on the other hand, believed the spirit and principles found in the Preamble made the Constitution inherently anti-slavery, and thus dictated the immediate abolition of slavery. To him, slavery threatened the national unity, justice, domestic tranquillity, the country's common defense, the promotion of general welfare, and the blessings of liberty that the Preamble sought to promote and guarantee.¹

While the two men's interpretations of the constitutionality of slavery greatly differed, both believed, in their hearts, that slavery was morally wrong. Lincoln continually aired his detestation for what he deemed the "monstrous injustices of slavery." Douglass constantly spoke out against slavery too. He, however, made perhaps his most powerful demonstration against that institution with his feet in 1838, when he escaped from bondage.²

¹Frederick Douglass, *Life and Times of Frederick Douglass: His Life as a Slave, His Escape From Bondage, and His History Complete* (1st published 1881; New York: Citadel Press, 1991), 267.

²Abraham Lincoln, *Speeches and Writings: Speeches, Letters, Miscellaneous Writings, Presidential Messages and Proclamations*, 2 vols. (USA: Library of America, 1989), 1:315; Benjamin Quarles, *Frederick Douglass* (USA: Associated Publishers, Inc., 1948), 4-5.

Lincoln was morally opposed to slavery from an early age. In 1841, while returning to Illinois by steamboat from a Kentucky visit with his friend Joshua Speed, Lincoln witnessed "on board, ten or a dozen slaves, shackled together with irons." Fourteen years later Lincoln wrote Speed saying the "sight was a continual torment to me; and I see something like it every time I touch the Ohio, or any other slave-border." As a congressman in 1850, Lincoln drafted and introduced a bill for the abolition of slavery in the District of Columbia. In his debates with Stephen A. Douglas, Lincoln spoke with vehement eloquence against slavery and Douglas' indifference to its spread.³

As president, his views on slavery persisted. In 1862, Lincoln wrote that it was his "often-expressed personal wish that all men every where could be free." In 1864, he penned, "I am naturally anti-slavery. If slavery is not wrong, nothing is. I can not remember when I did not think, and feel." During an 1865 discussion with Indiana soldiers, the President commented, "Whenever I hear anyone arguing for slavery I feel a strong impulse to see it tried on him personally."⁴

Although Lincoln felt slavery was morally evil, he also believed the Constitution protected and guaranteed slaveholders' rights to own bondsmen and sanctioned "that peculiar institution." In the same letter he wrote to Joshua Speed professing his distaste for slavery, Lincoln acknowledged slaveowners' Constitutional rights to possess slaves and his obligation to support the Constitution. Though Lincoln hated "to see the poor creatures hunted down, and caught, and carried back in their

³Lincoln, 1:360, 315; Richard N. Current, *The Lincoln Nobody Knows* (USA: Hill and Wang, 1994), 216.

⁴Lincoln, 2:358, 585; Current, 217.

stripes, and unrewarded toils," he bit his lip and kept quiet.⁵

Abraham Lincoln founded his belief that the Constitution was a proslavery document on the premise that the Fifth Amendment said that no one shall be deprived of "life, liberty, or property, without due process of law." Since slaves were considered property, any act toward forcible emancipation would be a violation of the highest law of the land. For Lincoln, the Constitution did not have to explicitly mention slavery to protect and guarantee that institution.⁶ The 1857 *Dred Scott* decision stated that slaves were not persons under the Constitution and had no right to liberty. Blacks, whether free or enslaved, "had no rights which the white man was bound to respect." This, coupled with an 1859 Supreme Court ruling which struck down a Wisconsin state law that impeded the capturing of fugitive slaves further strengthened the proslavery interpretation of the Constitution. So the Lincoln administration was confronted with the challenge of rescuing the Constitution from its proslavery interpretation.⁷ Lincoln was adamantly convinced that the only way to legally abolish slavery was through constitutional amendment.⁸

Lincoln was fully devoted to the order of the law and the protection that the Constitution afforded slavery. He supported the fugitive slave laws and state's rights to establish and maintain slavery. Even as *secessionitis* swept

across the South in the winter of 1860-1861, he endorsed a constitutional amendment to protect slave states from federal interference with their institution of African servitude. Virtually all of his own presidential speeches, which were "the platform of the Republican party, contained promises that slavery would not be assailed where it existed." Furthermore, Lincoln denounced any "attempt to foment disobedience to the constitution or to the constitutional laws of the country."⁹

His "First Inaugural Address" summed up his pledge to uphold the Constitution, and in so doing protected slavery where it existed. Lincoln began this address that he would take "the oath prescribed by the Constitution of the United States, to be taken by the President 'before he enters on the execution of his office.'" Then he attempted to soothe the apprehensions and anxieties that his ascension into office caused "among the people of the Southern States" regarding their property, peace and personal security. Lincoln reminded the South how in most of his published speeches, he stated that he would not interfere with slavery where it existed. Quoting from a previous speech, he said, "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so." He assured the South that, as a domestic institution, slavery was a state's right that could not be interfered with by the federal government. Lincoln told the South he was committed to maintaining the fugitive slave laws. He reminded them that the Congress was sworn to "support the whole Constitution." Eight times, throughout his First Inaugural Address, Lincoln stated that slavery was protected by the Constitution, and neither he nor Congress could

⁵Lincoln, 1:360.

⁶James M. McPherson, *Abraham Lincoln and the Second American Revolution* (USA: Oxford University Press, 1991), 48.

⁷Robert W. Johannsen, ed., *Democracy on Trial, A Documentary History of American Life, 1845-1877* (USA: University of Illinois Press, 1988), 91, 92-93; Lincoln, 2:49-54, 117; Phillip Shaw Paludan, *The Presidency of Abraham Lincoln* (Lawrence, Kansas: University of Kansas, 1994), 12, 13.

⁸Mark E. Neely, Jr., *The Last Best Hope of Earth* (Cambridge, Massachusetts: Harvard University Press, 1993), 119; Lincoln, 2:657-658, 670, 700-701.

⁹Paludan, 53, 17.

lay hurtful hands upon that cherished Southern institution.¹⁰

However, what Lincoln did not tell the South was that he fully believed slavery could be eradicated through constitutional amendment. At that time such a public profession would have been unwise. Democrats felt that such an amendment was unconstitutional.¹¹ For Lincoln to vociferate otherwise would have further splintered the nation. Thus arose the problem of just how to rescue the Constitution from its proslavery interpretation while simultaneously saving the country from self-destruction. Lincoln proposed to do so through a slow and gradual process. In 1854, Lincoln employed a metaphor to explain the Constitution's predicament: slavery is "hid away, in the constitution, just as an afflicted man hides away a wen or cancer, which he dares not cut out at once, lest he bleed to death; with the promise, nevertheless, that the cutting may begin at the end of a given time."¹² As civil war erupted, that great sore, still untreated, festered upon the Constitution. So, with scalpel in hand, determined that 1861 was the "given time," Lincoln set forth to slowly and cautiously cut the cancer of slavery out of the American society, lest the patient bleed to death.

Lincoln was by no stretch of the imagination a radical abolitionist screaming for the immediate, uncompensated abrogation of slavery. Rather, if conservative meant "caution, prudent adherence to tested values, avoidance of rashness, and reliance upon unhurried, peaceful evolution, [then] Lincoln was a conservative." He favored evolution over revolution. In his words, Lincoln wanted to "stand on middle ground, avoiding dangerous extremes," and attain his objectives through "the spirit of

compromise...[and] mutual concession." In short, Lincoln charted a conservative, gradual course on emancipation that can be typified as "expedient."¹³

Although Lincoln felt slavery was morally wrong and wished for its death to be sooner than later, at the war's outset he dared not abolish it, or make its destruction a Northern war aim. Lincoln feared that by doing so, he would lose the support of War Democrats and that the border slave states--Missouri, Kentucky, Maryland, and Delaware--might side with their Southern slaveholding kin, instead of remaining an anomaly within the Union. This caused Lincoln to experiment with the slave question to come up with a solution that was beneficial to the nation, not just slaves. When he wielded the sword of emancipation it was for the benefit of the whole country and not for the sole furtherance of the nation's blacks. While Lincoln clearly became devoted to the destruction of slavery by the summer of 1862, he wanted to prevent its death from taking the country to the grave with it.¹⁴

Lincoln refused to abuse his new-found "war powers" in a dictatorial fashion for the destruction of slavery. Therefore, although Lincoln morally detested slavery, he "never understood that the Presidency conferred upon me an unrestricted right to act officially upon this judgment and feeling." When Union generals issued their own emancipation proclamations, and thus in Lincoln's view abused their positions of authority, he revoked them for being inexpedient.¹⁵ Instead, Lincoln acted according to Congress's confiscation acts of 1861 and 1862, which freed slaves used for Confederate military purposes and the bondsmen of owners in rebellion, and responded to the

¹⁰Lincoln, 2:215-217.

¹¹Lincoln, 2:657-658, 670, 700-701; Neely, 119; Paludan, 299.

¹²Lincoln, 338.

¹³McPherson, 23 (also see: Lincoln, 2:124, 307, 312, 319, 340-341, 378, 407, 413, 428, 465, 485, 577 for gradual emancipation).

¹⁴Douglass, *Life and Times*, 300; Neely, 105.

public's rising demand for abolition. Lincoln drafted a five-part solution that attempted to appease all parties. First, since he viewed slavery as a "domestic" institution, concerning states alone, they must emancipate their own chattel. Second, slaveholders must be compensated for their losses. Third, the federal government must bear some of the burden by providing bonds as grant-in-aid to the states. Fourth, emancipation should be a slow, unhurried process that could delay ultimate freedom until well into the twentieth century. Fifth, freed slaves should be voluntarily colonized abroad. However, by mid summer of 1862, this rejoinder to the slavery question was, for many reasons, rejected by both white and black Americans.¹⁶

The failure of this solution did not dissuade Lincoln from making further attempts to abolish slavery. During a July 13, 1862 carriage ride to the funeral of Edwin Stanton, Lincoln revealed to Seward and Welles that he would free the slaves if the war did not end soon. "It was a new departure for the President," Welles recalled, "for until this time, in all previous interviews, whenever the question of emancipation or the mitigation of slavery had been in anyway alluded to, he had been prompt and empathetic in denouncing any interference by the General Government with the subject. This was...the sentiment of every member of the Cabinet, all of whom, including the President, considered it a local, domestic question appertaining to the States respectively."¹⁷

On July 22, 1862, Lincoln read the Cabinet a preliminary draft of what would become the Emancipation Proclamation. Seward warned him that unless he waited for a military victory, the proclamation "might sound like a confession

of military failure, like 'the last *shriek* on our retreat.'"¹⁸ Lincoln heeded the advice.



Lincoln signs the Emancipation Proclamation.
Artist Kevin Dawson, 1998.

Determined to go ahead with emancipation, yet not wanting to portray the image that the administration was calling on the South's slaves to save the Union, Lincoln entered a bluffing game with the American people. During the summer and fall of 1862, without actually lying, Lincoln hinted that he would not free the slaves. In Washington, D.C. on August 14, he advised a group of free black men to look to colonization and not emancipation as an answer to black America's problems saying: "You and we are different races. We have between us a broader difference than exist between almost any other two races...It is better for us both, therefore, to be separated."¹⁹ When the editor of the *New York Tribune*, Horace Greeley, denounced Lincoln for not attacking the cause of the Civil War--slavery--Lincoln responded publicly on August 22 with a declaration of his policy stating:

I would save the Union. I would save it the shortest way under the Constitution...My paramount object in this struggle *is* to save the Union, and is *not* either to save or destroy slavery. If I could save the Union without freeing *any* slave I would do it, and if I could

¹⁵Lincoln, 2:585; Neely, 94-95, 96-97, 98-99.

¹⁶Current, 221-222, 222-223; Neely, 104-105.

¹⁷Neely, 105.

¹⁸Current, 224.

¹⁹Lincoln 2:353-357; Neely, 108-109.

save it by freeing *all* the slaves I would do it; and if I could save it by freeing some and leaving others alone I would do that. What I do about slavery, and the colored race, I do because I believe it helps to save the Union; and what I forebear, I forebear because I do *not* believe it would help to save the Union.²⁰

In reply to a mass meeting of Chicago



"Long Abraham Lincoln a Little Longer," said Harper's Weekly. Artist Kevin Dawson, 1998.

²⁰Lincoln, 2:358; Neely, 108.

Christians who were pushing for emancipation, the President, on September 13, employing the technique of the misleading question, wrote:

What *good* would a proclamation of emancipation from me do, especially as we are now situated? I do not want to issue a document that the whole world will see must necessarily be inoperative, like the Pope's bull against the comet! Would *my word* free the slaves, when I cannot even enforce the Constitution in the rebel States?²¹

In the meanwhile, as he had previously done, Lincoln let those generals who did not supersede the limits of their authority by making their own emancipation proclamations, destroy slavery wherever they went while he carefully maintained "no policy."²²

On September 19, 1862, after three days of battle, General McClellan, whom Lincoln believed to be suffering from a serious infliction of "the slows," provided the President with the victory he needed. Three days later, on September 22, 1862, President Lincoln issued his preliminary proclamation. On January 1, 1863, one hundred days later, the President issued the Emancipation Proclamation.²³

At the time Lincoln drafted the Emancipation Proclamation, he was "narrowly and sincerely focused on military success....Lincoln was seeking tangible advantages over the enemy, and was rather impatient in his quest."²⁴ At the same time, he did not wish to lose the much needed support of the border states and War Democrats by announcing any mass plans for freeing the South's slaves before he felt they would be at least somewhat receptive to such intentions. In

²¹Lincoln, 2:361-362.

²²Paludan, 148-149.

²³Ward et al., 154, 166 (also see: Lincoln, 2:368-370, 424-425).

²⁴Neely, 112, 113 (also see: Paludan, 179).

response to an accusation that this action was unconstitutional, the President responded:

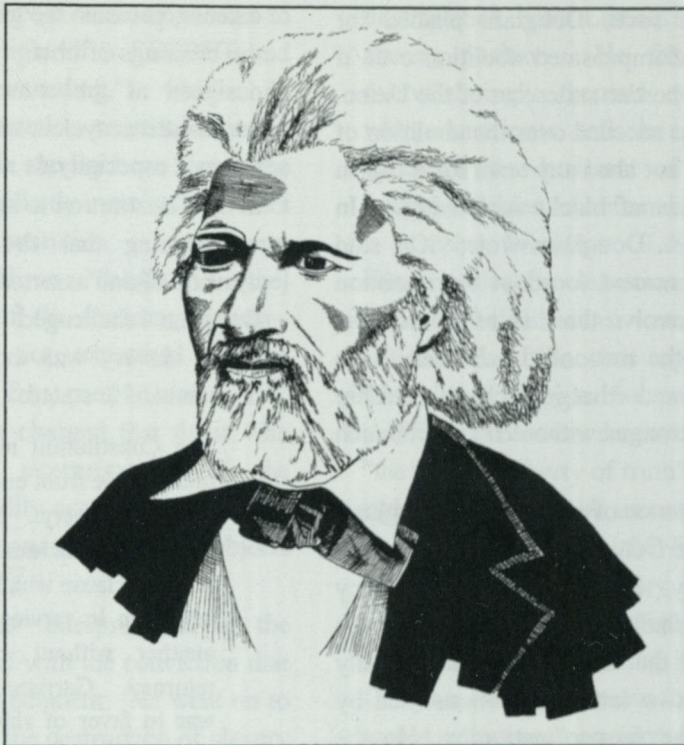
You say it is unconstitutional--I think differently. I think the constitution invests its commander-in-chief, with the law of war. The most that can be said, if so much, is, that slaves are property. Is there--has there ever been--any question that by the law of war, property, both of enemies and friends, may be taken when needed? And is it not needed whenever taking it, helps us, or hurts the enemy?²⁵

President Abraham Lincoln worried that, because "the original proclamation has no constitutional or legal justification, except as a military measure," it could be stricken down and the blacks it freed could be reenslaved at war's end. He also worried that the Proclamation, by denying individuals of their personal property, might not survive future claims of unconstitutionality. Therefore, the only way to guarantee the constitutionality of emancipation was through a constitutional amendment. Thus, at his insistence, the 1864 Republican platform supported a thirteenth amendment to the Constitution calling for the abolition of slavery.²⁶

For Frederick Douglass, the Civil War was the beginning of the end of "twenty years and

more" of proslavery compromises.²⁷ Long before Lincoln and Seward made the destruction of slavery a Northern war aim, Douglass, knowing the integral role slaves occupied in the South's economy, realized that a successful war against secession must be accompanied by a war against slavery. He knew that the "bread that feeds the rebel army, the cotton that clothes them, and the money that arms them and keeps them supplied with powder and bullets, come from the slave."²⁸

Douglass wanted immediate action against



Frederick Douglass. Artist Kevin Dawson, 1998.

the institution of slavery and "agitation was his stock and trade. He was forced by his calling to be ever advanced of the program of the authorities in power." Once he received an inch, he asked for a yard. When that was obtained he requested a mile. Frederick Douglass' whole endeavor was to transform the war being waged into a "black

man's war," thus transforming it into a conflict over slavery, freedom, and the elevation of free blacks' social status.²⁹ In doing so, Douglass sometimes appears to contradict and reverse his

²⁵Lincoln, 2:497.

²⁶Lincoln, 2:501; Neely, 119; McPherson, 48.

²⁷Douglass, *Life and Writings*, 3 vols. (New York: International Publishers, 1950), 3:98 (also see: 3:89, 96, 247-250, 343).

²⁸Douglass, *Life and Times*, 340-341; Douglass, *Life and Writings*, 3:154-155.

²⁹Quarles, 195.

position on smaller issues in order to accomplish his primary objectives--freedom, equality, and citizenship. Though he considered Lincoln his friend, Douglass was at times extremely critical of the President's emancipation plans and his progress toward that end.

While Abraham Lincoln wanted to keep the border slaveholding states in the Union out of military necessity, Douglass, from a moral stance, was willing to let them go.³⁰ He felt that the existence of slavery within the border states contaminated the sanctity of the federal government. As such, Douglass pushed for immediate and uncompensated abolition even if it would drive the border states out of the Union. If the border states seceded over the abolition of slavery, he would not shed any tears for a region that held thousands of blacks in bondage. In September of 1861, Douglass wrote, "it is said that for the Government to adopt the abolition policy, it would involve the loss of the support of the Union of the men of the Border Slave States. Grant it, and what is such a friendship worth? We are stronger without than with such friendship."³¹

The very existence of slavery, for Douglass, placed not only the Constitution but the Union in a state of jeopardy. He believed the slavocracy had "proved itself stronger than the Constitution" and the Union and that the only way to save the two latter institutions was by "putting down" the former institution. In the words of Douglass, "you cannot have Union, the Constitution and Republican institutions, until you have stricken down that damning curse," of slavery. "For, while it is in this country, it will make your Union impossible; it will make your Constitution impossible."³²

³⁰Neely, 96-97, 103.

³¹Douglass, *Life and Writings*, 3:155 (also see: 3:91, 186, 333).

³²Douglass, *Life and Writings*, 3:379 (also see: Douglass, *Life and Writings*, 2:267-280 [In a speech entitled "The Constitution of the United States: Is it Pro-Slavery or

While Lincoln believed the pre-Thirteenth Amendment Constitution was primarily a slave document protecting slaveholders' right to own human flesh, Frederick Douglass maintained that the Constitution was an anti-slavery document. Douglass based this interpretation of the Constitution on the belief that slavery violated the spirit, principle, and common sense of the Preamble. In his own words, the Constitution, which was "inaugurated 'to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty' could not well have been designed at the same time to maintain and perpetuate a system of rapine and murder like slavery, especially as not one word can be found in the Constitution to authorize such a belief."³³

Arguing that the Constitution made no mention of and asserted no protection of slavery, Douglass challenged someone to show him where slavery was explicitly written into this document. He stated:

The Constitution might be searched and not one syllable from end to end would be found in favor of slavery. The word black, slave, or master, was not mentioned. The only thing like it was a clause which ordained that a man who had been in service in one State and left for another without concluding it should be returned. Garrison affirmed that this clause was in favor of slavery. But this concession should not be made; for as has been said when a law had two meanings, it was the rule to take that which promised to accomplish a good purpose.³⁴

Anti-Slavery?" delivered on March 26, 1860 in Glasgow, Scotland, Douglass spelled out his antislavery interpretation of the Constitution]).

³³Douglass, *Life and Times*, 267; Douglass, *Life and Writings*, 3:155-156, 379-380.

³⁴Douglass, *The Douglass Papers*, 5 vols. (New Haven: Yale University Press, 1979), 3:332 (also see: 3:176-177, 352).

Since the Constitution did not mention or sanction the ownership of human flesh, Douglass asserted that once slavery was abolished, "not a sentence or syllable of the Constitution" would need to be altered.³⁵

Douglass accused those who believed the Constitution was a proslavery document of ignoring the "plain and common sense reading of the institution itself." He said they were "discrediting and casting away as worthless the most beneficent rules of legal interpretation." They were claiming that the only way to truly interpret the "WRITTEN Constitution" was to gaze upon it "in the light of a SECRET and UNWRITTEN understanding," which its framers had allegedly used to twist its meaning "to be in favor of slavery." Since the Constitution did not explicitly mention or protect that peculiar institution, proslavery interpretationalists had to "delight in [the] supposed intentions" of the founding fathers--intentions that were not expressed in this document and were, in fact, contradicted by it.³⁶ Additionally, Douglass charged that those who professed proslavery interpretations of the Constitution would readily accept it as an "anti-slavery document from end to end if the subjects of Slavery were white."³⁷

Frederick Douglass' interpretation of the Constitution did not end with the conviction that it was an anti-slavery document. He went on to assert that it called for the destruction of slavery as well. In his words, "the Constitution of the United States not only contained no guarantees in favor of slavery, but on the contrary, was in its letter and spirit an anti-slavery instrument, demanding the abolition of slavery as a

condition of its own existence, as the supreme law of the land."³⁸

Since he viewed the Constitution as not only an anti-slavery document but as an abolitionist charter as well, Douglass, believing that Lincoln suffered from the same malady that afflicted General McClellan, "the slows," became ever more frustrated with the President's failure to take swift and severe measures toward the eradication of slavery during the war's early years. Before the issuance of the Emancipation Proclamation, Douglass became extremely disillusioned with Lincoln's conservative anti-slavery position. He felt that Lincoln had overwhelmingly focused on the concerns of white Americans and the preservation of the Union to the detriment of the country's four million shackled inhabitants.

Once President Lincoln issued the Emancipation Proclamation, Douglass' view of him instantly became more positive.³⁹ He realized that Lincoln's agenda had evolved during the struggle for union. He came to believe Lincoln was the morally astute leader of "the glorious liberty of truth" whose single act of righteousness would immortalize him for the ages. Douglass saw the Proclamation as not only the "doom of Slavery in all States" and a mighty blow to the Confederacy, but also as a social revolution. Gazing into his crystal ball, Douglass clearly foresaw that January 1, 1863 would usher in a "new birth of freedom."⁴⁰

Assuming that our Government and people will sustain the President and his Proclamation, we can scarcely conceive of a more complete revolution in the position of a nation...Color is no longer a crime or badge of bondage...At last the outspread wings of the American Eagle afford shelter a protection to men of all colors, all countries, and all climes, and the long oppressed black man may honorably fall or

³⁵Douglass, *The Douglass Papers*, 3:596.

³⁶Douglass, *The Douglass Papers*, 3:177 (also see: 3:182, 311, 361-362).

³⁷Douglass, *The Douglass Papers*, 3:7.

³⁸Douglass, *Life and Times*, 266.

³⁹Quarles, 198.

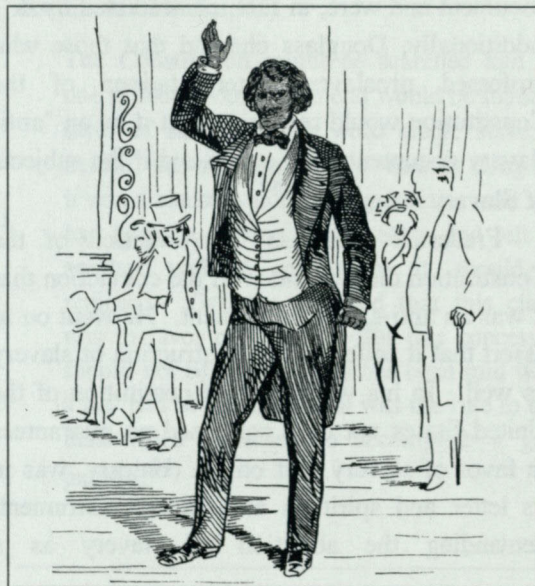
⁴⁰Douglass, *Life and Writings*, 3:321-337; Lincoln, 2:536.

gloriously flourish under the star-spangled banner...There are certain great national acts, which by their relation to universal principles, properly belong to the whole human family, and Abraham Lincoln's Proclamation of the 1st of January, 1863, is one of these acts. Henceforth that day shall take rank with the Fourth of July. Henceforth it becomes the date of a new and glorious era in the history of American liberty. Henceforth it shall stand associated in the minds of men, with all those stately steps of mankind, from the regions of error and oppression, which have lifted them from the trial by poison and fire to the trial by Jury--from the arbitrary will of a despot to the sacred writ of habeas corpus--from abject serfdom to absolute citizenship.⁴¹

Frederick Douglass did not blindly praise "The Great Emancipator," though. He realized that Lincoln's primary objective for issuing the Proclamation was for maintaining the Union. In Douglass' words, "The Proclamation was like Mr. Lincoln throughout. It was framed with a view to the least harm and the most good possible in circumstances, and with especial consideration to the latter. It was thoughtful, cautious, and well guarded at all points."⁴² Even though the Emancipation Proclamation was enacted as a union-saving measure, Douglass still approved of it. Employing a metaphor to explain his approval, he said:

It was in my estimation an immense gain to have the war for the Union committed to the extinction of Slavery, even from a military necessity. It is not a bad thing to have individuals or nations do right though they do so for selfish motives. I approved of the one-spur-wisdom of "Paddy" who thought if he could get one side of his horse to go, he could trust the speed of the other side.⁴³

Douglass knew as well as Lincoln that a federal emancipation document aimed at the South's slaves held as much weight as the "Pope's bull against the comet!" While Douglass recognized that the "spirit" of the document was to completely destroy slavery, he wrote that it "was not a proclamation of 'liberty throughout all the land, unto all the inhabitants thereof,' such as we hoped it would be; but was one marked by discriminations and reservation. Its operation was confined within certain geographical and military lines. It only abolished slavery where it did not exist, and left it intact where it did exist."⁴⁴ In Douglass' view, the Emancipation Proclamation merely crippled the institution of slavery and did not "disable and kill" it. For the destruction of slavery to succeed, Douglass, like Lincoln, realized that the South had to be defeated and brought back into the Union.⁴⁵ Acting as the agitator that he was, Douglass continued to pressure Lincoln toward hastening his emancipation plan.



Douglass Speaks. Artist Kevin Dawson, 1998.

⁴¹Douglass, *Life and Writings*, 3:321-323.

⁴²Douglass, *Life and Times*, 360.

⁴³Douglass, *Life and Times*, 360.

⁴⁴Douglass, *Life and Times*, 359-360 (also see: Douglass, *Life and Writings*, 333); Lincoln, 2:361.

⁴⁵Douglass, *Life and Times*, 357, 366, 368-369, 377.

As time passed and the war progressed, Douglass came to understand that he and Lincoln were much more in accord than he had earlier believed. He realized that for the sake of the nation, Lincoln did not pursue the destruction of slavery from the beginning of the Civil War. During his formative years, Douglass penned that while Lincoln "hated Slavery, and really desired its destruction, he always proceeded against it in a manner the least likely to shock or drive from him any who were truly in sympathy with the preservation of the union, but who were not friendly to Emancipation."⁴⁶

For Abraham Lincoln, the Civil War had been a struggle to save the Union. While he was morally opposed to slavery, he maintained that its destruction could only be justified and attained through a constitutional amendment. Throughout his presidency, Lincoln chiseled away at slavery until he deemed that it was the right time to take constitutional steps to eradicate that institution. Though he did not live to see the day that the Thirteenth Amendment would forever end slavery, it was Lincoln who forged this last nail on slavery's coffin. As for those who believed that Lincoln cared not for the plight of the slave and the free black, let it be remembered that it was his public endorsement of black suffrage that both cut short his life and proved that he was a friend of black Americans.⁴⁷

To Frederick Douglass, the Civil War, from its inception, had not been merely a struggle to preserve the Union. Freedom, citizenship, and

equality were the ends toward which he felt the Union was fighting. In his words: "That sturdy old Roman, Benjamin Butler, made the Negro a contraband, Abraham Lincoln made him free, and General Ulysses S. Grant made him a citizen." With freedom and then citizenship gained, Douglass knew equality was forthcoming.⁴⁸ He did not, however, realize that black Americans' thirst for equality would not be quenched for another hundred or more years.

⁴⁶Douglass, *Life and Times*, 360.

⁴⁷Lincoln, 2:699, 700; James M. McPherson, *Battle Cry of Freedom* (USA: Oxford University Press, 1983), 852; Upon hearing Lincoln's April 11, 1865 speech, in which the President endorsed limited black enfranchisement to literate blacks and black veterans, John Wilkes Booth turned to a companion and said, "That means nigger citizenship. Now, by God, I'll put him through. That is the last speech he will ever make."

⁴⁸Douglass, *The Douglass Papers*, 5:446-447.



Runaway slaves in Virginia, 1862. The large proportion of women suggests flight from exploitation. *Civil War*, Geoffrey Ward.

THE ECONOMIC EXPLOITATION OF BLACK WOMEN IN THE ANTE-BELLUM SOUTH

Marla Peppers

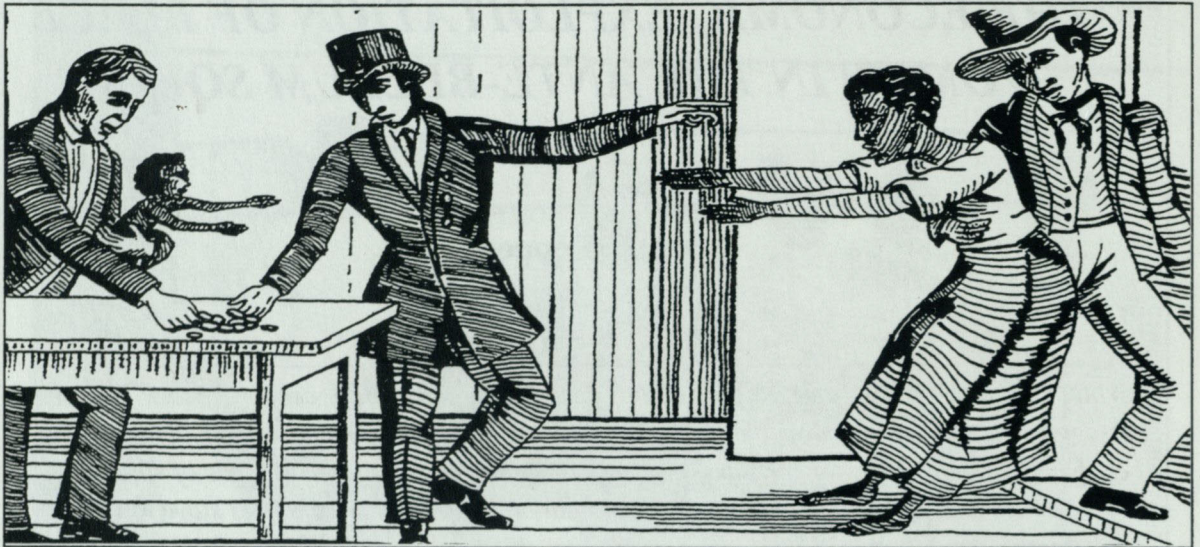
While residing in the ante-bellum South during the nineteenth century, black females struggled to gain control over their sexual relationships and reproductive lives. This was an extremely arduous task, for the fates of these women rested solely in the hands of white men. These white men, consisting of the wealthy plantation owners, overseers, and slave traders of the South, sexually exploited black women for financial gain and to fulfill a curiosity stemming from the sexual myths surrounding the African female. This paper explores the reproductive and sexual experiences of enslaved women in the ante-bellum South, experiences that proved to be beneficial to white male owners, and in most cases, detrimental to female slaves.

In 1662, the basic law of slavery was passed. This law stated that any child born of a black mother shall inherit the condition of the mother. Unfortunately, this law led to the sexual abuse of enslaved women. By fathering a new race of slaves, referred to as "mulattos," the white owner not only increased his number of slaves, but also increased his profits. "Breeding" became a distinctly female form of slave labor used by white owners. The occurrence of slave breeding, a controversial institution, materialized as a result of two factors: 1) the passing of laws prohibiting slavery in the United States in 1807, and 2) the imminent closing of the international slave trade in 1808. Many black girls, bought and/or sold as "good breeders," bore children as early as thirteen or fourteen years of age. Slave owners frequently granted freedom to slave women who gave birth to several children, ranging anywhere from ten to fifteen.¹ Of course, slave owners repeatedly denied breeding, as illustrated by the following statement: "It has been said by various anti-slavery spokesmen that many slave owners systematically bred slaves for the market. They have adduced no shred of evidence,

¹John Hope Franklin, *From Slavery to Freedom: A History of Negro Americans*, ed. Alfred A. Moss, Jr. 6th ed. (New York: Knopf, Inc., 1988), 106-107.

however; and although the present writer has long been alert of such data, he has found but

sometimes the master rented a man, labeled a "stockman," from another plantation for this



Purchase of a Slave's Child. Artist Kevin Dawson, 1998.

not a single concrete item on the premises."²

According to Kenneth Stampp, author of *The Peculiar Institution*, female chattel did not disappoint their owners, for they knew sexual promiscuity brought rewards, not penalties. Also, larger families meant no increased responsibilities and less "toil" as opposed to more.³ Modes of slave breeding differed, but all fell under the control of the slave master. One mode consisted of directed or influenced pairings between male and female slaves on the plantation. Fertility brought rewards, whereas barrenness resulted in the sale of the disappointing females. Enslaved males impregnated female slaves by "visiting" them at night or through the practice of polygamy, and

purpose.⁴ An increase in slaves meant an increase in profits for the slave owner. During the formative years of American slavery, the price of a slave child hardly compensated the slave owner for the loss of time and labor taken from the mother during childbirth and the rearing of the child. In later years, as slaves became less available, a greater profit could be drawn from breeding slaves as opposed to working them. White men invested their capital in "good breeding slaves" as a secure and profitable source of income for their families.

Around the mid-1840s and continuing throughout the 1850s, slave prices reached their zenith. Enslaved men brought prices of \$1,500 to \$2,100, while the value of women and girls ranged from \$1,250 to \$1,500. Prices continued to rise through the end of 1860, only to be

²Ulrich Bonnell Phillips, *American Negro Slavery: A Survey of the Supply, Employment and Control of Negro Labor as Determined by the Plantation Régime* (New York: D. Appleton-Century Company, 1940), 361.

³Kenneth M. Stampp, *The Peculiar Institution: Slavery in the Ante-bellum South* (New York: Alfred A. Knopf, 1967), 245-248.

⁴Paul D. Escott, *Slavery Remembered: A Record of Twentieth-Century Slave Narratives* (Chapel Hill: University of North Carolina Press, 1979), 44-45.

interrupted by the onset of war.⁵ As a Southerner expressed to Frederick Law Olmsted, traveler and journalist: "Planters command their girls and women married or unmarried to have children; and I have known a great many [N]egro girls to be sold off, because they did not have children. A breeding woman is worth from one-sixth to one-third more than one that does not breed."⁶ Owners severely punished slave women who failed in this task. In the personal slave narratives of Mr. Caulkins, an intimate friend described this phenomenon:

One day the owner ordered the [slave] women into the barn, whip in hand, and told them he meant to flog them all to death; they began immediately to cry out "What have I done Massa?" He replied; "D—n you, I will let you know what you have done, you don't breed, I haven't had a young one from you in several months."⁷

As previously mentioned, the master gave his female slaves various incentives for increasing his profits through reproduction: freedom, less work, and more food. Yet, these enticements did not exactly generate a *baby-boom* on the plantation, leading planters to employ coercive methods, which forced their slaves to reproduce. For example, if a slave woman had no children with her first "husband" after a year or two of cohabitation, the planter insisted on separating the couple and pairing both the male and female with other slave partners. Exchanging mates to produce offspring was a common practice on the plantation.⁸ As former bondsman William

Davis' narrative states, "I been marry once before freedom, with home weddin'. Massa, he bring some more women to see me. He wouldn't let me have just one woman. I have about fifteen and I don't know how many chillen. Some over a hundred, I'se sure."⁹

While many female slaves gave birth to several children, other women were physically unable to be "successful" breeders. Bondswomen often had fertility problems, and therefore bore fewer children (averaging four to six) than white women (averaging seven). Spacing of births ranged farther apart for slave women than their white counterparts who gave birth approximately every two years.¹⁰ Slaves used reproduction as a subtle and, at times, overt method of retaliation against a white master. While not well documented, infanticide, self-induced sterility, and self-induced miscarriages occurred on the plantations. In many instances, infertility and abortions resulted from the strenuous labor that slave women endured in the fields.¹¹ In the personal slave narratives of Mr. Caulkins, as told to him by an intimate friend, slave women on the plantation informed the owner they could not "breed" while they had to work in rice ditches. "The rice grounds are low and marshy and have to be drained, and while digging or clearing the ditches, the women had to work in mud and water from one to two feet in depth . . . working from daylight in the morning till it was so dark they could see no longer."¹² When the enslaved women "got in that way," they were told to inform the overseer's wife in order to be placed

⁵Phillips, 373-375.

⁶Frederick Law Olmsted, *A Journey in the Seaboard Slave States: With Remarks on Their Economy* (New York: Dix and Edwards, 1856), 601.

⁷Theodore Dwight Weld, *American Slavery As It Is: Testimony of a Thousand Witnesses* (New York: American Anti-Slavery Society, 1839), 15.

⁸Adolph F. Niemoeller, *Sexual Slavery in America* (New York: Panurge Press, 1935), 109.

⁹Norman R. Yetman, ed., *Voices From Slavery* (New York: Holt, Rinehart, and Winston, 1970), 92.

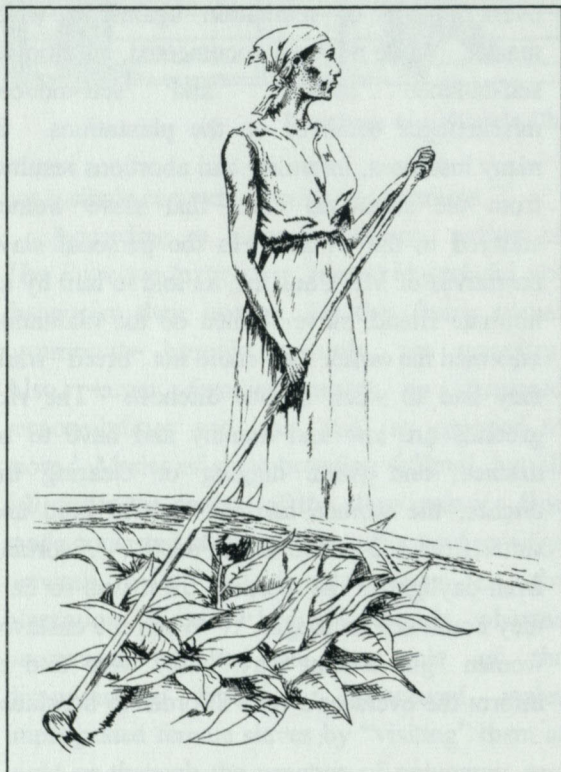
¹⁰Franklin, 105-107.

¹¹Deborah G. White, *Ar'n't I a Woman?: Female Slaves in the Plantation South* (New York: W.W. Norton & Company, 1985), 85.

¹²Weld, 15.

on land to work, a preferable location to the marshes.¹³

With regards to infanticide, a few black mothers preferred to kill their babies than to have them grow up as slaves.¹⁴ Cassy, though a fictional character, is a mulatta slave in Harriet Beecher Stowe's *Uncle Tom's Cabin*. She serves as a prime representation of a slave mother who would, "never again let a child live to grow up! [I] took the little fellow in [my] arms, when he was two weeks old, and kissed him, and cried over him; then [I] gave him laudanum, and held him close to my bosom while he slept to death."¹⁵ Whites believed their female chattel killed their children because they lacked the necessary maternal feelings to rear



Slave Woman Working in the Field. Artist Kevin Dawson, 1998.

¹³Weld, 15.

¹⁴Weld, 15.

¹⁵Harriet Beecher Stowe, *Uncle Tom's Cabin, Or, Life Among the Lowly* (New York: Literary Classics of the United States, 1982), 52.

them. Some slave women admitted to taking their child's life in order to save them from an abusive mistress, overseer, or from the abuses of the "peculiar institution." For example, an Alabama woman killed her child because her mistress had repeatedly physically abused it. In her confession, the woman revealed her master as the child's father. Learning the child's parentage led the mistress to regularly and cruelly mistreat the child. The mother killed her child in a desperate attempt to end its suffering.¹⁶

The sexual slavery of the black female established her not only as a victim of the white man's lust for money, but also as a victim of his lust for her flesh. Masters justified the rape of slave women as a means to "break a slave in" according to Harriet Jacobs' account in *Incidents in the Life of a Slave Girl*. Though black men accounted for some of the incidents of rape against slave women, the sexual aggression by white males overshadowed the offenses of black males. Laws of the day called for castration of the black male as punishment for sexual battery. The white male committed no crime in the eyes of the law, as no legal grounds existed against the rape of a black woman by a white man. Only in Pennsylvania was the castration of white men allowed for grave sexual offenses, including a second offense of rape.¹⁷ Since slaves could not testify against whites, such charges against white males by enslaved females were nonexistent.

African-American Frederick Douglass declared in his autobiography that "the slave woman is at the mercy of the fathers, sons or brothers of her master."¹⁸ The white male's

¹⁶Olmsted, 601.

¹⁷Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: Published for the Institute of Early American History and Culture at Williamsburg, Virginia, by the University of North Carolina Press, 1968), 155.

¹⁸John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York:

desire for black women posed the most serious obstacle to the development of morality among young slave women. His pursuit of them frequently destroyed any possibility for young black girls to remain chaste. "Very few slave parents could protect their pretty daughters from the sexual advances of white men. This was particularly true when the slave belonged to a white bachelor or lived near white bachelors."¹⁹ As illustrated in the diaries of slave owner James Henry Hammond, two of his slaves, mother and daughter, served as his mistresses with whom he had several children. The mother, Sally, became his mistress at the age of eighteen; likewise her daughter, Louisa, met the same fate at the tender age of twelve.²⁰

All too often, owners or overseers repeatedly whipped slave women for refusing to submit to their brutal desires. Unfortunately, their efforts usually proved successful in forcing the slave woman into submissiveness. White planters and overseers procured sexual favors from a slave woman by forcing her to offer herself "willingly and receive a trinket for [her] compliance rather than a flogging for [her] refusal and resistance."²¹ Again, from Mr. Caulkin's narrative, the planter's brutality is described as he "proposed a criminal intercourse" with a female slave. Upon her refusal, the planter sent for the overseer to have her flogged. Not long after, he renewed his proposal, only to be denied once again. The flogging continued, for the planter intended to whip her "till she would yield." The young girl finally succumbed to the

planter's lusts.²² In another instance, the "soul-driver," James Walker, in fugitive slave William Wells Brown's narrative, repeatedly forced a chaste quadroon, Cynthia, into his bed. As a result, he fathered four children with her. Eventually, both children and mother were "sold down the river."²³ During his travels, bondsman George Bourne wrote the story of "a coloured woman" incarcerated in Lexington, Kentucky, for setting fire to her master's barn. Already "cohabitating" with a young man for some time, she refused the plantation driver's demand for "her compliance with his sensual desires." Upon her refusal, he whipped her repeatedly for "disobedience to his orders." Unable to endure the driver's lashes and overcome by brute force, she finally acquiesced to the driver's "infamous design."²⁴

Interestingly, some slave women fought violently against this type of sexual exploitation, administered by the roaming eyes and hands of a master or an overseer. Violence, either spiritual or physical, became her strongest recourse against a would-be assailant. Slaves applied "conjuring" as a form of retaliation against a cruel master. The conjurers offered a "bitter root" which the slaves chewed and spat towards their master. Part of this retaliation consisted of powders manufactured and placed around their master's dwellings by the offended women. In the *Autobiography of a Female Slave*, Ann Griffiths successfully repelled the advances of "the bar-keeper," also known as the "slave whipper." Her mistress accused her of

²²Weld, 15.

²³William Wells Brown, *The Travels of William Wells Brown, Including the Narrative of William Wells Brown, A Fugitive Slave, and The American Fugitive in Europe, Sketches of Places and People Abroad*, ed. Paul Jefferson. (New York: Markus Weiner Publishing, Inc., 1991), 42.

²⁴George Bourne, *Picture of Slavery in the United States of America* (Detroit: Negro History Press, 1972, (1834), 124.

Oxford University Press, 1972), 154. Reprinted from Frederick Douglass' *My Bondage and My Freedom*. (New York, 1968), 60.

¹⁹Blassingame, 154.

²⁰James Henry Hammond, *Secret and Sacred: The Diaries of James Henry Hammond, A Southern Slaveholder*, ed. Carol K. Rothrock-Bleser. (New York: Oxford University Press, 1988), 17-18.

²¹Blassingame, 154.

impertinence. As a result, the master requested her to receive "a good, genteel, whipping; but no cruelty." Evidently, the bar-keeper entertained other ideas, for he required Ann to strip down—a request she refused. Enraged at her noncompliance, the bar-keeper declared, "[G]irl, you've got to yield to me. I'll have you now, if it's only to show you that I can. . . You've got to be mine. I'll give you a fine calico dress and a pretty pair of ear-bobs!" In response, Griffiths hurled a broken bottle towards his head, producing a gash on his temple.²⁵ Like Griffiths, Cherry Loguen also successfully defended herself against a potential rapist. She picked up a stick, striking him with a staggering blow. Her assailant charged at her with a knife. She responded by knocking him out cold.²⁶ Violent resistance to rape was not considered self-defense. Such actions against her attackers often resulted in the female chattel being killed, jailed, whipped, and/or sold.

Many made great attempts to stem sexual relations between the slave holders and their slaves. Many apologists for slavery attempted to disprove the existence of concubinage in the South, even going as far as denying the union completely. This position proved difficult to maintain in the face of the obvious facts. Edward B. Reuter agrees:

This form of sex relation [concubinage] was fairly common in certain sections during the period of slavery . . . To what extent the relationship existed during slavery days or even at the present time, it is not possible to say. The custom varied in different sections and in the same section at different times. No doubt there were isolated instances of the sort everywhere, throughout the whole period that the Negro has been in the country. That it was

a uniform custom of the slave owning class, there is no reason to believe; that it was common in certain regions, there is no reason to doubt.²⁷

There is no dearth of proof that intimacy existed between masters and slaves, a fact often characterized as the worst feature of slavery. A race of approximately two million mulattos emerged in the Creole section of Louisiana, spreading sporadically from New England to Texas.²⁸ Many white historians, including Edward Reuter, introduced arguments that sexual "irregularities" in the South were products of the African's "general licentiousness and moral laxness" and represented the white male as a mere victim of circumstance.²⁹ He states further:

[We] may say that the intermixture of the races everywhere has gone on to the extent of the white man's wishes. The [N]egro woman never has objected to, and has generally courted the relationship. It was never at any time a matter of compulsion; on the contrary it was a matter of being honored by a man of a superior race. Speaking generally, the amount of intermixture is limited only by the self-respect of the white man and the compelling strength of the community sentiment.³⁰

Reuter implied that such sexual relations lacked coercion by the white male counterpart. Yet, compulsion existed in many ways other than brute force, for the slave master held a position to utilize his authority to satisfy his own insatiable desires toward his chattel.

The institution of concubinage was not usually characterized as promiscuous relations between the master class and the female slave.

²⁵Mary Griffiths Brown, *Autobiography of a Female Slave* (New York: J.S. Redfield, 1857), 281-282.

²⁶White, 20-21. Reprinted from Rev. Jermain Wesley Loguen's *The Reverend J. W. Loguen, as a Slave and as a Free Man* (Syracuse: by the author, 1859.)

²⁷Edward B. Reuter, *The Mulatto in the United States, Including a Study of the Role of Mixed-Blood Races Throughout the World* (New York: Negro University Press, 1969), 139-140.

²⁸Reuter, 124.

²⁹Reuter, 160.

³⁰Reuter, 162-163.

Most often, it consisted of a relationship between a favored female slave and a young man of the slaveholding family, older bachelors, or widowers demanding favors of their female chattel.³¹ Many white men wanted more than mere trysts with black women. Some women received treatment approaching that of the master's wife. Though married, white males sometimes loved their black concubines more than they loved their wives.³² One of the most noted cases of concubinage hails from Georgia. David Dickson, "was as unusual in his marital relations as he was successful in the planting industry. According to one of his close friends, while a young man, Dickson became attached to a mulatto girl, about his age, who was a waiting maid in his father's house. Falling heir to this slave at the death of his father, Dickson lived with her as man and wife, fathering several mulatto children. So open was Dickson in this respect, that he was banned from polite society. Upon his death in 1885, he left his entire estate, some half million dollars, to his concubine, who bore his name, Amanda A. Dickson."³³

Although exploitation did not typify all relationships between white males and black females, as illustrated, most began that way, and most continued in that manner. For example, in the William Wells Brown narrative, the slave, Cynthia, remained in a precarious position. The slave trader who bought her offered Cynthia a choice: she could accept his advances and accompany him to St. Louis as his housekeeper, or, she could refuse him and face being sold as a field hand to an undesirable Mississippi plantation. Cynthia accepted the trader's offer to become his mistress and housekeeper.³⁴ Reverend John Sella Martin's mother and sister

both endured forced concubinage. His mother, Winnifred, labeled a "griff"—three quarters black and one quarter white—served to satisfy the "needs" of her mistress' nephew, Mr. Martin, in order to prevent him from ruining his betrothal to a woman of prestige. His sister, Caroline, forced into concubinage for her master's son, eventually bore two children by him.³⁵

Throughout the three volumes examined in Helen Catterall's *Judicial Cases Concerning American Slavery and the Negro*, there are some examples that substantiate the relationships between master and black mistress. A South Carolinian "lived for many years in a state of illicit intercourse" with a slave woman "who assumed the position of a wife." Another permitted a female slave "to act as mistress of his house" and control his domestic affairs. A Kentuckian owned a woman who was his concubine and whom also "possessed considerable influence over him." And finally, a Virginian, his colored mistress, and their mulatto children are described as living "as a family upon terms of equality, and not as a master with his slaves."³⁶

Slaveholders preferred to use "bright mulattos" as domestics. Several paid premium prices for light-skinned females to be used as concubines. Yet, many masters saw the inconvenience of owning slaves who were nearly white—they were more accessible to freedom, for, they could escape with greater ease. The slave woman's choices included either

³¹Stampp, 355.

³²Blassingame, 158.

³³Ralph Betts Flanders, *Plantation Slavery in Georgia* (Chapel Hill: University of North Carolina Press, 1933), 271.

³⁴Brown, 46.

³⁵John W. Blassingame, ed., *Slave Testimony: Two Centuries of Letters, Speeches, Interviews, and Autobiographies* (Baton Rouge: Louisiana State University Press, 1977), 702-703.

³⁶Helen Tunnicliff Catterall, ed., *Judicial Cases Concerning American Slavery and the Negro, V Volumes* (Washington DC: Carnegie Institution of Washington, 1929), vol. 1, 227-228, 302; vol. 2, 375, 451; vol. 3, 655-656.

miscegenation or suffering through the most severe consequences of slavery.

The circumstances of slavery established a situation of rivalry between the white wife and the black mistress. Naturally, the beautiful slave mistress aroused great jealousy from her white counterpart, to whom she could not turn for protection. In several cases, a wife would divorce her husband because of his licentious behavior, as exemplified by the following divorce case from South Carolina:

[B]ill. . . for alimony. . . that the complainant, (a lady from St. Domingo) intermarried in. . . February 1800, with Francis Jelineau, (also from St. Domingo,) that he cohabited with his own slave, by whom he had a mulatto child, on whom he lavished his affection, whilst he daily insulted the complainant, and encouraged his slave to do the same. . . That at dinner one day, he took away the plate from the complainant when she was going to help herself to something to eat, and said when he and the [N]egro had dined, she might. . . The defendant states that at the time he was about to marry the complainant, he informed her that he had a mulatto child, born to him in St. Domingo (where he stated, it was not disgraceful to have such connections). . . and the complainant promised to behave kindly to said child. Alimony decreed. Jelineau vs. Jelineau, 2 Deaussure 45, (June 1801).³⁷

Another interesting case documented from North Carolina revealed:

A suit. . . for divorce a vinculo matrimonii. . . and for alimony. . . [H]er husband not only abandoned her entirely, and bedded. . . Negro Lucy, but he deprived the petitioner of the control of all those domestic duties. . . which belong to a wife, and placed. . . Lucy in the full possession. . . and insulted the petitioner by repeatedly ordering her to give place to the. . . Negro, and saying that the petitioner was an encumbrance, and encouraged. . . Lucy to treat

her also;. . . that often he would, at night, compel the petitioner to sleep in bed with. . . Lucy, when he would treat. . . Lucy as his wife, he occupying the same bed with the petitioner and. . . Lucy. . . the defendant [stated that he] 'would part with all the property he had before he would with. . . Lucy.' Divorce a vinculo matrimonii was granted. Hausley vs. Hausley, 10 Iredell 506, (December 1849)³⁸

Concubinage prevalent in the New Orleans region gave birth to the "fancy girl" trade. Bondswomen who were sometimes black but usually mulatta, aged twelve to twenty, good-looking and beautiful in appearance, received the title "fancy girls" and formed a class all their own. They commanded a price of \$1,400 to \$1,700 or more, obviously not merely for their value as servants but for their physical attributes.³⁹ Traders proudly displayed them, reveling in the high prices they received for their chattel. The "fancy girls" attracted attention by their isolation from their enslaved sisters and by the manner of their separate display, which left no doubt of the position they were expected to fill. Lewis C. Robards, a trader from Lexington, Kentucky, maintained special quarters on the second floor of his "Negro jail" for his "choice stock" of quadroon and octoroon girls. A visitor reported how in several rooms, "[he] found very handsome mulatto women, of fine persons and easy genteel manners, sitting at their needle work awaiting a purchaser. The proprietor made them get up and turn around to show to their advantage their finely developed and graceful forms."⁴⁰ Lexington specialized in this type of female slave, but New Orleans boasted the largest market. The high price of bondswomen restricted them to wealthy men such as gamblers, saloon keepers and race track owners, many of whom dreamed of owning a

³⁷Catteral, vol. 1, 281.

³⁸Catteral, vol. 1, 139.

³⁹Frederic Bancroft, *Slave-Trading in the Old South* (Baltimore: J. H. Furst Company, 1931), 328.

⁴⁰Bancroft, 329-330.

“fancy girl” for personal reasons. Auctions such as the French exchange in the rotunda of the St. Louis Hotel offered “superior looking girls varying from mulatto to octoroon.”⁴¹ † The exorbitant prices demanded by traders and obtained from purchasers for these girls far exceeded the ordinary value of female slaves. These prices, considered unreasonable by most standards, proved acceptable to the Southerner who wished to gain possession of the comely chattel. An advertisement in the *Memphis Eagle and Enquirer* in 1857 described a slave women to be sold in St. Louis as “so surpassingly beautiful that \$5,000 has already been offered for her, at private sale, and refused.”⁴²

Throughout the nineteenth century, slave women struggled for control over their reproductive and sexual lives. Unfortunately, circumstances did not permit them to have a voice in determining what happened to their bodies. The slave woman could not prevent herself from being sexually exploited by those who lusted for wealth obtained from the sweat of her brow, the pleasure derived from her body, and the value of her offspring. Savage white hands exploited and molested the slave woman,

preventing her from fulfilling her natural roles of worker, wife, and mother. Seemingly, the female slave’s body served to enhance the wealth of her masters as well as their lascivious desires. Ultimately, the slave mother endured the agony of watching her daughter be brutally initiated into the same desperate cycle and perpetuate the system of white male dominance into which she herself was coerced.



Female Quadroon Slave. Artist Kevin Dawson, 1998.

⁴¹Bancroft, 331-333.

†“New Orleans - where thousands of sporting men and voluptuaries lived and other thousands came for the racing season, the Carnival and dissipation - was fully tenfold the largest market for ‘fancy girls.’ The prospect of great profit induced their conspicuous display. At the mart. . . a handsome quadroon girl, gaily dressed and adorned with ribbons and jewels, sat in a show-window to attract attention. ‘She, too, was for sale, as a choice house-servant, at a high price on account of her beauty. As our friend the planter was about to leave the premises he glanced at the girl, and asked what the trader would take for her. Being told, he shook his head, leered at the slaved, and said with an oath, ‘Too expensive.’ Charles Casey, an English traveler, saw ‘a beautiful quadroon girl, neatly dressed and very intelligent,’ sell for \$2,000 in Evan’s Arcade, in New Orleans, at a time when field hands brought from \$600 to \$800.” Bancroft, *Slave-Trading in the Old South*, 329-330.

⁴²Bancroft, 329.



The Bracero Experience. *Mexican Labor, Gamboa.*

THE AGRICULTURAL BRACERO PROGRAM OF WORLD WAR II

Lara Kasper - Buckareff

The Japanese attack on Pearl Harbor in December of 1941 drew the United States into World War II. The resulting call to arms triggered labor shortages in essential areas including agricultural labor. In response to this shortage the Bracero Program was implemented, allowing Mexican contract laborers to migrate north and work the fields. Abuses during a similar World War I program raised fears by the Mexican government about discrimination, the cost of repatriation, and abuse. In response to these concerns, promises were made, laws enacted, and a bi-national contract was established. This article explores the Bracero Program's implementation and assesses how well the American farmers kept their end of the agreement. A mixed blessing, the program offered employment to thousands of Mexican laborers, but exploitation, discrimination, and abuses occurred, despite the protections promised. Migrant workers were returned to Mexico at war's end and the temporary program was concluded. Deemed a success by the United States, the Bracero Program helped fill the need for labor during World War II.

With the bombing of Pearl Harbor on December 7, 1941, the United States entered the Second World War (WWII). Millions of American men and women contributed to the war effort. Some enlisted, many were drafted into the armed forces, others volunteered as medics, and civilians gained employment in the growing United States defense industry.¹ With so many men leaving their jobs for military service, it was inevitable that some American industries would fall short of employees. American farmers became particularly aware of the labor shortage. By spring of 1942, many crops were lost because of a decline in the number of farmhands.² In April of that year, an organization, California Food Crops, asked the United States Immigration and Naturalization Service (INS) to allow 4,000 Mexican laborers to immigrate for the sugar beet harvest. The U.S. Employment Service (USES) objected to the plan and blocked its implementation because of a belief that domestic help was still available. The INS disagreed with the program.³ First developed during World War I (WWI), the

¹ U.S. House, Representative Jennings of Tennessee speaking on War Problems of the Farmer, 77th Cong.,

2nd ses., *Congressional Record* 88, (15 October 1942): A3704.

² Staff Writer, "California Crops Rot In Fields and On the Vine For Want of Farm Labor," *Life*, 15 June 1942, 38.

³ Otey M. Scruggs, "Evolution of the Mexican Farm Labor Agreement of 1942," *Agricultural History* 34, (1960): 141.

agricultural bracero or "helping with the USES" decision, and in May 1942, formed an interagency committee on farm labor that concluded the need for the enactment of a bracero hands" program called for the temporary migration of Mexican farm workers to the United States.⁴

During WWI, the program was highly decentralized.

American farmers went to Mexico and recruited their own workers; there was no bi-national contract between the farmers and their employees.⁵ This decentralized

arrangement worked to the farmers' benefit but made the braceros vulnerable to discrimination and abuse. The braceros had no minimum wage and were usually paid less than their American counterparts. Furthermore, the braceros were victims of widespread discrimination that often

led to their exclusion from American restaurants and stores. The Mexican government was also placed at a disadvantage, when at the end of WWI, it had to pay for the braceros' transportation back to Mexico, and later, their

peaceful repatriation during the Depression.

For these reasons, the Mexican government was reticent about reinstating the program during WWII.⁶

Nevertheless, negotiations on the possibility of a bracero program continued between the United States and Mexico throughout the summer of 1942.⁷

American farmers, meanwhile, had grown desperate. They raised their workers' wages and hoped that this would attract more help.⁸ In the San Joaquin Valley of

California, cherry pickers earned as much as sixty cents a pail, and sugar-beet ranchers offered up to twenty dollars a day to have their crops weeded and thinned.⁹ Pickers in upstate New York were also given a raise. A bushel of



Sugar beet worker, U.S. Dept. of Labor.

⁴Department of State, "Migratory Workers," 4 August 1941, TIAS no. 278, *United States Treaties and Other International Agreements*, vol. 9, pt. 16. There was a non-agricultural bracero program during WWII that allowed Mexicans to work as maintenance workers on American railroads. Space limitations will not permit an examination of this component. For additional information the reader should consult: Driscoll, Barbara Ann. "The Railroad Bracero Program of WWII." Ph.D. Diss., University of Notre Dame, 1980; and, United States. War Manpower Commission. "Governing the Bringing in of Mexican Workers for Employment in the United States in Railroad Track Labor." *Federal Register* 9, no.909 (23 June 1943): 8592-8494.

⁵*Agricultural History* 34, no. 1 (1960): 142.

⁶Otey M. Scruggs, "Texas and the Bracero Program, 1942-1947," *Pacific Historical Review* 32 (August 1963): 252.

⁷Otey M. Scruggs, "The Bracero Program Under the Farm Security Administration, 1942-1943," *Labor History* 3 (Spring 1962): 150.

⁸"Getting In Our Crops," *Commonweal*, 21 August 1942, 413.

⁹"California Crops Rot In Fields and On Vine For Want of Labor," *Life*, 15 June 1942, 38.

green beans that used to be worth ten cents was now worth about thirty-five cents to laborers. Unfortunately, the farmers' strategy did not work. The farm labor supply had been exhausted, and because of the farmhands' wage increases, food prices were extremely inflated.¹⁰

On August 4, 1942, a compromise was finally reached between the United States and Mexico; this signaled the beginning of the WWII bracero program.¹¹ Concessions were made by the U.S. to calm any fears that the Mexican government might have about the bracero program, especially the costs of repatriation and the possibility of bracero discrimination and abuse.¹²

The Bracero Contract

The Bracero Contract of August 1942 provided the Mexican government and its laborers with numerous guarantees. The braceros were to be exempted from military service, protected from discrimination, guaranteed transportation and repatriation, and never used for the purpose of displacing American workers or reducing wages. Furthermore, the U.S. made promises to the Mexican government and its braceros regarding their recruitment, admission, transportation, wages, conditions of employment, and savings fund. For instance, the bracero contract guaranteed that, "All transportation and living expenses from the place of origin to destination, and return, as well as expenses incurred in the fulfillment of any requirements of a migratory nature shall be met by the employer [U.S. government]."

From August 1942 to April 1943, the bracero program was officially named the Farm Labor Transportation Program, and the Farm Security Administration (FSA) of the U.S. Department of Agriculture was responsible for the braceros' recruitment and admission.¹³ Before enrollment could begin, the USES had to determine the location and the quantity of labor needed. Once the USES informed the FSA of a labor shortage, the FSA could begin recruitment. Initially, the Mexican government only allowed workers to be hired in Mexico City because it did not want to deplete the farmhand population in Northern Mexico and thus encourage congestion at the border. So, the FSA did most of its early recruiting in Mexico City.¹⁴

Recruitment was relatively easy for the FSA. When the agency first arrived in Mexico City on September 4, 1942, there was already a register of several hundred Mexicans wanting employment in the United States.¹⁵ In fact, the high rate of unemployment in Mexico City and the surrounding areas encouraged so many Mexicans to volunteer, that in 1944, the Mexican government asked the FSA to close its office in Mexico City because it was attracting too many people. In that same year, the FSA opened new recruitment centers in Irapuato and Guadalajara.¹⁶

Once recruited, the braceros had to obtain admission to the program. First, the braceros had to pass a medical exam given by Mexican

¹⁰ "Getting In Our Crops," *Commonweal*, 21 August 1942, 413.

¹¹ Department of State, "Migratory Workers," 4 August 1941, TIAS no. 278, *United States Treaties and Other International Agreements*, vol. 9, pt. 16.

¹² *Labor History* 3 (Spring 1962): 153.

¹³ Department of State, "Migratory Workers," 4 August 1941, TIAS no. 278, *United States Treaties and Other International Agreements*, vol. 9, pt. 16.

¹⁴ *Labor History* 3 (Spring 1962): 154.

¹⁵ Department of Agriculture, Bureau of Agricultural Economics, *The History of the Emergency Farm Labor Supply Program, 1943-1947: Agriculture Monograph No. 13*, by Wayne D. Rasmussen, 205 (Washington, D.C., 1951).

¹⁶ L. O. Hansen, "The Political and Socioeconomic Context of Legal and Illegal Mexican Migration to the United States (1942-1984)," *International Migration* 26, no. 1 (1988): 96.



Recruitment center in Mexico for America-bound braceros. U.S. Dept. of Labor.

health officials to ensure their freedom from tuberculosis and their fitness for agricultural labor.¹⁷ Then, the braceros had to sign their contracts with the United States.¹⁸ Finally, the INS set aside the literacy qualification, head tax, and other provisions of immigration law to expedite admissions to the program and issue temporary (usually one-year) residency cards.¹⁹

As agreed in the bracero contract, the FSA was responsible for the costs of transporting the Mexican laborers to and from the United States. The workers rode the railroads to their destinations and were allowed to carry with them up to thirty-five kilograms of personal belongings. In order to help finance the costs of transporting the braceros, the FSA collected funds from the American farmers who employed them.²⁰

Shortly before the braceros' arrival, the State Farm Wage Boards, under the auspices of

the FSA, met and determined the prevailing wage of agricultural workers in the contracted areas.²¹ According to their contract, the braceros were to be paid the same amount as American farmhands and were guaranteed a minimum wage of no less than thirty cents an hour. They were not allowed to gain employment outside of the farm to which they were assigned to or in other industries. The braceros were also promised access and entry to all restaurants, stores, housing, and medical care equivalent to that of domestic workers. Working conditions were to be as safe and accident-free as they were for American farmhands, and the braceros were to be allowed representation by one of their peers, as well as surveillance by the Mexican consulate. The braceros were also guaranteed unemployment compensation of at least three dollars a day if unemployed for under seventy-five percent of their contracted time, or equal subsistence to that of Americans if unemployed for the remaining twenty-five percent of the time.

In their contract, a savings fund was established for the braceros by the Mexican government. This was to ensure that when the braceros returned to Mexico, they would not be a burden on the economy. The U.S. government deposited a portion of each worker's salary into the Wells Fargo Bank. This money was then transferred to the Banco Credito de Agricola in Mexico. The braceros could not access this money until they had been repatriated.²²

Public Law 45

On April 29, 1943, the bracero contract was amended with Public Law 45.²³ This new legislation terminated the Farm Labor

¹⁷ Department of State, "Migratory Workers," 4 August 1941, TIAS no. 278, *United States Treaties and Other International Agreements*, vol. 9, pt. 16.

¹⁸ Erasmo Gamboa, *Mexican Labor and World War II: Braceros in the Pacific Northwest, 1942-1947* (Austin: University of Texas, 1990), 41.

¹⁹ *Labor History* 3 (Spring 1962): 154.

²⁰ Department of State, "Migratory Workers," 4 August 1941, TIAS no. 278, *United States Treaties and Other International Agreements*, vol. 9, pt. 16.

²¹ *Labor History* 3 (Spring 1962): 154.

²² Department of State, "Migratory Workers," 4 August 1941, TIAS no. 278, *United States Treaties and Other International Agreements*, vol. 9, pt. 16.

²³ *Public Law 45, Statutes at Large* 57 (1943).

Transportation Program and began the Emergency Farm Labor Supply Program.²⁴ Less than a year after the WWII bracero program started, radical changes were made in the way that the program was conducted.

American farmers had expressed their disapproval with the "red tape" and "impractical restrictions" of the program from the start. They did not like the fact that they could not recruit workers themselves, but had to rely on the FSA for recruitment.²⁵ Growers also objected to the transportation, wage, and work guarantees made to the braceros in their contracts.²⁶ When the

Mexican government temporarily suspended recruitment in February 1943, citing discrimination, farmers were quick to blame the FSA for the hold-up, even though it was primarily the growers' fault. Supported by the powerful American Farm Bureau Federation (Farm Bureau), American farmers launched an attack on the FSA and the bracero contract.²⁷

The Farm Bureau began its assault with House Joint Resolution 96 (HJR 96).²⁸ Passed March 17, 1943, HJR 96 called for the decentralization of the bracero program through a transfer of power from the FSA to the USES.



Twin Falls, Idaho. Standard farm labor camp.
National Archives, Washington D.C.

Many provisions of the bracero contract were changed, including bracero recruitment, which would now be conducted by American farmers, and a prohibition was added against the use of federal funds "to fix, regulate, or impose minimum wages or housing standards, to regulate hours of work, or to impose or enforce collective bargaining requirements or union membership."²⁹ The Pace Amendment, found in HJR 96, also significantly altered the bracero contract with its declaration that braceros could not change jobs or locality without the approval of the U.S. and Mexican governments.³⁰ This

amendment was probably introduced to keep the braceros from migrating to other fields that were easier to harvest or to other farms that paid higher wages.

By the time HJR 96 reached the Senate, legislators were concerned that the Mexican government would not approve. To appease Mexican officials, the Senate

added several things to the House Resolution, including the provision that the braceros were "to be furnished hygienic lodgings without cost to them. . . ." The addition of the word "hygienic" was in response to the Mexican government's complaint that the braceros did not have sanitary housing. Another statement added to HJR 96 was the guarantee that Mexican officials would not be denied entry into

²⁴*Labor History* 3 (Spring 1962):167.

²⁵*Labor History* 3 (Spring 1962):159.

²⁶Kitty Calavita, *Inside the State: The Bracero Program, Immigration, and the INS* (New York: Routledge, 1992), 22.

²⁷*Labor History* 3 (Spring 1962):159, 163.

²⁸U.S. House, *Emergency Farm Labor Supply Program*, H.J. Res. 96 78th Cong., 1st sess., *Congressional Record*, 89, no. (17 March 1943): H2062.

²⁹Calavita, 22, 23.

³⁰Department of State, "Migratory Workers," 26 April 1943, TIAS no. 351, *United States Treaties and Other International Agreements*, vol. 9, pt. 16.

workcamps on American farms.³¹ Again, the Mexican government had complained to the U.S. that its officials were often physically barred from entering and examining bracero camps.³²

Subtractions were also made to HJR 96 by the Senate. For example, the provision prohibiting the use of funds to maintain the guarantees of the bracero contract was stricken. The most significant change made to HJR 96 was probably the Senate's decision that the FSA should be denied any role in the bracero program.³³ Instead, the War Food Administration (WFA) with the help of the USES would be in charge of the program. The WFA and the USES were in league with American farmers and their interests.³⁴ The passage of HJR 96 in the Senate on April 8, 1943, and its legalization on April 16, 1943, with Public Law 45, was a victory for the Farm Bureau and American farmers who objected to the "socialism" of the first bracero contract.³⁵

The Implementation of the Bracero Program and U.S. Adherence

Between 1942 and 1945, over 200,000 Mexicans came to the United States to participate in the bracero program.³⁶ They were placed throughout twenty-four states primarily within the Southwest, Pacific Northwest, and Midwestern regions of the United States.³⁷ Only one state, Texas, was permanently banned from the program. According to Mexican officials

this was "because of the number of cases of extreme, intolerable racial discrimination."³⁸

The bracero contract was supposed to guarantee Mexican laborers freedom from discrimination in both the workplace and the social sphere. However, the promises made in their contract were rarely kept because Mexican and American officials were not able to or did not want to enforce them. One explanation was that Mexican oversight was grossly inadequate. For example, the Pacific Northwest Division, which included Washington, Oregon, Idaho, Montana, Wyoming, and Utah, had only one Mexican consulate.³⁹ Another issue that may have affected implementation was bribery. American farm organizations, such as the American Farm Bureau, probably attempted to silence Mexican consuls with gifts of money. Whether or not bribery occurred remains uncertain.

American officials also proved incapable and unwilling to enforce the guarantees of the bracero contract. Both the FSA and the WFA failed to adequately reveal and address breaches of contract. In August of 1942, the FSA set standards for bracero housing, health, and sanitation. The FSA determined that "no more than three single workers or more than four family members . . . [were to occupy] a twelve by fourteen foot space. . . ." Furthermore, bracero living quarters were to include "facilities for cooking, sleeping, laundry, bathing, toilets, and waste disposal."⁴⁰ These standards were rarely met by the U.S. government or American farmers. In fact, in many cases, when American officials were made aware of contract violations through bracero strikes or Mexican consuls' complaints, they usually ignored them and sided with the interests of American farmers.

³¹*Labor History* 3 (Spring 1962): 154-161.

³²Gamboa, 76.

³³Department of Agriculture, 43.

³⁴Calavita, 22.

³⁵*Labor History* 3 (Spring 1962): 165-166.

³⁶Vernon M. Briggs, Jr., *The Mexico-United States Border: Public Policy and Chicano Economic Welfare*, Studies in Human Resource Development No. 2 (Austin: University of Texas, 1974), 9.

³⁷Department of Agriculture, 224.

³⁸*Pacific Historical Review* 32 (August 1963): 252, 254.

³⁹Gamboa, 41.

⁴⁰Department of Agriculture, 25.

From the beginning of the program, the first braceros were made aware of American unwillingness to comply with their contract.

The first five hundred workers left Mexico City for Stockton, California, on September 25, 1942.⁴¹ American railroad scheduling was substandard, and as a result, the trip took much longer than expected.

Furthermore, the braceros were fed boxed lunches throughout the entire trip. They were not

given a single hot meal in the dining car. The workers also complained that they did not have enough water to drink or to wash themselves. Paper towels, which were necessary for sanitary reasons, were scarce, and the braceros had little or no access to medical care while traveling.⁴²

Things did not get much better once they arrived at their destination. A serious wage dispute arose between the braceros and their employers. The braceros, who were picking beets, were paid by the piece rather than by the hour. The workers complained that when they were paid by the piece, they did not make the minimum wage of thirty cents guaranteed in their contract. The growers would not budge; they told the braceros to accept the piece-rate or go home. The workers demanded repatriation. Both groups met with the FSA in Sacramento on October 6, 1942, where an agreement was reached. For the first two weeks of employment, the braceros would have the option of getting paid by the piece or by the hour. Those

braceros already employed would be considered "new employees." In reality, nothing had changed. Those braceros that chose to be paid

the minimum wage still had to pick at least thirty cents worth of beets an hour. If they did not, they would be paid by the piece.⁴³

This "compromise" was a victory for the farmers, and the braceros had little choice but to comply.

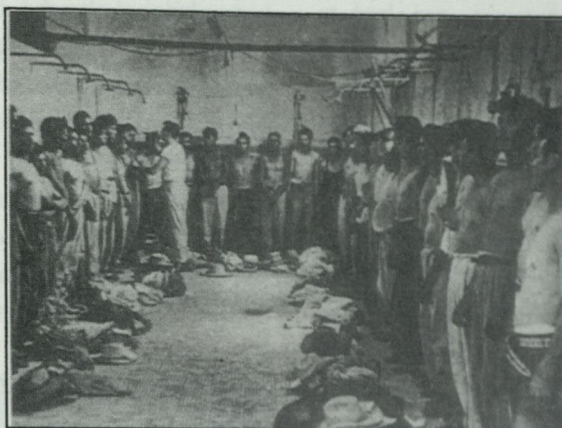
The exploitation of the first braceros was not an isolated incident. Most braceros experienced

discrimination and abuse

whether it was in wages, housing, food, working conditions, medical care, or social acceptance. It appears that the bracero contract was unenforceable because the U.S. government and American farmers did not believe that their compliance was a serious matter nor that they would be held accountable for breaches of contract.

Farmers were particularly dishonest and devious in regard to wages. They often paid the braceros below the contracted minimum wage of thirty cents an hour, less than American farmhands. Furthermore, growers purposely "forgot" to record hours that laborers worked. American farmers were also notorious for delaying their workers' paychecks, so that dissatisfied braceros would be forced to remain on the job.⁴⁴

Bracero housing was usually inadequate, unsanitary, and sometimes, dangerous. The U.S. Director of Labor admitted in November 1943 that, "In the past year housing has been



Health inspections for diseases and infections.

U.S. Dept. of Labor.

⁴¹*Labor History* 3 (Spring 1962): 155.

⁴²Department of Agriculture, 175.

⁴³*Labor History* 3 (Spring 1962): 156.

⁴⁴Calavita, 24.

inadequate in many respects. . . . We must improve our sanitary provisions as we have had complaints from sanitation authorities."⁴⁵ The braceros were usually housed in tents of about sixteen square feet. About six men had to "reside" in each tent and each was given a cot and one blanket. In the fall and winter, the tents were bitterly cold, and in the summer, they were unbearably hot. Some tents had stove heaters; this however, was the exception, even in the coldest parts of the U.S. Furthermore, even when stoves were available, they often posed a fire hazard because of their location. There were other dangers in the braceros' housing. In October 1944, in Marcing, Idaho, an oil-burning water heater exploded, nearly killing the braceros who were sleeping nearby.⁴⁶ Unfortunately, bracero housing did not improve with time. As late as spring 1945, the Director of Labor stated, "As you know, various foreign governments with whom we have agreements have not been satisfied with the housing standards of last year. . . . Contracts were negotiated only after virtual guarantees on the part of the Director of Labor that housing and sanitation this year would be in conformity with minimum standards."⁴⁷

Meals became the greatest source of the bracero's discontent. In July 1943, braceros in a camp in Skagit County, Washington, went on strike because of what they were being fed. They were served breakfast at 4:30 in the morning at which time they were also given their sack lunch. Seven and a half hours later, at noon, they were allowed to break for their lunch, which usually consisted of three sandwiches—meat, egg spread, and jelly, a sweet roll, and a half-pint of milk. By this time, without the benefit of refrigeration, their lunches had

spoiled. But they were hungry, so they ate what they could. Needless to say, food poisoning was a common phenomenon at most bracero camps.⁴⁸ The braceros' food was often not only spoiled, but also did not cater to Mexican eating habits. Workers complained about cold lunches, preferring a hot meal of beans and tortillas or rice.⁴⁹ The bracero contract had promised them food that they were accustomed to, and once more, the U.S. had failed to keep its end of the bargain.⁵⁰

Working conditions were also hazardous for the braceros. Historian Erasmo Gamboa



Interior of mess hall. U.S. Dept. of Labor.

suggested that the bracero accident rate was much higher than the average for Euro-American workers because the Mexican laborers were unfamiliar with much of the farm machinery, and American farmers did little to teach the braceros how to operate the equipment safely. Consequently, many workers lost their fingers, limbs, eyesight, and some, their lives. Bracero Primitivo Mosqueda died from serious injuries to his temporal region when his head

⁴⁵Department of Agriculture, 183.

⁴⁶Gamboa, 381.

⁴⁷Department of Agriculture, 184.

⁴⁸Gamboa, 383, 384.

⁴⁹Department of Agriculture, 189.

⁵⁰Department of State, "Migratory Workers," 26 April 1943, TIAS no. 351, *United States Treaties and Other International Agreements*, vol. 9, pt. 16.

was pinned between two pieces of farm equipment. Medical authorities described the gruesome injury as, "a portion of an end of a bolt . . . [went] down in the skull to an unbelievable distance." According to historian Gamboa, the transportation of workers on open flatbed trucks was another hazard. The return trip from the fields back to the camp was the most dangerous. After loading the back of the truck with produce, the men would climb on top of the unstable cargo for the ride home. There were no handrails on the sides of the truck, and the drivers were notorious for their recklessness. A camp manager in Stanwood, Washington observed that "not one single truck hauling our men made a stop before crossing the railroad tracks." Unfortunately, the carelessness of farmers in transporting their workers led to many reported incidents of transportation-related bracero deaths and injuries that were completely avoidable.⁵¹

Bracero medical care was often substandard and may have led to the untimely death of workers. According to a study conducted by the Department of Agriculture, the rate of bracero illness was much higher than that of Euro-Americans. The most common illnesses the braceros experienced were (listed from highest rate of occurrence to lowest)--respiratory, digestive, infections/parasites, unknown diseases, injuries, and poisonings. The majority of these illnesses might have been averted if farmers had taken various precautions. For example, bracero respiratory problems may have been caused by their direct exposure to hazardous pesticides or miserable sleeping conditions. Bracero digestive problems and infections/parasites were probably caused in part by their intake of spoiled food and unsanitary living conditions. And, bracero injuries and poisonings were most likely the result of careless farmers who did not teach their

workers how to be safe and did not clearly label poisonous materials in Spanish as well as English. Unfortunately, when braceros did get ill, the care that they received was minimal and was only reserved for "emergencies."⁵² According to Gamboa, medical records suggest that some braceros may have unnecessarily died because they did not receive adequate medical care. One reason for the paucity of bracero medical care was racial discrimination. Many hospitals and doctors refused to treat braceros because they were Mexican.⁵³

Bracero social discrimination was rampant throughout the program regardless of the contract's guarantee that racism would not be tolerated. There were several instances when braceros were attacked by Euro-Americans because of their ethnicity. In Medford, Oregon, a camp manager reported that a group of Mexicans were severely beaten in public by five Euro-American men for no apparent reason. After the beating, the Mexicans were arrested for "intoxication." However, the camp manager testified that the braceros were not drunk, and the judge who acquitted them admitted that, "those who made the attack should have been arrested instead." Braceros were also denied entry into American restaurants and stores because of their race. In Caldwell, Idaho, discrimination was so severe that the Mexican consulate pressured the Chamber of Commerce to require area stores to remain open at night so that the braceros could frequent them.⁵⁴

Conclusion

It is difficult to make an assessment of the WWII agricultural bracero program without taking into account the various perspectives that were represented. For the braceros, the program

⁵²Department of Agriculture, 195, 196.

⁵³Gamboa, 389, 390.

⁵⁴Gamboa, 387.

⁵¹Gamboa, 379, 391, 392, 393.

was a mixed blessing. It provided employment to thousands of Mexicans without work and exposed them to American culture. But, the program also led to their exploitation and abuse. Most braceros were discriminated against, both in the workplace and the social sphere, and their contracts were of little help because the guarantees were rarely fulfilled. For the U.S. government and American farmers, the bracero program was a success. The braceros temporarily filled the labor void created by the war and worked America's fields for substandard wages. The program was very profitable for American farmers, and unlike other immigrant groups such as the Chinese or Japanese, the Mexicans were repatriated when they were no longer needed. This pleased both farmers and their communities who were afraid that the braceros would take away jobs from Euro-Americans. Thus, while Americans were fighting overseas in defense of freedom and democracy, the irony existed that Mexican nationals were denied the fundamental components of a free democracy—equality and justice.

AGITATION AND EMIGRATION:

The Coal Fields of Great Britain, 1901-1913

Michael T. Barry

The turn-of-the-century heralded many great changes in England's external and internal affairs, especially concerning the working class. Traditionally under-represented in politics, coal miners throughout England found a strong voice in their unions and began the fight for fair labor practices and wage increases. The miner's strikes and riots of the early 1900's were among the most violent in British history. While many of their battles were eventually won, miners often chose to emigrate to the United States rather than face the continued hardships of union unrest in England. Author Michael Barry uses the story of Thomas Smith to examine the choice between staying in the tumultuous British mines and the equally difficult journey to the New World emigrants faced.

Great Britain in the decade prior to the onset of World War I, can be characterized as a country experiencing great changes economically, politically, and socially. European values, especially those of the British, dominated world culture.¹ The British emerged from conservative Victorian ideals, adopting a more optimistic Edwardian attitude towards life. Underneath this new-found enthusiasm lay the foundations for tremendous social, political, and economic unrest. This upheaval adversely affected many in British society but none more than the coal miner. For many miners this turmoil was enough to prompt mass emigration to destinations such as the United States. Thomas Smith was one such British coal miner.

In January of 1901 Queen Victoria died.² Her reign had lasted sixty plus years and this longevity gave rise to Victorian conservatism. Victoria was symbolic of the idealized British attitude of superiority, but the last years of her reign were marked by economic recession.³ Edward, the eldest son, ascended to the throne in late 1901. Edward VII reigned from 1901-1911 at a time which has been dubbed, the age of "Edwardian Prosperity." The new king was perceived as a person who possessed a zest for life and wanted others to partake as well. His rule signaled

¹ Nell Irvin Painter, *Standing at Armageddon: The United States, 1877-1919*, (New York: W.W. Norton & Co., 1987), 149-50.

² G. M. Trevelyan, *History of the England*, vol. 3, *from Utrecht to Modern Times: The Industrial Revolution and the Transition to Democracy*, 4th ed. (Garden City, New York: Doubleday & Co., 1952), 251.

³ R. K. Webb, *Modern England from the 18th Century to the Present*, 4th ed. (New York: Dodd, Mead & Co., 1970), 447.

zest for life and wanted others to partake as well. His rule signaled the beginning of great industrial change for the Commonwealth.⁴ This prosperity afforded an interesting paradox. In the years prior to the onset of World War I, England observed increasing class division; animosity between employers and the workers was widening.⁵ The upper and middle classes experienced an era of great economic success, while the lower working classes struggled harder to make ends meet. The average man and woman found themselves struggling to come to terms with a social system and set of values that was rapidly changing.

Edwardian England tended to divide the working classes into two categories: artisans and laborers. The wages earned by the artisan class usually allowed for a comfortable living, but laborers often barely made enough money to survive; most lived in poverty.⁶

British manufacturing and domestic exports began to experience diminishing profits due to increased competition from abroad. This free market condition and the lack of a governmental plan to increase domestic production, led to a virtual collapse of the economy. No longer did

Britain seem to be the "world's workshop;" she instead became its "warehouseman, banker, and commission agent."⁷



"A Cornish Miner" in the early 1900's.
The Cornish Miner, A. K. Hamilton Jenkin.

Financially, Britain experienced a rise in foreign financing, and a decline in domestic industries reinvestment. The export of coal became one of Britain's most significant methods for payment of imported goods. The dawn of the twentieth century saw productivity in the coal mines decline, not caused by a lack of coal but rather a result of the tremendous depth of the mine shafts. Year after year the mines were dug to levels of such great depth that it became virtually impossible to use machinery. As a consequence, much of the actual mining was performed

by hand, which led to a decline in productivity and a deterioration of profits. This decrease in revenue forced a reduction of miners' earnings, which in turn provided the driving force for almost continuous labor discord during this period. This unrest produced great changes not only for the mines but for all of industry, creating new labor legislation, inspiring the only general strike in British history and eventually leading to the nationalization of the mines.⁸

Between 1900 and 1914, union membership in Great Britain doubled; in 1908 alone the number of strikes outnumbered those of the entire decade of the 1890s. The miners in particular met with many complicated questions. The main points of contention were maximum hours worked, minimum wage, and unsafe mine

⁴ Walter L. Arnstein, *Britain Yesterday and Today*, 6th ed. (Lexington, Massachusetts: D.C. Heath & Co., 1992), 201-202.

⁵ Standish Meacham, "The Sense of an Impending Clash: English Working Class Unrest Before the First World War," *The American Historical Review*, 27 (December 1972): 1351.

⁶ Meacham., 1355.

⁷ Arnstein, 202.

⁸ Arnstein 203.

conditions.⁹ The long battle over the eight-hour work day was finally settled in 1908 when the Coal Mines (Eight Hours) Act passed Parliament after fifteen years of debate.¹⁰ With the work hours issue resolved, the miners moved onto the earnings problem of which the Minimum Wage Strike of 1912 was a direct

people emigrated from Britain. A major motivation for this exodus was wage stagnation.¹² These emigrants were not lured to distant lands against their will, the desire to leave their homeland for the United States and other foreign destinations was a well thought-out process.¹³ The chart in Table 1 represents year

Table 1: Destination of Emigrants from the United Kingdom, 1901-1911.

Year	United States	Canada	Other	Total
1901	194,941	42,898	15,754	253,593
1902	232,099	67,600	14,675	314,374
1903	251,941	99,582	12,573	364,096
1904	291,945	91,684	14,675	397,839
1905	276,636	108,118	15,488	400,242
1906	338,612	141,786	19,589	499,987
1907	366,396	185,831	25,067	577,294
1908	198,321	95,428	33,900	327,649
1909	259,933	113,305	38,350	411,588
1910	303,362	196,305	46,246	545,915
1911	250,969	213,361	72,294	536,624

result. These work stoppages were often very violent, and the destruction and mayhem that resulted frightened the upper and middle classes of society. Although, the unrest was harsh, strength and support among the unions was only superficial and unity often evaporated before any true settlements were achieved. The answer to maximum hours, wages, and mine conditions ultimately rested with nationalization of the unions.¹¹

One noteworthy contradiction to "Edwardian Prosperity" as it pertained to the mines was the issue of wages. The earnings of the coal miners and other lower class laborers often only marginally kept pace with inflation while real wages failed to rise all together. As a result, from 1900 to 1914 more than 4.5 million

by year totals for emigration from the British Isles to North America and other destinations from 1901 through 1911.¹⁴

The chart further indicates that with each progressive year (with the exception of 1908) hundreds of thousands of British citizens chose to leave the British Commonwealth for destinations such as North America. The dip in emigration associated with 1908 may have been caused by the passage of the Eight Hour Act. This piece of legislation may have pacified the unions for a short time but as other issues developed, dissatisfaction again rose and emigration increased. The remainder of this examination will attempt to prove that emigration from Britain during this period,

⁹ Webb, 467.

¹⁰ R. Page Arnot, *The Miners: Years of Struggle, A History of the Miners' Federation of Great Britain from 1910 Onwards*, (London: George Allen & Unwin, 1953), 123.

¹¹ Webb, 469.

¹² Arnstein, 230.

¹³ Alan M. Kraut, *The Huddled Masses: The Immigrant in American Society, 1880-1921*, (Wheeling, Illinois: Harlan Davidson, 1982), 9.

¹⁴ Stanley C. Johnson, *A History of Emigration from the United Kingdom to North America, 1763-1912*, 2d ed. (London: Frank Cass & Co., 1966), 345.

especially among the coal miners was a direct result of the diminished earnings, erratic employment opportunities, and the dangerous occupational environment associated with the mines of

England.

Beginning in 1901 and continuing through 1913, the capitalist system of Great Britain endured a time of sluggish expansion.

Although not a time of complete recession, progress was limited.¹⁵ While the economies of the remainder of the industrial world expanded significantly, Britain's foreign markets began to be dominated by countries such as Germany and the United States. After the defeat of Germany in World War I, the United States emerged as the number one commercial rival of the British.¹⁶

The coal mining industry was the only major industry in Great Britain to experience a downward trend in wages. The chart in Table 2 shows the average weekly wages earned by individual laborers in the five major industries of Britain from 1904 to 1914.¹⁷ It can be clearly seen that wages in the coal mines were substantially lower than the other five industries. Following the Depression of 1909, the low wage issue took center stage for the miners. What resulted was a period of tremendous labor unrest, culminating in the first national coal miner's strike.¹⁸ These strikes and the subsequent uncertainty of the labor market led

many miners to the conclusion that emigration was the answer to their financial situation. It is necessary to examine two of the most significant work stoppages of the period in order to provide

an explanation of why so many coal miners chose to emigrate to North America between 1901 to 1913.

The first violent labor dispute

associated with the wage issue

took place in 1910 in the coal fields of South Wales. Dissatisfaction among the coal miners of this region began with a refusal to accept a decrease in pay. The introduction of the eight-hour shift under the Coal Mines Regulation Act of 1908 resulted in lower production per man and the mine owners used this justification to impose the reduction in wages. By November of 1910 no settlement had been reached, and what resulted was the Cambrian Combine Strike.¹⁹ With no apparent compromise in sight, Winston Churchill, the Home Secretary, ordered troops to the strike region.²⁰ By May of 1911, negotiations began to ease the six month strike, and it was agreed that the wage scale was to revert back to that of October, 1910. Although a defeat for the miners, the later stages of the struggle were successful in bringing the question of a national minimum wage to the attention of the general public, making it the cause of the next work stoppage.²¹ Where the Cambrian Combine Strike had been limited regionally to

Table 2 : Wage Rates of Individual Industries, 1904-1914.

(Totals equal weekly incomes in Pounds for individual workers for each industry.)

	1904-1908	1909-1914
Coal mining	87	94
Building	100	103
Engineering	101	104
Agriculture	103	108
Textiles	105	109

¹⁵ Jurgen Kuczynski, *Labour Conditions in Great Britain: 1750 to the Present*, (New York: International Publishers, 1946), 98.

¹⁶ Kuczynski, 99-100.

¹⁷ Kuczynski, 103.

¹⁸ Kuczynski, 124.

¹⁹ Roland V. Sires, "Labor Unrest in England, 1910-1914," *The Journal of Economic History* 15 (September 1955): 257.

²⁰ Sires, 258.

²¹ Arnot, 77.

South Wales, the pending crisis of 1912 went national.

A momentous year in the history of the miners, 1912 established the principal of a minimum wage.²² The mine owners were willing to pay a "fair day's pay for a fair day's work," and feared that a minimum wage would force them to compensate the old and inefficient workers. After negotiations broke down, a national work stoppage was called for February, 1912. If production of coal, "the life blood" of British industry, was to cease, the economic effect could have been devastating.²³ With no settlement in sight, government intervention was necessary to settle what became known as the Minimum Wage Strike of 1912.²⁴

By March, the British government was faced with the reality of one million miners out of work. The effect on the country was immediate: factories closed, railroads limited schedules, and home heating was reduced.²⁵ Prime Minister Herbert Asquith introduced the Minimum Wage bill on March 19, 1912, to the House of Commons. The Minimum Wage Act was passed by a majority in Parliament and the miners went back to work on April 6, 1912.²⁶ The strike of 1912 was, up until that time, the largest in

the mines were united.²⁷ The Cambrian Combine and Minimum Wage strikes caused tremendous economic hardship among the miners but the issues of low wages and instability were not the only factors that resulted in miner dissatisfaction. Hazardous working conditions also played a significant role in miner agitation.

The mining profession was hazardous and mine depth led to a decline in productivity. Individual miners had to intensify their labor productivity, resulting in exhaustion which was the number one cause of accidents and death in the mines. Between 1903-1912, the death rate was 1.33 per every one thousand accidents. In comparison, from 1913 to 1922 the accident/death rate decreased to 1.15 per every thousand. Historian Jurgen Kuczynski attributes this decline to improved accident prevention methods and the invention of labor-saving safety devices.²⁸ But dangerous working conditions remained one of the major factors that motivated many miners to emigrate from the British Isles.

Emigration nearly doubled in Britain

between 1901-1913 and this was partly due to the attractiveness of the United States as a land of opportunity.²⁹ In 1913 alone, close to 400,000 people emigrated

**Table 3 : Occupations and Totals for
Adult Male British Emigrants
Who Left the United Kingdom Between,
1901-1911.**

Agriculture	236,406
Commerce	196,459
Skilled trades	412,167
Laborers/ miners	521,036

from Britain while the annual average for the previous fourteen years had been 200,000.³⁰ The chart in Table 3 illustrates the total number

²² Arnot, 90.

²³ Arnot, 96.

²⁴ Sires, 261.

²⁵ Arnot, 102-103.

²⁶ Sires, 261-262.

²⁷ G. D. H. Cole, *A Short History of the British Working Class Movement, 1789-1947*, 3rd ed. (London: George Allen & Unwin, 1952), 341.

²⁸ Kuczynski, 111.

²⁹ W. A. Carrothers, *Emigration from the British Isles*, 2d ed. (New York: Frank & Co., 1966), 241.

³⁰ Carrothers, 245.

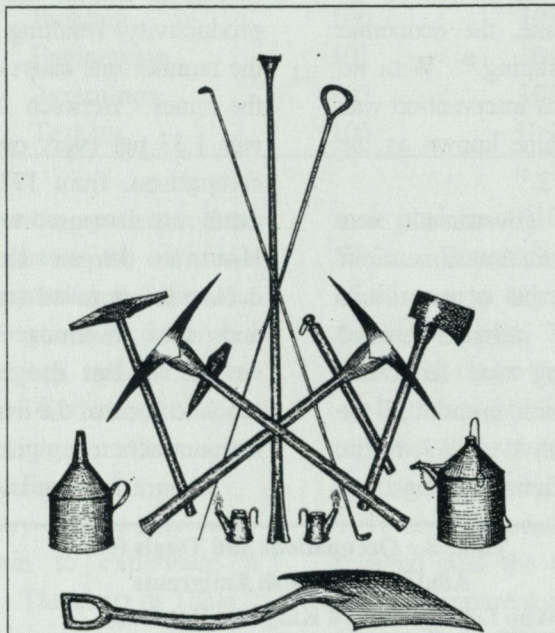
of male emigrants in each major occupation that left the Commonwealth during this period. Emigration among the miner/ labor class totaled well over 500,000.³¹ The motivation for emigration had changed over the years. Many emigrants were fleeing hard times or the impending threat of unemployment rather than religious persecution.

Thomas Smith was one such coal miner from Staffordshire County, England, who was troubled by the uncertain labor atmosphere and decided it was time to take his chances in the United States.³² The youngest of eight children, Thomas was born in April of 1878 in Cannock, England, the son of George and Mary Roach-Smith.³³ George Smith and his father, also named Thomas Smith, had all been employed as laborers in the coal mines of the Midlands region of England. By the time Thomas reached adulthood, his profession had already been pre-ordained, and he toiled in the coal fields of Staffordshire County until the age of thirty-four. Thomas Smith married Mary Ann Fairholm sometime between 1895 and 1900. Mary Ann was born

on October 15, 1883³⁴ in Heath Hayes, England daughter of George and Amelia Griffith-Fairholm.³⁵ Together, Thomas and Mary Ann had a total of ten children, six of whom (Amelia, Gladys, Arthur, Nellie, Jean and Thomas, Jr.) were born before 1912. The other children (Katie, Dorothy, George and Donella) were born after the family arrived in America.³⁶ The source for much of the Smith family history comes from Thomas and Mary Ann's fourth child Nellie Smith. She was born on September 5, 1908, in Cannock, England. She emigrated to America with her parents at the age of three and presently resides in the suburban Chicago area.³⁷

Because of the poor economic situation in Britain between 1910-1912, the United States proved to be a popular destination for many emigrants. Nellie Smith recalled that "there was very little work and very little food on the table," and that her father was unable to feed the family

with the wages he received in the mines. According to Nellie Smith, her father made the decision to emigrate to the United States hoping



"A Set of Miner's Tools" circa 1910. *A History of the Coal Miners of the United States*,
Hon. Andrew Roy.

³¹ Johnson, 349.

³² Nellie Smith Barry, *Interview by Michael Barry*, 5 October 1997, Niles, Illinois, Tape Recording.

³³ United Kingdom, Public Records Office, *Census of English Borough's: 1881*, (Borough of Cannock, Parish of St. Luke's, Family of George Smith, December 15, 1881).

³⁴ Cook County Department of Public Health, *Coroner's Certificate of Death for Mary Ann Smith*, (Chicago, Illinois: February 13, 1973).

³⁵ United Kingdom, Public Records Office, *Census of English Borough's: 1891*, (Borough of Five Ways, Talbot Inn, Family of George Fairholm, 1891).

³⁶ Nellie Smith Barry.

³⁷ United Kingdom, Public Records Office, *Birth Certificate of Nellie Smith*, (Staffordshire County, Cannock Village, England, April 6, 1945).

to find stable employment.³⁸ The generosity of America had been detailed in letters from relatives, neighbors, and friends who had emigrated earlier.³⁹ She recalls that a neighbor and close friend, Obel Dickson, had written to the Smiths from Southern Illinois about the abundant opportunities and proposed that they should come right away.⁴⁰

Typically, once the decision to leave was made, emigrants like Thomas Smith began the process of extracting themselves both psychologically and physically from their homelands. As soon as the resolve to go was formed, the first of many tests began. The anxiety of leaving loved ones behind and the thought of weeks of hazardous travel all weighed heavily in their minds. The voyage to America was known to be a long and arduous ordeal to undertake. While the idea of leaving seemed right, it was mixed with feelings that life as they knew it was going to change forever.⁴¹

These emigrants felt a sense of abandonment which was magnified by the physical hardships of the journey to America. Emigrants such as Thomas Smith came from all over northern Europe and arrived at Liverpool, England, which was the main port of departure for northern Europe. There, the major steamship companies such as Cunard and White Star contended for lucrative emigrant traffic.⁴² The steamship companies sold three different fares from which to choose: first class cabin, second class cabin, or steerage. The steerage fair averaged five pounds, ten shillings, while first and second class cabins cost eight pounds and more.⁴³

The steerage section of the ship was located several decks below in the fore and aft

compartments. In an earlier age, the steering mechanisms had been located in these areas.⁴⁴ Steerage class was no more than cargo holds with rows of metal bunk beds. These beds were made of spring wire mattress filled with straw.⁴⁵ Separation of men and women was required, while children were allowed to stay with their mothers. At times as many as 2,000 people were transported in these steerage compartments even though these areas were never intended to carry human cargo.⁴⁶

Prior to shipping out, all steerage and crew members were required to have a medical examination to insure that no one was suffering from a contagious disease.⁴⁷ Many emigrants resented this examination but the steamship companies were responsible for curtailing shipboard illness. The United States and other countries refused to accept sick immigrants and often sent them back to the country from which they came at the expense of the steamship company. Therefore, it was in the best interest of companies such as Cunard and White Star to inspect their passengers thoroughly before passage.⁴⁸

Thomas Smith's journey to America began at the port of Liverpool on March 8, 1912, on board the White Star steamship, S.S. Baltic.⁴⁹ He traveled in steerage class with only the clothes on his back and a small suitcase. His final destination was the port of New York City.⁵⁰

³⁸ Nellie Smith Barry.

³⁹ Kraut, 15.

⁴⁰ Nellie Smith Barry.

⁴¹ Kraut, 43-44.

⁴² Kraut, 47.

⁴³ Johnson, 127.

⁴⁴ Kraut, 48.

⁴⁵ Johnson, 128.

⁴⁶ Kraut, 49.

⁴⁷ Johnson, 124.

⁴⁸ Kraut, 48.

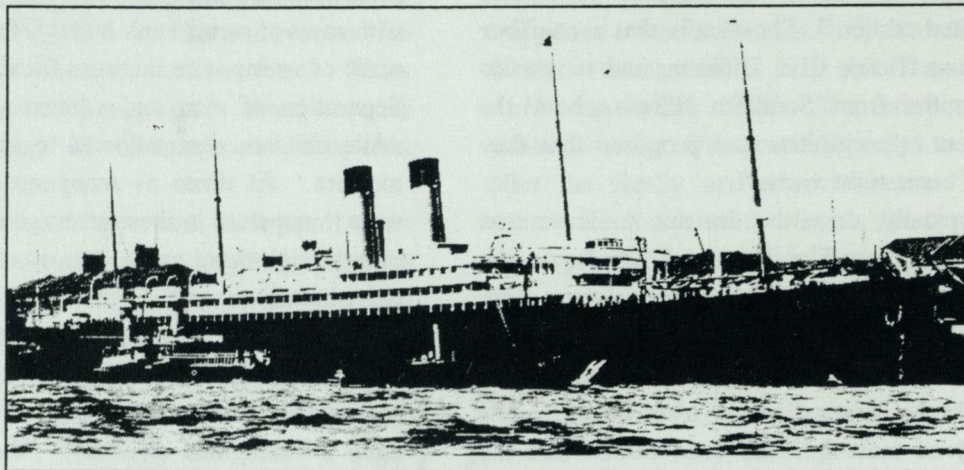
⁴⁹ List or Manifest of Alien Passengers for the United States Immigration Officer at the Port of New York, *White Star Line: S.S. Baltic, Steerage Manifest*, (March 8, 1912), Microfilm Number 1400500, List 10, Group 95, Volume 4019.

⁵⁰ Nellie Smith Barry.

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Once on board, the emigrant's hardships continued. Even with the medical examinations

New York, allowing ships to anchor and land at will with limited problems.⁵³ By 1890, it



S.S. BALTIC, White Star Line. *Ships of our Ancestors*, Michael J. Anuta.

there were occasional outbreaks of disease. The cramped living conditions, poor sanitation, and lack of nutritious foods contributed to the spread of epidemics such as typhus and small pox. Poor ventilation systems provided foul and insufficient air, and toilet facilities were inadequate for the numbers of passengers in steerage. The food stock was limited and often unhealthy. Many emigrants brought their own sustaining supplies with them as the provisions supplied by the steamship was often high priced and low in quality.⁵¹

The trials and tribulations of these journeys suggest that even before these emigrants arrived in America, major modifications had begun to affect their lives. Steerage passengers had to adapt to the art of staying alive under arduous conditions, but once they had heard the news that land had been sighted, these weary emigrants gathered their strength and prepared for the next test.⁵²

New York became a popular entrance point for immigrants just prior to the Civil War. In 1855, the Castle Garden dock was opened at

became clear that Castle Garden was unable to process the large influx of immigrants, so the U.S. Immigration Service began to look for another location. They settled on a small tract of land in the middle of New York harbor named Ellis Island.⁵⁴ Ellis Island became the main processing center for millions of new immigrants. For many new arrivals, the stay on Ellis Island was brief but the encounter was remembered as the most terrifying ordeal of the entire journey. This experience led many immigrants like Smith to label Ellis Island the "Island of Tears" or "Heartbreak Island."

Normally, upon entrance to Ellis Island, these immigrants were approached by a uniformed agent who placed identification numbers on their coats. This number corresponded with the ship's manifest.⁵⁵ When Thomas Smith arrived at Ellis Island on March

⁵¹ Kraut, 49.

⁵² Kraut., 50.

⁵³ Johnson, 165.

⁵⁴ Kraut, 53.

⁵⁵ Kraut., 55.

19, 1912, his classification tag was numbered 10-95-4019.⁵⁶

A physical examination was the next step in the process of admission. Each immigrant was tested for diseases related to physical stress, eyes, throat, and mental deficiencies. If the new arrival passed the physical, the next step was an interview with the immigration inspectors, who asked generic questions such as name, occupation, nationality, place of origin, marital status, who they were meeting, and final destination.⁵⁷ Smith successfully passed these admission tests. He then met his friend Obel Dickson at the train depot, and they left the same day for the coal fields of southern Illinois.⁵⁸

With the anxieties of Ellis Island behind them, emigrants soon discovered that new challenges lay ahead. Decisions had to be made concerning where to live, what type of employment to seek, and how to assimilate to American culture. Most new arrivals chose to settle in the urban cities of the east like New York, Boston, and Philadelphia or cities in the mid-west, such as Chicago.⁵⁹ For Smith, finding work was not an issue; he had already been assured of a position at the "Ole Ben" coal mine at Benton, Illinois, but for many, employment was not as easily obtained.⁶⁰

Once work and living arrangements were secured, newcomers faced another challenge: the assimilation to American work habits and culture. The transformation was much easier for the British immigrant than those of other ethnic groups. Beginning in the late nineteenth century, American attitudes towards British immigrants began to change. Americans began

to disregard their tradition of "anglophobia," which had been in vogue since the revolutionary era of 1776 and instead declared a closeness with their fellow English speakers.⁶¹ It was said that the Anglo-Saxons as a people possessed a sense of fair play, the ability to gain wealth honestly, that they enjoyed broad civil liberties in democracies in which every man had an equal vote, and that they evolved into the highest civilization that the world had ever known.⁶² According to Historian Nell Irvin Painter, this new pro-British attitude was used as another justification for the aggressive policies of U.S. expansionism during this period.

The British, like many other nationalities, brought their own ways and customs. Thousands of British workers gathered in American factories, mills, and mines, and established schools, churches and social clubs in their new communities. Many of these organizations were secret fraternal societies that often excluded women from admission. Historian Roland Tappan Bertoff contends that associations such as the "Sons of St. George," established in 1870, provided a way for miners to cling to old country traditions.⁶³

For miners such as Smith, clinging to the traditions of the old country was easy but transition to life in America was difficult. Assimilation to the working conditions in the mines of southern Illinois was made easy because these were just as harsh as those left behind in Britain, with one notable exception: consistent work. Thus Smith and his fellow British miners felt right at home in the coal fields of Franklin County, Illinois.⁶⁴ Smith joined the local United Mine Workers of

⁵⁶ List or Manifest of Alien Passengers at the Port of New York.

⁵⁷ Kraut, 55-56.

⁵⁸ List of manifest of Alien Passengers at the Port of New York.

⁵⁹ Kraut, 65.

⁶⁰ Nellie Smith Barry.

⁶¹ Painter, 151.

⁶² Ibid., 149.

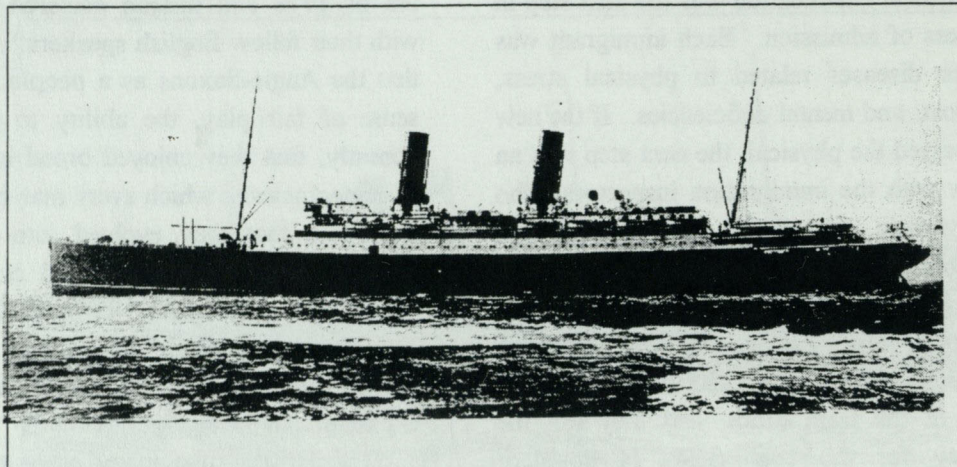
⁶³ Rowland Tappan Bertoff, *British Immigrants in Industrial America, 1790-1950*, 2d ed. (London: Russell & Russell, 1968), 180.

⁶⁴ Bertoff., 53.

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America union,⁶⁵ then settled in the little town of Buckner, located in the center of the bituminous

inspection by immigration officials.⁶⁹ Mary Ann and the children boarded the S.S. Franconia on



S.S. FRANCONIA, 1910 Cunard Line, *Ships of Our Ancestors*, Michael J. Anuta.

coal mining region of the state.⁶⁶ He worked in the "Ole Ben" mine of Benton, located just a few miles from Buckner. The hours were long and hard, but by the summer of 1913 he had managed to save enough money to bring his wife and children to America.⁶⁷

Mary Ann Smith and their six children left Cannock for the port of Liverpool in late June, 1913. They arrived at Liverpool and secured a second class fare on the Cunard steamship S.S. Franconia, which was sailing to Boston.⁶⁸

Thomas had wanted his family to avoid the hardships of traveling steerage and it was well known that passengers going abroad in first or second class cabins were exempt from intensive

June 24, 1913 and bade farewell to family and friends. Their journey by sea lasted eleven days, and arrival at Boston was on the fifth day of July, 1913.⁷⁰ Thomas did not meet his family at Boston; instead Mary Ann and the children took a train to Du Quoin, Illinois. There they were reunited with their husband and father.

According to Nellie Smith, life in southern Illinois was hard. Initially the family lived in a tent (which was ordered through the Sears & Roebuck catalogue) until a rented home was located in Buckner. Eventually, years of hard work and saving allowed her father to purchase a home in nearby village of Christopher. Thomas Smith continued to work in the coal mines of Illinois until illness overcame him late in life and he died at the age of eighty-three on April 18, 1961.⁷¹ Mary Ann survived her husband by twelve years; she died on February 13, 1973 at the age of eighty-nine.⁷²

The first decade of the twentieth century was a time of great change in Great Britain as

⁶⁵ United Mine Workers of America, *Membership Dues Statement for Thomas Smith*, (Local Union Number 9018, District Number 12, Christopher, Illinois, January 16, 1961).

⁶⁶ United States Department of Commerce, Bureau of the Census, *Fourteenth Census of the United States: 1920-Manuscript of Population Schedules*, (Buckner Village, Franklin County, Illinois, Family of Thomas Smith).

⁶⁷ Nellie Smith Barry.

⁶⁸ Boston Passenger Arrival Lists, 1899-1940, *Cunard Line: R.M.S. Franconia, List of Second Cabin Passengers, June 24, 1913*.

⁶⁹ Kraut, 53.

⁷⁰ Boston Passenger Arrival Lists, 1899-1940.

⁷¹ Nellie Smith Barry.

⁷² Cook County Department of Public Health, *Coroner's Certificate of Death for Mary Ann Smith, 1970*.

well as the United States. The dawn of the new century saw British coal miners like Thomas Smith experiencing tremendous adversity. Almost continuous labor unrest, uncertain income potential, and dangerous working conditions in the coal fields of England left few options other than emigration. Ironically, conditions in the coal fields of the United States were just as precarious as those left behind in Britain. American miners were also plagued by low wages, hazardous conditions, and violent unrest. Nevertheless, miners continued to

emigrate from Great Britain. While the decision to depart was traumatic, the hardships of the journey, the process of securing employment, and assimilation to American culture were all necessary components to insuring that these emigrants achieved their goals and dreams.



Thomas and Mary Ann Smith, circa 1961.



The Smith family home at Christopher, Illinois.



Field Marshal Erwin Rommel. *Rommel*, F.H. Gregory

ROMMEL: GERMAN PATRIOT OR HITLER'S PAWN?

Andrew Kreighbaum

Few other World War Two commanders have garnered as much awe and genuine respect as German Field Marshal Erwin Rommel. To this day, the name itself implies the cool mastery of armored warfare and precision battlefield strategies and the humane and respectful treatment of adversaries. Author Andrew Kreighbaum depicts Rommel's life as the story of a diligent career soldier who did his best to avoid politics, even in the midst of the Nazi domination of Germany. His meteoric climb up the ranks and success with blitzkrieg tactic are well contrasted with his defeat in North Africa and the Greek tragedy-like circumstances of his murder. This essay explores his early exploits and achievements, clearly showing the reasons why both the Axis and the Allies revered Rommel as an almost supernatural force.

During the 1930s, Germany's Heinz Guderian followed the military genius of Britain's B. H. Liddell-Hart and France's General J. B. E. Estienne, who both proposed that quick, armored offensive attacks were the key to winning a war. This was contrary to the majority of Western Europe, which still held the notion that a static defensive war was the most effective. Guderian took these ideas of mechanized, armored attack and expanded on them. His brainchild was coined *blitzkrieg* or "lightning war." After selling the concept to Hitler, Guderian's *blitzkrieg* became the primary strategy of the Wehrmacht; plans were then laid using *blitzkrieg* tactics for the conquest of Western Europe.¹ Many old warriors, heroes of World War I, remained skeptical of this new form of attack, but those younger soldiers, many of whom had served in tanks, agreed with it. One champion of the new *blitzkrieg*, who had learned much from his experiences in the Great War, was Erwin Rommel.

While Guderian was studying the new arts of war, Hitler worked to establish his position as Führer, or leader of the German *Volk*, or people. When Hitler became Führer in 1933, he increased his efforts to rearm Germany and began to mobilize the people for war despite the restrictions posed by the Treaty of Versailles. Hitler's first move was to send troops into the demilitarized Rhineland; shortly thereafter, without firing a shot, Germany annexed Austria and the former German Sudetenland from Czechoslovakia while making the rest of Czechoslovakia a protectorate. Public opinion of Hitler within Germany soared as a result of these bloodless victories which regained lost territory and almost doubled

¹ Michael J. Lyons, *World War II: A Short History*, 2d ed. (Englewood Cliffs, NJ: Prentice Hall, 1994), 69-70.

the size of Germany. Many critics of Hitler were silenced by these moves; the voices of the remaining critics were drowned out by cheers of approval.

The future Allied powers kept out of these affairs with fresh memories of the First World War flashing in their heads. Britain watched from safety across the channel; France waited with sweaty palms behind the Maginot Line. The Soviet Union carried out her own atrocities undetected, and the United States wallowed in depression and isolation.

The actual starting point of World War II was when Wehrmacht Field Marshals Fodor von Bock and Gerd von Rundstedt led an army of fifty-two divisions, about one million men, into the heart of Poland in September 1939. Poland capitulated in less than one month on 26 September. The Wehrmacht attacked Denmark and Norway simultaneously on 9 April 1940, and France fell victim along with Belgium, the Netherlands, and Luxembourg on 10 May.²

The Wehrmacht was Hitler's primary tool for the fulfillment of his goals. To be effective it was expanded dramatically beyond the limitations of the Versailles Treaty beginning when Hitler took power. This rapid growth was heavily dependent on the abilities of the dedicated officers of the German Army.

Erwin Eugen Johannes Rommel had been an infantryman since the time of his enlistment in July 1910. He joined the Imperial Army prior to the outbreak of World War I and served for the entire duration. While on leave in November 1916, Rommel married his love, Lucie "Lu" Maria Mollin, who was destined to be Rommel's main source of inspiration during both wars. Lu gave birth to Manfred Rommel, the Rommel's only child, in December 1928.

Rommel fought in three major theaters in the Second World War. He was baptized into the

firestorm of the *blitzkrieg* during the invasion of France, driving nearly 500 miles in a matter of weeks from Eifel in Germany through Belgium, all the way to Cherbourg, France, on the English Channel. Due to great success in France, Rommel was given overall command of the Afrika Korps in North Africa. He was promoted to Field Marshal in June 1942.

Rommel had an uncanny grasp of military strategy, evident from the beginning of his career and most evident in the Second World War, and he commanded his men with a highly ethical standard comparable only to a father-son relationship. Through his experiences in World War I, the inter-war years, and along with his combat leadership in the first two years of World War II, Rommel proved himself to be one of the greatest commanders of the twentieth century. His ethical behavior and the decisions he made proved that Rommel was a proud, patriotic German dedicated first to his country and his people and not to National Socialism and Hitler.

World War I and the Inter-War Years: 1910 - 1940

After joining the army in July 1910, Rommel initially sought a commission to the Flying Corps of the army but was denied for unknown reasons. The next option opened to him was the infantry; on 19 July, Rommel was commissioned to the 124th Infantry Regiment in Wurttemberg.³ Four years later, in July of 1914, Austria-Hungary declared war on Serbia, and Germany joined as an ally to Austria-Hungary; Germany also declared war on Russia on 1 August and France on 3 August. This was the beginning of World War I.

Rommel and the 124th were part of the 5th Army on the Western Front. While on

² Lyons, 72-88.

³ W. E. Hart, *Hitler's Generals* (Garden City, NY: Doubleday, Doran & Co. Inc., 1944), 72.

reconnaissance in the village of Bleid, Rommel and two comrades came upon some French soldiers relaxing; the decision to attack them without reinforcements set the precedent of the brazen courage within Rommel to be seen for years to come. He received his first medal, the Iron Cross Second Class, in September 1914, and his second, the Iron Cross First Class, in January 1915.⁴

Rommel's task in and around Bleid had become leading search and destroy missions to crush, drive out, or trap French units hiding in the area. His commanders began to call on Rommel to lead reconnaissance, act as a liaison officer, and head up emergency detachments.⁵

Second

Lieutenant Rommel received his first promotion to First Lieutenant in March 1915 and was made commander of 9th Company in the 2nd Battalion.⁶ On September 1915, Rommel left the 124th

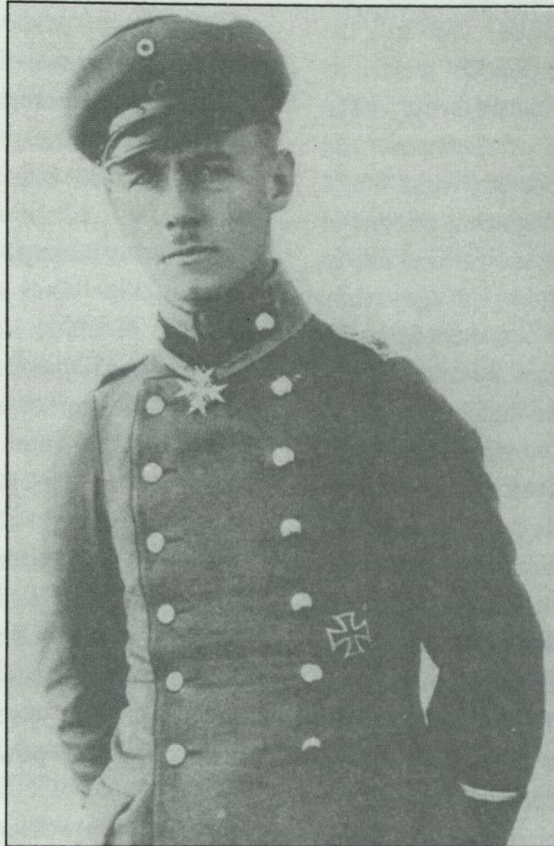
for the newly developed *Königliche Württemberg Gebirgsbataillon*, a mountain battalion of crack ski troops, to command the 2nd Company. The *Gebirgsbataillon* was renamed

Alpendivision in October 1916, when it was moved to the Rumanian theater on the lower Danube; then, in January 1917, Rommel gained command of a whole wing—two rifle companies and one machine gun company. In August he was involved in assaults on Caporetto and Mount Cosna for which he was awarded the *Pour le Merite* an award usually given to

Generals. Rommel and the Alpendivision finished out the war defending Austria from the Italians on the Western Front. First Lieutenant Rommel was promoted to Captain in 1918 shortly before the Armistice on the Western Front was signed in November, which ended the war. Germany had lost.

The Versailles Treaty limited the officer corps to only 4,000 men in the postwar version of the army, the Reichswehr. The selection process was extremely arduous in order to staff the Reichswehr with only the best men available. Rommel decided he wanted to remain in the army and sought a position in the Reichswehr. Based on his accomplishments as an

effective officer and his dedication to duty, Rommel secured a position for himself. The Reichswehr was under the complete control of General Hans von Seeckt, which he molded as he saw fit. Seeckt developed the operational doctrine of the army, commonly called the Seeckt Rule, which included the stipulation that all those belonging to the Reichswehr were



Rommel in the Great War. *Knight's Cross*, David Fraser.

⁴ Hart, 71.

⁵ David Fraser, *Knight's Cross: A Life of Field Marshal Erwin Rommel* (New York: Harper Collins, 1993), 28-31.

⁶ United Press, "Death of Rommel Revealed by Nazis," *New York Times*, 16 October 1944, p.8.

forbidden from participating in politics.⁷ The army served the state, meaning that loyalty was pledged to the Fatherland and to the head of the state; loyalty and obedience could not be discriminate. This was not a new concept to the men of the Reichswehr, including Rommel, who obeyed this command to the letter; Rommel's only creed was "patriotism first."⁸

Obedience was not as easy for the population of the German State. Between the wars, Germany was rife with political turmoil as different factions vied for a majority. The Kaiser, the Imperial leader of Germany, had abdicated in 1918 at the close of World War I along with the rest of the kings and princes of the German empire. There was no one left to whom the Germans could pledge their allegiance. When the army returned from the Western Front, they were met by angry mobs who ripped officers' uniforms blaming the army for the conditions in Germany. According to the *Dolchtoss* or 'stab in the back' theory, defeat came because the imperial regime was gone and the new republic gave into the enemy, creating a defense mentality used to ease the emotional and physical hardship and humiliation of losing the war.⁹ Rommel, like most military men, did not care for the *Dolchtoss* myth and did not put much stock in it, but because of his love for his country and his army he accepted the belief.¹⁰ Blame needed to be attributed to someone or something; the *Dolchtoss* was as good as any excuse for the military men returning from combat.

In the Reichswehr Infantry Regiment 13 Rommel first commanded a company in Stuttgart, and in 1924 he picked up work as a ski instructor for a company of machine-gunners. Five years later he transferred to

Dresden to be an instructor at the infantry school until 1933. The new cadets did not have the same dedication to the Seeckt rule of no politics and most subscribed to the National Socialist party. Rommel did not oppose their political fervor even though he was apolitical himself; in fact, he sympathized with the cadets' frustrations. Rommel, like most of his generation, saw National Socialism as a movement of the youth. Simultaneously, however, National Socialism was gaining in popularity all across the country. While in Dresden, Rommel wrote about his WWI experiences in *Infanterie Greift An* (Infantry Attacks) but did not publish the book until 1937.

Captain Rommel was promoted to Major in April 1932.¹¹ Only a year and a half later, in October of 1933, Rommel was promoted to Lieutenant-Colonel and placed in command of the 17th Regiment of 3rd Jäger Battalion at Goslar. This same year, Hitler was legally appointed to the position of Chancellor of Germany making Reichswehr loyal to him. Immediately after taking office, Hitler began to expand the army and made National Socialism the official party of the Reichswehr. Only the older generation still held onto the no-politics ideal, but they were loyal to Hitler. Hitler assumed all the power of the state and made himself Führer over all of Germany in August 1934. Every officer and enlisted man of the Reichswehr—renamed Wehrmacht—gave the following oath:

I swear by God this holy oath that I will render to Adolf Hitler, Führer of the German Reich and people, supreme commander of the armed forces, unconditional obedience, and that I am ready, as a brave soldier, to risk my life at any time for this oath.¹²

This oath would haunt Rommel later when the Führer began acting irrationally; Rommel felt

⁷ Fraser, 46.

⁸ Douglas-Home, *Rommel*, 38.

⁹ Fraser., 86-87.

¹⁰ Fraser., 87.

¹¹ Hart, 39.

¹² Fraser, 115.

bound by the oath to remain loyal to Hitler no matter how irrational Hitler became.

The Nazi party held a rally in Nuremberg in September 1936, which the Führer attended; there, Rommel was attached to Hitler's military escort for the first time. During the trip Rommel stood up to a few high-ranking Nazi officials who had broken some security rules; Rommel's courage attracted Hitler's admiration. When Hitler made his conquest of the Sudetenland, he needed another military escort. Rommel was personally selected by Hitler to take command of the Führer's escort battalion for this venture in October 1938. While Rommel served as commandant of the Academy at Wiener-Neustadt in Austria, Hitler continued conquering lands surrounding the Reich without firing any shots. But as war approached, a field headquarters became necessary as well as an armed escort. Colonel Rommel was promoted to Major-General and put in command of this escort battalion in August 1939. The *Begleit* Battalion consisted of 380 men, four anti-tank guns, and twelve anti-aircraft guns.¹³

In September 1939, the Wehrmacht stormed into Poland in a blazing show of armored might using the *blitzkrieg* tactics developed by Guderian. Rommel had read many reports on *blitzkrieg*, but he viewed first-hand the effects when he traveled through Poland with Hitler. Rommel was awed by the power which crushed the Polish army in only twenty-six days. During the three years that Rommel participated in escorting Hitler, the two built a relationship. Rommel was impressed with Hitler's fascination with details and the courage Hitler showed in invading Poland. On several occasions Rommel dined with Hitler, sometimes sitting next to the Führer and participating in discussions at the table.¹⁴ When Rommel's service with the *Begleit* ended in February 1940, Hitler gave

Rommel an inscribed copy of *Mein Kampf* as a gift. After the fall of Poland, a friend asked Rommel what direction he wanted his career to take; Rommel responded that he wanted to command an armored division. Without any experience in armor, it was next to impossible to obtain this kind of command. It is believed that Hitler intervened on Rommel's behalf.¹⁵

France: 10 May - 24 June 1940

Next on Hitler's list for conquest was France. Rommel took command of the 7th Panzer Division, which contained the 25th Panzer Regiment, the 6th and 7th Rifle Regiments, and Divisional Artillery. The 7th Panzer Division was a part of the Armored Corps under General Hormann Hoth, which was a part of the 4th Army under Field Marshal Günther von Kluge, which was a part of Army Group A under Field Marshal Gerd von Rundstedt. The task set for Army Group A was to make the main breach into France on a forty mile front.¹⁶

Rommel's role in the conquest of France can be divided into four stages: Belgium to Cambrai, Cambrai to Lolle, Lolle to the Seine, and finally, the drive to Cherbourg. Each drive was at blazing speed with no stops and only a few days rest in between. The entire conquest of France took only one month and fourteen days. Rommel's ability to keep up with and even surpass more experienced armor commanders proved his mastery of *blitzkrieg* tactics. The jump off point for 7th Panzer was the village of Eifel in Germany on 10 May. The planned course was across the southern part of Belgium through the Ardennes Forest, across the Meuse River, and around the Maginot Line. The Belgians fought bravely but only slowed the

¹³ Fraser, 141.

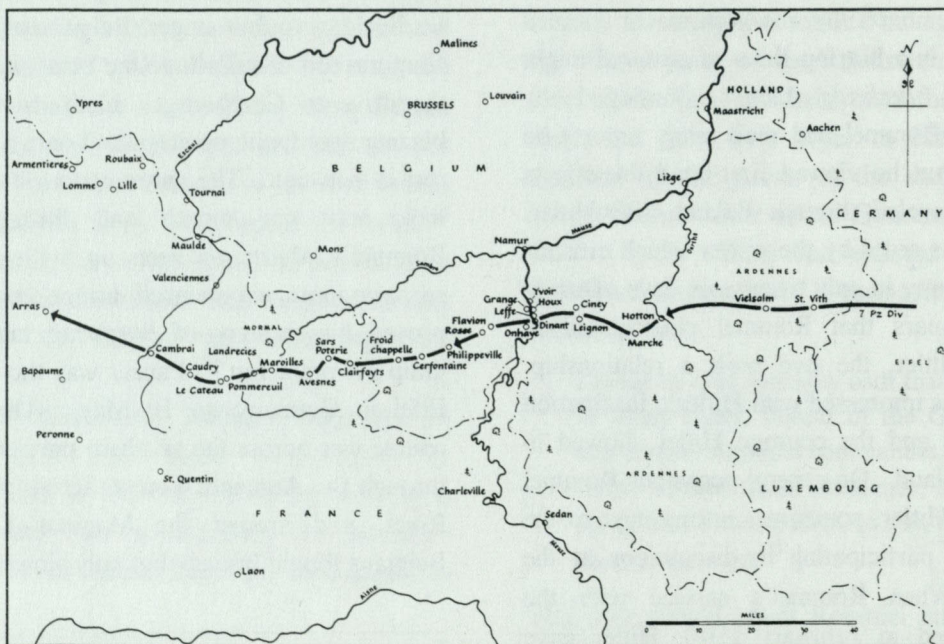
¹⁴ Fraser, 143.

¹⁵ Fraser, 151.

¹⁶ Erwin Rommel, *The Rommel Papers*, ed. B. H. Liddell-Hart, trans. Paul Findlay (New York: Da Capo Press, 1953), 4.

German advance at St. Vith; Rommel drove forty miles by 11 May and another eighteen by 12 May. Because of Rommel's immediate success as a *blitzkrieg* commander, General Hoth gave Rommel the 31st Panzer Regiment as well, for a total of five tank battalions.¹⁷ Another sixty-five miles were covered on 12 May reaching the east bank of the Meuse River and capturing most of Dinant, which was located on the river. However, the 7th Panzer failed in capturing a single bridge over the Meuse before the bridges were all destroyed by the French. While the Germans attempted to cross the Meuse, French artillery rained down shells from high ground. Rommel shrewdly ordered the houses in the river valley to be set aflame in order to provide a smoke-screen for the crossing. Rubber boats carried engineers and material across the river to begin bridge-building operations, and 7th Rifle Regiment found a way across to give support to the bridge building efforts from the west bank. All men and material had crossed the Meuse by 14 May,

and the conquest of Onhaye on the West Bank began; the city surrendered by nightfall. The following day 25th Panzer Regiment was sent west to the outskirts of Cerfontaine, about 25 miles west of the Meuse. The tanks and artillery took random shots into areas that were likely pockets of French artillery; the idea was to continually drive without losing momentum. Rommel later received various different medals for these advances. At the same time, the northern spearhead drove the French 1st Army and the British Expeditionary Force (BEF) back into France behind the Maginot Line Extension; the southern regiments made similar advances against the French troops as well. Rommel's next objective was the French Frontier and the Maginot Line Extension, and as he bypassed Clairfayts, he discovered that the extension contained insignificant obstacles that barely even hindered the momentum of the spearhead. The 7th Panzer Division fell so quickly on the city of Avenes, the French were caught off guard, and about two divisions of French troops



"Penetration and Advance of 7th Panzer" France, 1940. *Knight's Cross*,
David Fraser

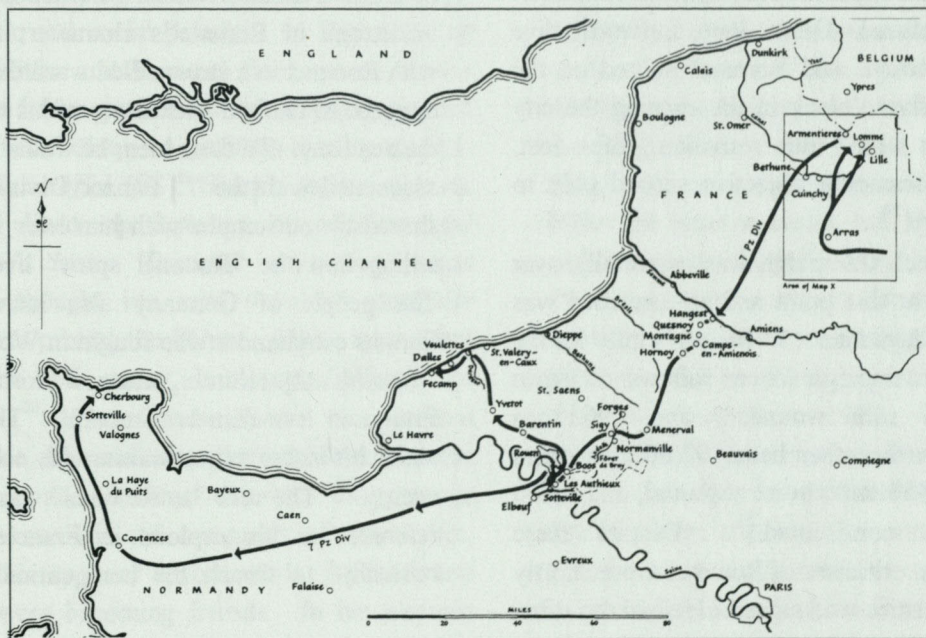
¹⁷ Fraser, 167.

were taken prisoner.

By 17 May Rommel's advance had brought him to Le Cateau. About 20 miles south of Rommel, Guderian, the inventor of *blitzkrieg* tactics, and General Georg-Hans Reinhardt, an experienced tank officer, were almost exactly even with each other and Rommel, while other experienced tank commanders were far behind. Rommel, taking only his skills for leadership and his book knowledge of armored warfare, plunged into this new command and excelled. The Knight's Cross of the Iron Cross, the highest honor of its kind, became part of Rommel's collection for the events of 16 and 17 May. On 18 May, 7th Panzer had captured the city of Cambrai, earning themselves two days of rest. After only eight days the division had driven 175 miles into enemy territory, overrunning the French defensive positions faster than the French could dig new ones, thus proving the inadequacy of trench warfare when pitted against modern mechanized warfare.

When 21 May arrived, Rommel reached the outskirts of Arras. The BEF attempted to attack Rommel at his weakest point, his flank, which was highly vulnerable and could result in cutting off the spearhead. The artillery division hammered the BEF and sent them running. The battle for Arras proved to be the most costly, however, with 400 men of 7th Panzer either dead or wounded. This event was later called the "Arras Counterattack" by French and British troops. The following week Rommel and his army surrounded the city of Lille; simultaneously, the bulk of the BEF had retreated to Dunkirk, north of Rommel's position, to attempt evacuation of the troops. Upon reaching Lille, 7th Panzer earned another six days of rest. By this point in the war, 7th Panzer had been labeled the "Ghost Division" by both Allied and German troops; the name stuck for the duration of the war.

Hoth's Panzer Corps, including Rommel's 7th Panzer, was transferred to Field Marshal



"The Advance of the 7th Panzer Division to the English Channel and into Normandy" France, 1940. *Knight's Cross*, David Fraser.

Fodor von Bock's Army Group B for the drive toward the Seine River.¹⁸ Upon reaching the Seine on 10 June, Rommel was ordered to turn north and run for the channel. This surprise turn cut this section of France wide open and countless prisoners were taken. Rommel reached St. Valéry by 11 June, trapping numerous French and British troops within the city. He asked them to surrender, but they refused. Rommel pummeled them until they did surrender, managing to capture eight generals and 25,000 troops, mostly from the BEF.¹⁹ This accomplishment became one of the biggest exploits of his career. The objective was the channel, however, so the 7th Panzer continued on to the city of Veulettes and moved west down the coast taking Dalles and Fécamp.

On the 17th of June, Rommel was ordered to drive west and swing north as fast as possible to shut down Allied evacuation efforts in the port city of Cherbourg in Normandy. After traversing 150 miles in one day, Rommel surrounded the city and asked them to surrender; again they refused. On 19 June, Luftwaffe dive bombers attacked, and Rommel poured on the artillery; at five o'clock in the evening the city surrendered with little civilian life lost, Rommel's paramount objective second only to taking the city.²⁰

The French Campaign was essentially over for Rommel at this point and an armistice was signed three days later. 7th Panzer's tally for the whole of the campaign was as follows: 682 men dead, 1,646 men wounded, and 296 men missing. On the other hand, 97,000 prisoners were taken, 458 tanks were captured, and 4,000 trucks were confiscated.²¹ Despite these achievements, criticism of Rommel arose shortly after the armistice was signed. He had too often

directed the division from the leading regiment, taking command away from the junior officers in those positions, thus stunting their ability to grow as officers. As established earlier, Rommel's brashness continued, usually to his benefit, but it often made him an individualist who often worked against the system. This attitude tested the loyalties of his subordinates, tearing them between Rommel and the Wehrmacht system; Rommel usually won.²²

Results of the French Campaign

The Commandant of the academy in Potsdam once said of Rommel, "a crystal clear character selfless, unassuming and modest . . . popular with his comrades and highly respected by his subordinates."²³ Rommel's character and personality gave him an edge in commanding a large division of men; he had a gift for instantly attracting loyalty. He would first show authority followed up by good spirit, and he disciplined in a way that all accepted. The men of the 7th Panzer Division were not spared these intricacies in Rommel's character; they dealt with Rommel in a stress-filled wartime setting as opposed to the laid back times of his teaching in the academy. To these men, he would always be associated with the 7th Panzer Division. They shared their triumphs with him later in the war telling him the "Rommel spirit" lived strong. The people of Germany also knew of this famous commander who fought in World War I, wrote *Infantry Attacks*, and now stormed across France in less than two months. They would make his name synonymous with courage and energy.²⁴ The verb "to Rommel" was coined in reference to his exploits in France meaning, basically, to thrash the competition and was

¹⁸ Fraser, 194.

¹⁹ Hart, 82.

²⁰ Fraser, 204-205.

²¹ Douglas-Home, 66.

²² Fraser, 207.

²³ Fraser, 126.

²⁴ Willi Frischauer, "Rommel—The Man We Have to Beat," *New York Times*, 6 February 1944, sec. VI, p. 9.

used world wide for the duration of the war.²⁵ Based on his ability and successes in France, Rommel was given full command of the Afrika Korps in North Africa. Along with this honor Rommel was also given the freedom to hand-pick his officers. With this power, he put together a staff that he felt would work best for him.

Rommel and Hitler

Rommel never subscribed to National Socialism even when it became the official party of the Wehrmacht; he did, however, think that it had some merit. He liked the results it generated in reference to the army, and he believed Hitler saved Germany from an all out civil war in the early 1930s. All actions Hitler took to help the army garnered respect from Rommel and the older generation of warriors. At a time when *Dolchtooss* was the accepted explanation of the First World War's outcome, national morale was at a critical low. Hitler gained Rommel's respect for helping restore national pride through economic and social policies. In September of 1934, Hitler and Rommel first met in Goslar when an honor guard of Rommel's men paraded for the new Führer. A problem developed when the *Schutzstaffel* (SS), Hitler's legion of body guards, lined up between the Führer and Rommel's men. Rommel was enraged that anyone thought his men were not adequate enough to protect the Führer. Hitler agreed and sent the SS away, endearing himself to Rommel.²⁶ When Czechoslovakia was annexed by Hitler, Rommel was part of Hitler's escort battalion, and Rommel admired the courage Hitler showed in the conquests of this nature. From this type of escort work, Rommel and Hitler were becoming friends. In his journals Rommel wrote admiringly of Hitler's genius in both political and military leadership for the

work done in Norway and Denmark. However, Rommel's vision of Hitler changed dramatically over the subsequent years.

Rommel's opinion had ultimately changed in three areas: the strategic direction of the war, the North African campaign, and the leadership of the Reich. Rommel began to tell trusted men in his army that the war was hopeless, Hitler should step down, and National Socialism needed to change. He told his son, Manfred, "sometimes you feel that [Hitler]'s no longer quite normal."²⁷ Rommel's dissatisfaction with Hitler was a long, gradual process; the evidence of this first appeared when Hitler insisted, "my way is the best way" for the conquest of Western Europe which he thought was proven in the Polish campaign.²⁸ Rommel's opinion of Hitler degraded rapidly during the North African campaign. The original object of the North African campaign was for Rommel and his Afrika Korps to assist its Axis partner, Italy, fight against Libya and Egypt. After this task was accomplished Rommel was to continue driving east of the Mediterranean Sea and north to the Caucasus and link up with the Eastern Armies of the Wehrmacht. At times during the campaign, Rommel was forced to fight with no food, fuel, or ammunition, and he beseeched Hitler for more materiel, but Hitler would not yield an inch. Hitler's reply in November of 1942 to Rommel's request for more materiel or a retreat was, "As to your troops, you can show them no other road but to victory or death."²⁹ On 28 November 1942, Rommel went personally to Hitler to beg for more materiel, and he saw first hand Hitler's loss of reason. On this same trip Rommel entreated Hitler to pull the troops out of Africa in order to use them in the Atlantic Wall defenses rather than squander them in Africa. Author Wolf

²⁵ Fraser, 206.

²⁶ Fraser, 116.

²⁷ Douglas-Home, 191.

²⁸ Douglas-Home, 154.

²⁹ Douglas-Home, 177.

Heckmann contends, "Hitler had by now arrived at the dogma of 'every inch of ground' --the dogma of a loser."³⁰ As the result of many factors such as Hitler's poor leadership, lack of fresh reinforcements, and the debut of the United States in North Africa, the Afrika Korps was defeated. They surrendered to the Allies on 13 May 1943, but due to a medical condition Rommel had been recalled to Germany two weeks prior.³¹ Rommel's opinion of Hitler had taken a drastic turn, setting the stage for the next event in Rommel's life.

After the North African campaign closed, Hitler had to decide how to best use Rommel. One option was putting him in the position of supreme commander over the Italian campaign, but with the ousting of Mussolini, Hitler left Field Marshal Albert Kesselring in command there. Instead, Rommel was made Inspector General of the Atlantic Wall defenses from November 1943 to early 1944 to ensure their readiness for an inevitable Allied invasion. He was instrumental in the organizing of some 517,000 tank traps, barbed wire, pill boxes, and other obstacles for the Atlantic Wall. In December of 1943, Rommel was given command of Army Group B covering the area from Holland to Bordeaux under the supreme command of Field Marshal von Rundstedt.³²

Dr. Karl Strölin, a long time friend of Rommel, visited him in February 1944. Among the topics of conversation was talk about problems of the Reich. Strölin mentioned "eliminating" Hitler, but Rommel feared death would make Hitler a martyr to the people.³³ This was only talk planned by Strölin to test the waters, so to speak, with Rommel. General Hans Speidel, Chief of Staff of Army Group B,

was more deeply involved in the plot to kill Hitler. Because it was known that Rommel greatly respected him, Speidel was given the task of bringing Rommel into the group. The plotters believed Rommel to be an asset because of his popularity. On 15 May 1944, Speidel, Rommel, General Heinrich von Stülpnagel, and Stülpnagel's chief of staff met to discuss their options on what might be done to solve the problem of Hitler. Rommel staunchly opposed killing the man. There was a nagging reminder of the oath Rommel made to Hitler and the Reich each day Rommel put on the uniform of a Wehrmacht Field Marshal. He was a patriotic German and Hitler was the leader of the Fatherland; murder was out of the question for Rommel.³⁴ He instead proposed to the group the arrest of Hitler and then negotiating a peace with the Anglo-American leaders.

Wolf Heckmann, a German historian, believes the plot to remove Hitler stemmed from the Allies' demand of "unconditional surrender." He also contends that the Allies knew Hitler was not a negotiator, but had Hitler been removed from head of the Reich, the Allies might have negotiated for peace rather than demand unconditional surrender.³⁵ Rommel approved subsequent meetings with Speidel, Strölin, and the Baron von Neurath. These four men met again on 27 May 1944, at Speidel's home, and Rommel told the rest he was "ready" to enact the plot to arrest Hitler because he felt Germany must be spared further bloodshed.³⁶ This decision was too little too late; only ten days later the Allies invaded France at Normandy. From this point until his death, Rommel would be too preoccupied with the Allied invasion to worry about the plot; however, he did pull out all the stops in confronting Hitler on two

³⁰ Wolf Heckmann, *Rommel's War in Africa*, trans. Stephen Seago (Garden City: NY Doubleday and Co., Inc., 1981), 349.

³¹ Heckmann, 350.

³² Douglas-Home, 194.

³³ Fraser, 536, 542.

³⁴ Douglas-Home, 204.

³⁵ Heckmann, 349.

³⁶ Fraser, 537.

different occasions urging the Führer to sue for peace.

On 20 July 1944, Colonel Graf Schenk von Stauffenberg, intending to kill Hitler, placed a bomb under the table in a conference room in Rastenburg, East Prussia. The bomb killed General Schmidt, one of Rommel's close friends, Hitler's military secretary, and several others around the conference table, but Hitler survived with minor wounds. Hitler's rage from the incident resulted in the death of several civilians and once-trusted Generals, eventually including Field Marshal Rommel. Rommel's involvement had been limited to the fringes at best after the Allied invasion, and he never became actively involved in the conspiracy beyond the initial talk. Nevertheless, this talk tied him permanently to plot to kill Hitler.³⁷

After Hitler survived the attempt on his life and began purging his staff, it became known that Rommel had been involved in the plotting against the Führer. A conspirator, Dr. Carl Gördele, made a list earlier in the year of men to be made Chancellor once Hitler was dethroned. Included were many men who did not even know they were on the list, like Rommel. In August 1944, General von Kluge took poison to spare himself the pain of torture for he topped the list and he knew it. When confronted, Stülpnagel and Speidel, probably acting under duress, accused Rommel of an active role in the conspiracy.³⁸ Hitler claimed that he was deeply hurt by Rommel's betrayal, and he ordered Rommel's death to be kept quiet in order to spare the Rommel family and leave the Field Marshal's reputation intact. As history testifies, on taking the "officer's way out" Rommel's family was spared public humiliation. He was given a state funeral stating the cause of death to be natural due to war wounds. Had Rommel demanded a trial to defend his honor, he would

have lost and his family would have had to pay the consequences. Rommel chose to sacrifice himself for his family.³⁹ On 14 October 1944, two Nazi emissaries arrived at Rommel's home and escorted him away from his family. Later that evening, the Reserve Hospital called Lu and Manfred Rommel to inform them that Field Marshal Erwin Rommel was dead of a heart attack. Hitler declared that day a national day of mourning for the "Hero of the Reich." At Rommel's funeral, four generals stood at the corners of the coffin. All of Rommel's decorations were laid out, and Field Marshal von Rundstedt, Commander in Chief of the Western Front, read the eulogy.

Conclusion

At the beginning of his career during the First World War, Rommel proved his ability to lead combat troops. He proved to have the tactical mindset to plan and execute successful operations and maintain high morale of the men under his command. After the Great War, Rommel displayed superiority when he was selected to serve in the Reichswehr. Between the wars, he rose through the ranks, each time increasing the size of his command. In 1940, Rommel substantially proved his ability by leading a mechanized division of armor in combat covering as much ground as the pioneer of this kind of warfare and other better experienced commanders. Through all his commands prior to and during World War II he exemplified high ethical standards that he passed on to his subordinates. He had a high sense of patriotism, duty, and integrity in his word. Even though Rommel knew of many of the atrocities Hitler had orchestrated and saw Hitler act irrationally, the Field Marshal did not agree with killing Hitler. All these things are strong arguments individually to the kind of person Rommel was, but taken together they prove

³⁷ Douglas-Home, 190, 203.

³⁸ Fraser, 551.

³⁹ Heckmann, 352.

Welebaethan

Rommel to be one of the greatest commanders of the twentieth century and a proud, patriotic German not a Nazi.

It is unlikely that Germany would have miraculously been able to turn the tide of battle had Rommel lived to finish out the war. However, had he lived, Rommel may have been able to continue with his plan to oust Hitler as the political head of Germany through lawful means, thus bringing about a negotiated peace. However, it is only speculation of the war's outcome that can be derived due to the untimely death of this extraordinary military commander.

evidence. Perhaps there are two consolations to this blatant disregard for humanity: Rommel's family was spared the unthinkable hardships levied against the families of traitors and in the end, Rommel did not live to see the destruction of his beloved Fatherland.



"Rommel's flag-draped coffin being carried from the Town Hall of Ulm to be placed onto the gun carriage." *Rommel*, F.H. Gregory.

Erwin Eugen Johannes Rommel served thirty-four years in the German army, saw and fought in two world wars, and was murdered on a charge that was based solely on circumstantial

THE RHETORIC OF POST-COLONIAL THEORY

Paul M. Kendel

The British Empire reached its apex as the historical profession began to come of age in the nineteenth century. Western scholars were able to hone their new found skills with interpretations of the empire's periphery and its past. In 1978, the publication of Edward Said's Orientalism marked a radical shift in the interpretive orientation of scholarship concerning the history of the Middle East. As a result, much debate concerning the history of India has ensued. In the following historiographical essay, Paul Kendel surveys the body of work amassed under the banner of Post-Colonial theory, addresses the criticism of Western scholarship on the subject, and offers a few caveats to students of the field.

And Solomon reigned over all Kingdoms from the river unto the land of the Philistines, and unto the border of Egypt: They brought presents, and served Solomon all the days of his life. (1 Kings 4:2)

Empires have come and gone throughout history: Rome, Persia, Moghul India, Ottoman Turkey, Spain, France, and lastly, Great Britain. The desire for wealth, power, and glory has led to imperialistic ambitions since biblical times. Europe, and especially Britain was the last link in a long chain of what could be considered true empires. The end of the nineteenth century saw the rise of nationalism which led many native peoples under colonial rule to seek independence, combined with the financial burden of supporting overseas colonies eventually caused the dismantling of European colonialism after World War II. The historiography of imperialism over the last fifty years has generally been conservative in nature, using official records to describe the colonial experience from the perspective of Western powers concentrating on political, military, and economic aspects of the past.

The study of imperialism has begun to change over the last ten years. Colonialism by the West is now often described as an evil system, whose prime motivation for imperialism was the exploitation of foreign people because they were viewed as inferior to the European powers. Post-colonial theory has emerged out of this new historical environment, reviving the field of imperial history and making it a controversial area of research today.

This new scholarly approach involves a critical analysis of imperialism based on distinct political or ideological views inherent within the author, that usually involve an anti-imperialist position. Scholars of post-colonial theory seek to explain the cultural aspects of imperialism and its history from the perspective of the native population which was subjected to the colonial experience. This approach is more subjective, emphasizing theory over archival evidence. This method of study allows for more abstract and thought provoking material that can go beyond the straightforward political approach, but it has significant faults that place the validity of the arguments in question.

The leader of this new scholarly approach to imperial studies is Edward Said. His book *Orientalism*,¹ which focused primarily on the Middle East, set the standard for future scholars of Post-colonial theory. The term *Orientalism*, originally referred to an esoteric field of academic study of the East by Western intellectuals; it has now been transformed into a term synonymous with European imperialism. Scholars of post-colonial theory have created excuses for imperialism including issues such as racism, oppression, and sexism that they believe were inherent in the culture of the Western powers and were the primary motivations for colonialism rather than political or economic reasons. Other influential scholars of post-colonial theory who have joined Said include Homi K. Bhabha and Gayatri Chakravorty Spivak. Both have contributed greatly to this new approach to imperial study. The Ranajit Guha-led *Subaltern Studies* group, which consists of scholars such as Spivak and others from India as well as other former colonial states, have led the field of post-colonial dialogue. This publication involves the theoretical study of the colonization of India and

its effects on the native Indian, focusing on issues such as peasant insurgency and worker consciousness. O.P. Kejariwal believes that post-colonial scholars such as Said and the *Subaltern Studies* group are motivated by the belief that "the history of India needs to be re-written in view of the distortions imposed upon it by imperialist historians who wrote mainly for two reasons: to strengthen the British hold on its colonial empire and secondly, to pave the way for a more effective process of conversion of the pagan Hindu to Christianity."² Their goal is to counter the Eurocentric views of the authors of traditional imperial studies, which they believe were driven by the belief in the superiority of Western culture.

Scholars of post-colonial theory, such as Edward Said, have caused a divide in the field of imperial history. In Britain, theoretical interpretations of history are not as common as they are in the United States. The *Journal of Imperial and Commonwealth History* is an example of a leading British publication using the traditional non-theoretical method of scholarship. The subject of imperial studies has a political and emotional resonance that is not felt in America. This probably influences British historians and explains their more conservative methods of scholarship.

In the United States, the impact of multiculturalism and affirmative action on the American university has created an environment conducive to a critical reexamination of the impact of European imperialism that has provided the stimulus for post-colonial scholarship. Interest in the history of non-Western cultures has created a more diverse curriculum in American schools, emphasizing the contributions made by cultures outside the Western context. As a result, the American

¹ Edward W. Said, *Orientalism*, (New York: Pantheon Books, 1978).

² O.P. Kejariwal, *The Asiatic Society of Bengal and the Discovery of India's Past; 1784-1838*, (Delhi: Oxford University Press, 1988), 225-6.

education system has become very sensitive toward the rights of minorities, and the desire to be politically correct is quite evident.

The traditional account of imperialism has explained the colonization of the world by emphasizing the technological superiority of the West. At present, it is politically incorrect and insensitive to stress this point, because it implies inferiority on the part of the colonized. Why then, is it acceptable to teach that the Middle East was superior to the West in science and technology during the Medieval period, expanding under the Umayyid, Abbasid, and later the Ottoman Empire? Between 800 and 1200 A.D. the lands conquered by the Arabs were considered centers of civilization, extending from Spain to India. For example, the world of Islam produced the most advanced work in areas such as mathematics, astronomy, botany, chemistry, medicine, history, and geography.³ For four hundred years Western culture remained backward and unprogressive compared to the East. It took Napoleon's invasion of Egypt in 1798 to awaken the Islamic world and force it to acknowledge the fact that by this point Europe had surpassed them in areas such as science and technology. From the nineteenth century forward, the East has had to play catch up with the West providing Europe with its own opportunities at creating empires, which lasted for more than two hundred years. Post-colonial theorists do not look at the cyclical aspects of history; Europe and especially Britain, simply took advantage of their technological superiority to expand economically and militarily, just like their predecessors.

Another problem with scholars of post-colonial theory is the fact that they tend to judge the past by today's morals and standards, which often makes them fail to see (or simply

acknowledge) the larger political or economic reasons for imperialism. Direct colonialism was a result of the competition in trade and the military expansion of the European powers. Today Britain is prosperous due to its financial and industrial capabilities, but in the eighteenth and the early nineteenth centuries the country needed overseas colonies to supplement its lack of natural resources and land mass; British imperialism was based on basic economic and security needs and later for prestige in the face of competing Western powers. It was British naval superiority which provided the opportunity to acquire a vast empire; Britain's navy achieved its preeminent position only through the acquisition of territory (i.e., Aden, Cyprus, Gibraltar). If the British had not taken advantage of the opportunities of colonialism, it would have meant French or German hegemony, leaving the British behind. A Eurocentric attitude obviously prevailed among the colonial powers, but the West did not possess a monopoly in this regard. In the case of the Islamic world, by 700 A.D. the non-Arab converts to Islam, the *Mawali*, namely the Persians and the Berbers of North Africa, outnumbered the Arab Muslims.⁴ Arabcentrism was culturally dominant. The *Mawali* were treated as inferior to the Arabs; racial segregation was common and intermarriage was frowned upon. It was the support of the non-Arab converts to Islam that helped bring about the fall of the Arab ruled Umayyid Empire in 749.⁵

Marshall G.S. Hodgson believes that the expansion of Islam throughout India during the fifteenth and sixteenth centuries placed the Muslims in a position "ideally suited to form a

³J.J. Saunders, *A History of Medieval Islam* (London and New York: Routledge, Repr, 1993), 194-5.

⁴Saunders, 95-6. Abd al-Rahman, a grandson of the last Umayyid Calif, Hisham, escaped the revolution that gave rise to the Abassid Empire. He founded a new dynasty of Umayyids in Spain, whose successors would rule for over three hundred years.

⁵Ibid.

ruling caste for the Hindu system.” In fact, Hodgson continues, “part of the Muslim strength was that Muslims could draw on the resources of a large and sophisticated cultural tradition beyond the borders of the Hindu sphere.”⁶ In the face of a Hindu majority, the Muslims “retained a sense of cultural superiority which caused them to long to return, when threatened, to the supremacy of Islam.”⁷ An ethnocentric attitude prevailed among the Muslims of India until their superior position in Indian society was superseded by the British in the nineteenth century.

The most obvious faults with scholars of post-colonial theory are their various biases, which include agendas, both personal and political, and blatant prejudice against the West. The influential writer, Edward Said, exhibits some of the most blatantly detrimental aspects of post-colonial theory. In *Orientalism*, Said claims that Orientalist scholarship by Western intellectuals is so heavily biased that it has no value; he dismisses their efforts without even leaving the issue open for debate. His obvious prejudice against Western Orientalists is clearly evident in his books; he refuses to acknowledge the positive contributions of the West.

The Indian scholar K. Paddayya rejects Said's opinion and recognizes the benefits that India received from Western influences. He agrees with post-colonial theorists that “while the need for these radical interpretative trends cannot be denied altogether, one must simultaneously adopt a more objective attitude and not lose sight of the fact that while still in Europe these early workers were being influenced by the broadening of mental horizons

generated by the Age of Enlightenment.”⁸ In the case of India, the most successful contribution took the form of the Asiatic Society of Bengal. According to O.P. Kejariwal, this society “for the first time, took up in an organized manner the task of retrieving, restoring, preserving, and studying the ancient remains of the country, and so revealing the country's past.”⁹ Sir William Jones (1746-1794) founded the society in 1784 and became its first president. He was a pioneer in the field of Oriental studies whose accomplishments included creating a system of transliteration of the Bengali alphabet and providing its equivalent in Roman letters. His system has only required minor alterations over the last two hundred years. Jones studied the astronomy of ancient India and was the first European to write on the classical music of that country.¹⁰ Charles Wilkins (1750-1836), who helped found the society, was the first Englishman to master the Sanskrit language. He published a work on Sanskrit grammar in 1779 and an English translation of the *Bhagavad-Gita* in 1785.¹¹ Another prominent member of the Society was H.T. Colebrooke (1765-1837). He conducted the first critical study of the Hindu books of knowledge, called *Vedas*. It was his study of ancient Hindu astronomy and mathematics which provided later historians with the ability to reconstruct the history of science in ancient India.¹²

It was through the work of Colin MacKenzie, a member of the Asiatic Society of Bengal, who served as Surveyor-General of

⁶ Marshal G. S. Hodgson, *The Venture of Islam: Conscience and History in a World Civilization, II* (Chicago and London: University of Chicago Press, 1974), 556.

⁷ Hodgson, 556.

⁸ K. Paddayya, “Sir William Jones - Volume Commemorating the Bicentenary of his Death (1794-1994)”, *Bulletin of the Deccan College Post-Graduate and Research Institute, Volumes 54-55 (1994-1995)*, XVII.

⁹ Kejariwal, 221.

¹⁰ Kejariwal, 36.

¹¹ Ibid, 21.

¹² Ibid, 223.

Madras from 1810 to 1817, and then Surveyor-General of India from 1817 to 1821, that the most extensive and valuable collection of historical material concerning the subcontinent was compiled.¹³ At the time of his death in 1821, the collection consisted of 1,568 literary manuscripts (681 in Sanskrit, 274 in Tamil, 176 in Telegu, 208 in Kanarese and the remainder in Malayalam, Oriya, and Marathi). MacKenzie's *Account of the Jains*, was possibly the first study of that particular Indian sect in modern times. Overall, the collection contained forty-five volumes on Jain literature and thousands of various plans, and drawings, and items which H.H. Wilson, secretary of the Society (1815-32), described as one "which no individual exertions have ever before accumulated, or probably will again assemble."¹⁴ Kejariwal believes that without the efforts of these early British scholars between 1784 and 1838, the present knowledge about India and its past would not exist.¹⁵ This is not an opinion that would be held by Edward Said and his fellow adherents of post-colonial theory.

Without the assistance of Western missionaries it is unlikely that Arab nationalism would have arisen during the nineteenth century. In *The Arab Awakening*, George Antonius believes that it was French and American missionary enterprises "which were destined between them to become the foster-parents of the Arab resurrection."¹⁶ He states: "The educational activities of the American missionaries in that early period had, among many virtues, one outstanding merit; they gave

pride of place to Arabic . . . In that, they were pioneers; and because of that, the intellectual effervescence which marked the first stirrings of the Arab revival owes most to their labours."¹⁷ Between 1839 and 1873 Catholic missionaries founded numerous schools in Lebanon and Syria; the University of St. Joseph in Beirut greatly influenced generations of Arab students. The Jesuits established printing presses that produced classical texts and other books of learning that greatly expanded the field of education.¹⁸ In *Culture and Imperialism*, Said dismisses Antonius' opinion that Western influences aided the resurrection of Arab nationalism, referring only briefly to *The Arab Awakening*.¹⁹ Legitimate historical evidence would seem to support the Antonius view; to avoid this conclusion, Said rejects it because it would counter his anti-Western opinion and discredit his thesis.

Said expands the study of the effects of colonialism beyond the Middle East in *Culture and Imperialism*. This book presents an interesting and thought-provoking account of the overall impact of Western imperialism on the world and the native people that were affected by it. Said's thesis attempts to draw connections between imperial culture, namely the British, and the motivation behind its propagation, using various novels of the nineteenth and twentieth centuries by such authors as Kipling, Conrad, Forster, and Austin. Overall, Said provides a myriad of works to support his thesis without concentrating on one book in particular to support his study of British and European culture.

Said believes that it was this culture that was the driving force behind colonialism. He declares:

¹³See, *The Mackenzie General and Miscellaneous Collections*, 1992. Compiled by J. S. Cotton, JHRT Charpentier and E.H. Jahston. Introduction by David Blake, British Library (Oriental and India Office Collections [hereafter BL (OIOC)]).

¹⁴Kejariwal, 133.

¹⁵Ibid, 221.

¹⁶George Antonious, *The Arab Awakening* (Lebanon: Librairie Du Liban, Repr 1969), 35.

¹⁷Ibid., 43.

¹⁸Antonius, 44.

¹⁹Edward Said, *Culture and Imperialism* (New York: Vintage Books, 1994).

At the heart of European culture during the many decades of imperial expansion lay an undeterred and unrelenting Eurocentrism. This accumulated experiences, territories, peoples, histories; it studied them, it classified them, it verified them, and . . . it allowed European men of business the power to scheme grandly, but above all, it subordinated them by banishing their identities, except as a lower order of being, from the culture and indeed the very idea of white Christian Europe.²⁰

The rhetoric of Said intimates that imperialism was some grand conspiracy by the West to dominate the globe. He emphasizes racism as the driving force behind colonialism rather than a desire for political or economic gain on the part of European powers. Said acknowledges these two as important to the colonial process, but he emphasizes the cultural importance because that is the basis of his theory. Said claims that he wants to analyze the cultural aspects of imperialism objectively, but he obviously has a distinct agenda, which is to denounce Western imperialism of the past and what he interprets as modern imperialism. Thomas R. Trautman criticizes Said's approach and believes that his work involves generalizations and ulterior motives that need to be recognized. He states: "In the second place the work is one of polemic, meant to stir things up and set discussion going in a new direction (and in this it has been immensely successful), but of course the tools of polemic are rather blunt instruments and are not always used with the best of manners."²¹

Said accomplishes his goals by utilizing various methods. The most common used by post-colonial theorists is the use of a jargon-laden prose; it often appears as if the author believe that if they can impress or confuse the reader by their verbosity, they may be able to

convince the reader that their theories are valid. Gayatri Chakravorty Spivak's *In Other Worlds: Essays in Cultural Politics*,²² is the most extreme example of this difficult and often pedantic mind numbing writing style. Said's approach is decipherable, but he jumps from one point to another making the structure of his argument very disjointed; he refers to dozens of literary works to support his theory without going into detail on any one book. Another method is the use of semantics. For example, Said tries to appeal to the emotions of the reader, describing the colonial experience for the native population in terms such as *domination*, *subjugation*, and *genocide*. His goal is to gain sympathy for the colonized peoples and hence, the principles behind the thesis being presented.

In *Culture and Imperialism*, Said believes that the United States acts as an imperial power that wishes to dominate the world and form a new Pax Americana.²³ Commenting on America's involvement in the Gulf War of 1991, Said refers to Iraq's invasion of Kuwait as simply an infraction²⁴ and describes the conflict as an "imperial war against the Iraqi people, an effort to break and kill them as part of an effort to break and kill Saddam Hussein."²⁵ He sums up America's response to Iraq's invasion of Kuwait as follows: "The entire premise was colonial: that a small Third World dictatorship, nurtured and supported by the West, did not have the right to challenge America, which was white and superior."²⁶ Said's personal political views are clearly clouding his judgement of the United States' involvement in the Gulf War. The Saudi family asked for American intervention; the military operation was an

²⁰Said, *Culture and Imperialism*, 221-2.

²¹Thomas R. Trautman, *Aryans and British India* (Los Angeles: University of California Press, 1997), 21.

²²Gayatri Chakravorty Spivak, *In Other Worlds: Essays in Cultural Politics* (New York and London: Methuen, 1987).

²³Said, *Culture and Imperialism*, 300.

²⁴Ibid, 295.

²⁵Ibid, 301.

²⁶Said, *Culture and Imperialism*, 296.

international effort, including ex-colonial Arab countries such as Egypt and Syria. Iraq's aggression was a direct violation of Chapter 7 of the United Nations' Charter that forbids such action. It is doubtful that the Kuwaiti people would consider the occupation of their country as simply an Iraqi infraction as Said claims; he is obviously hoping to evoke an emotional response from the reader and further his personal political agenda by denouncing United States' foreign policy. In reality, Iraq is hardly a small Third World country. Prior to the war against Iran in 1980, Iraq's oil made it one of the richest Arab states and its high birth rate one of the most populous.²⁷ Iraq's military before 1991 had been one of the largest in the world. Being white or superior were not factors in the decision to go to war, but to claim that these were reasons for America's actions fit perfectly into Said's cultural theory of imperialism.

Said sees the continued presence of American troops in the Persian Gulf region as another example of American imperialism. He declares:

And after the systematic attack on its civilian infrastructure, Iraq is still being destroyed - by starvation, disease, and desperation - not because of its aggression against Kuwait, but because the United States wants a physical presence in the Gulf and an excuse to be there, wants to have direct leverage on oil to affect Europe and Japan, because it wishes to set the World agenda, because Iraq is still perceived as a threat to Israel.²⁸

²⁷Don Peretz, *The Middle East Today* (Connecticut: Praeger, 1994), 459. Government development plans led to higher urban living standards, increases in the literacy rate and improved agricultural productivity.

²⁸Said, *Culture and Imperialism*, 301. Iraq's economic destruction began with the Gulf War against Iran during 1980-88 which caused an external debt of 60 billion dollars. Since then Iraq is 75 percent poorer on a per-head basis. These developments occurred *before* America's conflict with Iraq began in 1990.

This statement by Said clearly shows that his political views are dictating his interpretation of history. The sanctions on Iraq which are causing the starvation and disease would not be necessary if Saddam Hussein had not invaded in the first place, and would be lifted if he simply chose to fully comply with the United Nations over the issue of weapons inspections, fulfilling the agreement that he signed to end the hostilities with the United States in 1991. The presence of American troops is due to the instability of the region, to protect the oil interests of the United States, Europe, and the rest of the world. It makes practical sense to maintain military forces in the Persian Gulf to guard against a recurrence of aggression by Iraq and because of the equally volatile situation in Iran; at the present, Saddam Hussein's intransigence over the issue of weapons inspections proves this point. The success of U.N. Secretary General Koffe Annan in reaching an agreement with Hussein does not guarantee that he will comply fully with the demands made by the United States and the United Nations. In the case of Israel, Iraq is not a threat to the Jewish state at the moment. The country can protect itself quite effectively, as the destruction of Iraq's nuclear facility at Osirak in 1981 by the Israeli Air Force proved.²⁹

The American imperialism rhetoric of Said is easily refuted. The globalization of American culture would be a more appropriate model, certainly not imperialism or a conspiracy to create a global Pax-Americana. Products such as movies, music, and clothes propagate American culture and further the economic goals of the United States, but these items are desired by the countries who purchase them. Imperialistic endeavors continue all over the world, but they usually take an economic form rather than territorial conquest. Japanese trade restrictions against the United States are a prime example. At present, Japan has four times the

²⁹Peretz, 460.

amount of direct investment in the United States than American investment in Japan.³⁰ In 1853, Commodore Perry rectified a similar situation by threatening to attack Japan with his navy if they did not open their ports to trade with the United States. In 1998, this would obviously not be a very productive approach to furthering relations between the United States and Japan, but the fundamental conflict over a country's desire to further its own economic goals at the expense of another country is the same. After 289 pages, Said finally admits that American imperialism is primarily economic.³¹ Since the fall of the Soviet Union, America may be the only superpower in the world, but it would be hard for the United States to be an economic imperial power because the world economy has been tri-polar since the 1970's. Europe, Japan, and the United States account for two-thirds of the world's total economic output.³² In *India and Europe: An Essay in Understanding*, Wilhelm Halbfass concludes that for the East and West to coexist, "We have to transcend 'what is European' (*das Europäische*); we have to reach 'beyond Occident and Orient.' Yet for the time being there is no escape from the global network of 'Europeanization,' and no way to avoid the conceptual and technological ways and means of communication and interaction which the European tradition has produced."³³

Said fails to see the larger political ramifications and focuses his attention on proving his theory which distorts the facts. This is a common method used by post-colonial theorists. In order to structure their thesis and support it, contradictory information is often conveniently left out of the discourse. Footnotes or references are often conspicuously absent

when an author makes broad statements such as Said's American imperialism theory, because they cannot usually be supported by empirical evidence. This is an important factor when evaluating the validity of post-colonial theory. The traditional historical approach may fail to address cultural or theoretical questions, but what is discussed can generally be supported by legitimate evidence, where the reader is not led to believe in political rhetoric that can be easily disputed.

The Indian historian Rudrangshu Mukherjee exhibits some of the most extreme problems with scholars of post-colonial theory. An article written by him in the journal *Past and Present*³⁴ provides an account of the infamous massacre of British men, women, and children at Cawnpore during the Great Mutiny of 1857 in India. While Edward Said openly denounces imperialism in any form, Mukherjee makes a point to demonize the perpetrators of imperialism, namely the British. He acknowledges no benefit that the Indians may have received from British colonialism and makes a point to emphasize the violence he believes was inherent in the British Raj, which he sees as the only reason the British were able to control India. Said may disagree with the nature of imperialism, but he does not believe that the British were evil and inherently cruel, as the author implies. Mukherjee declares:

British rule in India, as an autocracy, had meticulously constructed a monopoly of violence. The revolt of 1857 shattered that monopoly by matching an official, alien violence by an indigenous violence of the colonized.³⁵

He infers that the British were behind some kind of seditious plot to purposely persecute and

³⁰Joseph S. Nye, Jr., *Understanding International Conflicts* (New York: Harper Collins, 1993), 187.

³¹Said, *Culture and Imperialism*, 289.

³²Nye, 191.

³³ Wilhelm Halbfass, (New York: State University of New York Press, 1988), 441-2.

³⁴Rudrangshu Mukherjee, "The Kanpur Massacres in India in the Revolt of 1857," *Past and Present* (August, 1990).

³⁵Mukherjee, 93.

harm the Indians. This is clearly not true. If it was, why then did it take the Indians a hundred years to rise up in any significant numbers against the British? The mutiny or "revolt" as Mukherjee would prefer to call it, was not a concerted effort by the Indians to remove the British. The conflict occurred primarily in the north of India, was confined to a relatively small area, and could hardly be interpreted as a collective effort. In the nineteenth century loyalties were toward personal identification with a tribe, religion, or caste which were far more important than national sentiments. The majority of the Indians stayed loyal to the British. Most of the native rulers and Indian employees of the Raj supported the British, including a large number of land holders who chose not to involve themselves in the conflict.³⁶ Many accounts of Indians protecting the British during the mutiny exist. Moreover, the various reasons for the mutiny can be explained, with a fear of being converted to Christianity being on the top of the list. The eminent Indian writer Sayyid Ahmad Khan, in *The Causes of the Indian Revolt*, written after the outbreak of the Mutiny of 1857, believed that the mutiny occurred due to a lack of cordiality between the British and the Indians, not because of the alien nature of the British race or culture.³⁷ Nowhere in Sayyid Ahmed Khan's description of the causes for the mutiny, does he mention the violence of the British attributing to the events of 1857.

Mukherjee has an obvious personal agenda, and that is to demonize the British. By stating that the British were only able to control India through excessive violence, he creates an excuse for a two-hundred year occupation. This is a major fault with post-colonial theorists,

especially Mukherjee. His article is clearly biased and probably expresses a desire on the part of the author to re-write history to conform to his personal beliefs. His demonization of the British could possibly be an expression of a personal vendetta, which is to avenge his people for the colonization of his country or simply to vindicate the years of oppression to which he believes his fellow Indians were subjected. To accomplish his goal and appeal to the emotions of the reader as well as to gain sympathy for his personal agenda he exaggerates the presence of the British in India:

The bodies of the British acquired certain dignities in India that were predestined by birth and by the colour of their skin. This was the condition of their domination, of their superiority: rulers and ruled were arranged hierarchically as superior and inferior races, as civilized and uncivilized. And this superiority manifested itself by denying to the Indians a humanness; by treating them and conceiving of them as animals.³⁸

Even if this melodramatic account was true, the British would not be unique. This quote describes the entire Indian caste system itself. Indian Brahmins have taken advantage of their superiority in the hierarchy of caste for centuries. In the eighteenth century the British were ideally suited to form a ruling caste for the Hindu system, much like their predecessors the Moghuls. In reality, in the eyes of the Indians the British were considered untouchables and at the bottom of the caste hierarchy because they were Christian and not Hindu.

An important point that Mukherjee fails to make is the complicity of the Indians in the expansion of the British throughout the subcontinent. The early presence of the British was maintained in India only through the aid of alliances with Indian rulers. They controlled their position in Bengal through the assistance of

³⁶Christopher Hibbert, *The Great Mutiny: India - 1857* (New York: Viking, 1987), 390.

³⁷Sayyid Ahmed Khan Bahadur, *The Causes of the Indian Revolt*, translated by Hafeez Malik and Morris Dembo (Michigan: Asian Studies Center, 1972), 139.

³⁸Mukherjee, 93.

a new landed class of Bengalis who recognized the opportunities that the extension of British influence in India would provide. Moreover, as the British solidified their control of Bengal, they opened up the trade of the province which allowed a new Indian merchant and banking class to emerge in Calcutta.³⁹ These Indians who worked in conjunction with British agents helped increase Calcutta's finance and trade during the first three decades of the nineteenth century.⁴⁰ It was the most wealthy and influential Hindu families such as the Roys, Tagores, and the Debs in Bengal who took advantage of these developments. The Muslim nobility and landed classes had been displaced politically due to the expansion of British power in Bengal.⁴¹

Mukherjee also fails to acknowledge support for the British by many educated and influential Indians. Ram Mohan Roy (1772-1833) was a Hindu scholar and founder of *Brahmo Samaj* (Society of Brahma) in 1828, a Hindu reform movement similar to European Unitarianism. He believed that the British were "Deliverers" and not "Conquerors," since at that time he observed that under the British, civil and religious freedoms for Hindus had improved, as opposed to the previous Muslim rule.⁴² Bal Shastri Jambhekar of Bombay, wrote that the worldwide domination by the Europeans could be contributed to their "preeminent superiority...in almost every department of

science."⁴³ Mirza Abu Talib, who spent four years in England at the turn of the eighteenth century spoke highly of British achievements in literature, theater, and industry.⁴⁴ S.C.G. Chuckerbutty (1824-1874) was one of the first Indians to receive a medical degree in England and join the prestigious Indian medical service. He was greatly upset by the Mutiny of 1857 and called the conflict a war of "ignorance and fanaticism against knowledge and religious toleration, a war in which the educated native has as great a stake as any European in this country."⁴⁵ He praised the benefits that European science gave to the Indians:

Already the light of science is beginning to produce its purifying and elevating effects. Already the little community of educated natives is heaving with swelling thoughts and noble aspiration . . . Already the champions of darkness have taken the alarm, and are waging a mortal struggle against civilization but the votaries of knowledge have caught them by their throats . . . The battle is a good as won.⁴⁶

Another example of support for the British was in the army. Before the Mutiny of 1857, European troops in India were outnumbered by sepoy (Indian soldiers) at the rate of approximately five to one, yet they had eleven times the number of charges for desertions, twenty-one times the number for mutinous conduct, and ten times the number for robbery.⁴⁷ Unlike European troops in India, sepoy had the option of leaving military service anytime after their first three years. Moreover, contemporary

³⁹The correspondence of Lord William Cavendish Bentinck, I, 1828-1831, Edited by C.H. Philips (Oxford: Oxford University Press, 1977), xvii.

⁴⁰Ibid, xviii.

⁴¹Philips, xviii.

⁴²Quoted in, Neil Sen, "Warren Hastings and British Sovereign Authority in Bengal, 1774-80," *The Journal of Imperial and Commonwealth History* (January, 1997), 75. The basic tenets of the movement stress the unity of God, reject the priesthood, sacrifices, representation of God, the caste system and the teaching of reincarnation. The movement continues today as a small but progressive sect mainly in West Bengal.

⁴³Quoted in Deepak Kumar, "The Culture of Science and Colonial Culture, India 1820-1920", *BJHS* (1996, 29), 199.

⁴⁴Kumar, 196.

⁴⁵Kumar, 200.

⁴⁶Kumar, 200.

⁴⁷Douglas M. Peers, "Sepoys, Soldiers and the Lash: Race, Caste and Army Discipline in India, 1820-50," *The Journal of Imperial and Commonwealth History* (May, 1995), 214.

surveys indicate that only a limited number chose this option, instead opting for additional years of service or a career.⁴⁸ This seems to suggest that military service for Indians was beneficial and popular. If the relationship between Briton and Indian was based on brutality and violence as Mukherjee suggests, why was this not reflected in the number of desertions or the desire to reenlist for military service? The declaration by Lord Amherst, a former Governor-General of India (1823-1828),

through the help and cooperation with the British, it was our duty to win their help by standing by them in their hour of need."⁵¹ Obviously, Gandhi and his fellow Indian political leaders had hoped that a British victory would help bring them independence, but regardless of the outcome, the overwhelming support for the Raj by the Indians clearly showed their loyalty to the empire. If the British had only maintained their rule (for nearly two hundred years) by inflicting violence upon the



"Attack on British troops at Kanpur" *The Imperial Imagination*,
Lewis D. Wurgaft

that proclaimed British sovereignty over all of India met no outcry from the Indians.⁴⁹ Britain's role in World War I brought India into the conflict. Indian nationalist parties and native princes gave their complete support to the British government, even Gandhi himself contributed to the war by organizing a field ambulance training corps.⁵⁰ He believed that "if we (the Indians) would improve our status

Indians, why were they so enthusiastic to aid the British as late as 1914? For Mukherjee to acknowledge these facts, he would in essence be accepting the theory of British superiority, which was true (in science and technology). To him, this would imply inferiority on the part of the Indians; to avoid this, he explains British colonialism in India as a violent suppression of the people rather than Indian compliance.

⁴⁸Ibid, 217.

⁴⁹Ahmed Khan, 119.

⁵⁰Stanley Wolpert, *A New History of India* (New York: Oxford University Press, 4th edition, 1993), 289-290.

⁵¹ Mohandas K. Gandhi, *Autobiography*, (New York: Dover Publications, 1983), 310.



"Lord Canning at Grand Dubar at Kanpura investing loyal Rajahs after Mutiny, engraving by Bourne."
The Imperial Imagination. Lewis Wurgaft.

Mukherjee justifies the killing of the British at Cawnpore by the Indian sepoys. He declares: "British rule, as I have emphasized, inscribed its domination on the body of the Indian. To eradicate the marks of that domination, they had to destroy the body of the Briton."⁵² He sees the massacre by the sepoys as an unfortunate occurrence that was forced upon them due to the cruelty and violence of the British. He believes the Cawnpore massacre was simply in response to earlier massacres of Indians by the British, following the initial outbreak of the mutiny. Mukherjee claims that the sepoys "wanted to counter this show of violence by their own exhibition of power. They borrowed from the British and replicated the violence. The terms of their violence were thus derived from that very structure of power against which they had revolted."⁵³ Mukherjee's conclusions imply that the Indians would have never normally expressed such violence, but because the British were so inherently cruel they were forced to

resort to such actions. That the Indians simply borrowed British violence implies that they would never have been capable of it if it had not been for the British. This blatant attempt at attacking the British in India could easily be considered a form of reverse racism. Now that it is popular to be anti-imperialist, political rhetoric demonizing the actions of the West is accepted; this is a major fault with post-colonial theorists such as Mukherjee, and a disturbing one.

The Ranajit Guha-led *Subaltern Studies* group suffers from similar biases as Said and Mukherjee, but fortunately, extreme issues such as rhetoric demonizing the British or the propagation of blatant political agendas are not evident. The objective of Guha and his fellow scholars is to present an alternative picture of colonialism in India from the perspective of the subaltern or the lowest strata of the rural gentry, rather than from the traditional political method emphasizing the actions of the British or the Indian aristocracy. This approach to Indian history is an important addition to the history of colonialism, but this procedure entails ignoring

⁵²Mukherjee, 113.

⁵³Mukherjee, 112.

the more obvious political issues. What is significant is the fact that they place the blame for colonialism not on a monolithic European culture or on the inherent cruelty of the British, but on the Indians themselves. In *On Some Aspects of the Historiography of Colonial India*, Guha describes his theory for the failures made by the Indians to remove the British:

In the event, much of the sectional struggle of workers, peasants, and the urban petty bourgeoisie either got entangled in economism or, wherever politicized, remained, for want of a revolutionary leadership, far too fragmented to form effectively into anything like a national liberation movement . . . It is the study of this historic failure of the nation to come to its own, a failure due to the inadequacy of the bourgeoisie as well as of the working class to lead it into a decisive victory over colonialism .

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The major problem with Guha's analysis is its similarity to that of Mukherjee. He fails to acknowledge the complicity of the Indians. Gandhi himself had once believed that the British administration of India was "on the whole acceptable," and that it was actually "beneficial" for the Indians to be ruled by the British.⁵⁵ For example, a country whose population was about 150 million in 1856 had a standing army of 300,000 men, of which less than 14,000 were Europeans; the British could not have controlled a country of this size without a general feeling amongst the population that their rule was a benevolent one.⁵⁶ A failure of the bourgeoisie to combine with the working class to overthrow the British is not a sufficient explanation; the maintenance of the Raj could not have existed without the willing assistance of the Indians.

⁵⁴*Subaltern Studies I: Writings on South Asian History and Society*, edited by Ranajit Guha (Delhi: Oxford University Press, 1982) 6-7.

⁵⁵Gandhi, 151.

⁵⁶Hibbert, 63.

Ranajit Guha supports his theories using similar methods as Said and Mukherjee. He leaves out information that would contradict his theory. In *The Prose of Counter - Insurgency*, he believes that the presence of the British in India was "the prime cause of rebellion,"⁵⁷ and that Indian insurrections against the British were not purely spontaneous and unpremeditated affairs as the traditional historical accounts have often portrayed them.⁵⁸ He declares: "The truth is quite to the contrary. It would be difficult to cite an uprising on any significant scale that was not in fact preceded either by less militant types of mobilization when other means had been tried and found wanting . . ."⁵⁹ Guha's statements can be easily refuted, his examples of Indian uprisings are mostly obscure events, only the Mutiny of 1857 being unique. He fails to mention Vellore and Barrackpore, two major mutinies within the army that were not methodically planned, but were in response to various grievances expressed by the Indians that went unresolved.

The Vellore Mutiny in 1806 was a precursor for the Great Mutiny of 1857. The catalyst that caused the violence was due to new regulations made by British officers at the military cantonment at Vellore that affected the religious customs of the Indian soldiers. The sepoys were told that they must remove painted caste marks from their foreheads and replace their traditional turban with a leather version more in uniform with European head gear which would cause pollution of caste. Moreover, these orders ignored the sepoy's dislike of hats due to the fact that they usually became the headgear worn by untouchables who had converted to

⁵⁷*Subaltern Studies II: Writings on South Asian History and Society*, edited by Ranajit Guha (Delhi: Oxford University Press, 1983) 31.

⁵⁸Guha, *Subaltern Studies II*, 1.

⁵⁹Guha, *Subaltern Studies II*, 1.

Christianity.⁶⁰ An official memorandum concerning the mutiny describes the events at Vellore in 1806. On the 6th of May the native troops first exhibited a desire to oppose the new headgear; on the 9th of May a native court martial sentenced two sepoys to 900 lashes for refusing to wear the new turban. Lieutenant-General Craddock, the commander at Vellore, informed the government of Madras on the 29th of June that an almost universal objection to wear the turban prevailed amongst the native troops.⁶¹ On the 4th of July a general order was sent to Craddock stating that "it was not the intention of the government to introduce any changes uncomfortable with the laws or religion of the native troops."⁶² Craddock acknowledged receipt of the order on the 7th of July, but postponed it because he "had heard nothing more on the subject of the turban."⁶³ The mutiny occurred on the morning of the 10th of July. The memoranda stated "the smallest alarm was not excited, or the least suspicion of what was to take place, felt by any of the Europeans."⁶⁴ The incident resulted in the deaths of fourteen British officers and more than a hundred British soldiers while they were either sleeping in their barracks or while trying to flee. This account of the mutiny at Vellore would seem to contradict Guha's theory concerning Indian uprisings. Why would Craddock postpone the general order if the sepoys had not ceased exhibiting a strong rejection to the new turban? Why were the British soldiers caught completely by surprise if the mutiny had not been a spontaneous or unpremeditated affair? This memorandum does not describe an attempt by

the Indian soldiers to exhaust all their options before resorting to militant measures to rectify their grievances.

The uprising and the killing of the British were not due to the existence of the Raj or the system itself; the religion and honor of the sepoys had been offended by British ignorance and insensitivity, and this is what prompted the events at Vellore in 1806. They were not seeking to remove the British, their actions were in response to personal grievances that were being ignored.

The mutiny at Barrackpore in 1824 is another example where British ignorance led to a sepoy uprising. Again, the primary reason for this event was religion. Most modern accounts of the event attribute the cause to the fear of crossing the sea by the Hindu soldiers, which would force them to lose caste.⁶⁵ A manuscript account of the mutiny at Barrackpore by Thomas Erskine Dempster, who was the sole medical officer of the 47th Native Infantry and a first-hand witness to the uprising, refutes this common belief. He placed the primary blame for the mutiny on mistakes made by the British.

The outbreak of the first Burmese War (1824-1826) sent the 47th Native Infantry to Barrackpore, which was on the outskirts of Calcutta, to stand in readiness to march toward Burma. The catalyst for the mutiny was (according to Dempster) the failure of British officers at Barrackpore to supply the sepoys with sufficient transport such as elephants or oxen to carry their personal necessities which included a brass cooking pot used to prepare the individual soldier's meal, which every man must possess to avoid the risk of contamination.

Dempster described the soldier's dilemma: "The Hindoo sepoy was truly in a bad case, for to part with his metal cooking pots was almost tantamount to losing caste, and this he would

⁶⁰Hibbert, 62. For a detailed account of the incident, see P. Chinnian, *The Vellore Mutiny 1806* (Brode, 1982).

⁶¹Memoranda on the Mutiny at Vellore, 1806, in Elphinstone Papers, BL (OIOC): MSS. EUR. F. 89, box 2/5.

⁶²Ibid.

⁶³Ibid.

⁶⁴Memoranda on the Mutiny at Vellore, 1806.

⁶⁵ See, Stanley Wolpert, *A New History of India*, (New York: Oxford University Press, 1997).

rather die than do.”⁶⁶ Efforts by the British to rectify the situation were attempted. For example, the Colonel of the 47th let some of the sepoys borrow money to hire the necessary transport, but in the end the British failed to provide for the needs of their soldiers.

On the day of departure for Burma, the sepoys refused to leave. They broke ranks and turned their guns on the British officers, forcing them to return to their barracks. Later that night, the 47th was joined by three other native regiments. Meanwhile, reinforcements had arrived at Barrackpore. The sepoys were ordered to lay down their arms, but they refused. They were promised that if they complied, the commanding officer “would consider and redress any grievance of which they might have reason justly to complain.” The leader of the mutinous sepoys told the British that they had a petition to present, but the response by the commanding officer was that he “could never receive petitions from soldiers with arms in their hands.” The leader of the sepoys declared that “having taken up arms to assert their just rights, they could not, with honor, lay them down until their grievances had been heard and redressed.” With full support from the recently arrived reinforcements, the commander-in-chief chose to attack the mutinous sepoys, killing the majority. Survivors were later tried and hanged or given hard labor for life.⁶⁷

Dempster believed that the Hindu soldiers did, in fact, fear foreign service, especially being sent by ship because their caste might be tainted; moreover, to the sepoy, Burma was considered a “land of magic and Sprites.” Nevertheless, he praised the integrity of the Indian soldiers, and believed that the sepoys were “thoroughly loyal”

and as far as the order to depart for Burma was concerned, his opinion was that “it cannot be denied that there was a very generally felt reluctance in the mind of the Sepoys against the expedition on which they were about to be employed. Yet, so I verily believe, had nothing unusual occurred, no occasion given to complain of any substantial grievance, all would have marched when required . . . , and done their work well.”⁶⁸ The sepoys were willing to go and fight in Burma, the conflict arose simply because of their desire to be provided with sufficient means of transport to accomplish the mission. Had the British been more respectful and patient, these mutinies would probably not have occurred; these events did not arise simply because of the presence of the British in India as Guha claims. Obvious grievances exhibited by the sepoys were ignored which led to horrific results.

The rhetoric of Said, Mukherjee, and Ranajit Guha, make excuses for the expansion of colonialism without providing a sufficient explanation for how or why it happened. They all have their personal theories, (culture, violence, lack of Indian unity) yet none of these theories provide a legitimate explanation for imperialism. Post-colonial theorists refuse to accept the fact that colonialism occurred because Europe was a technologically dominate power during this period. Hegemonic power throughout history has always achieved its preeminent position through its technological superiority, such as the Muslim empires and Chinese dynasties that had ruled over large areas of the earth while the West retained a medieval existence. Both eventually became complacent with the belief in their religious and cultural superiority and felt that they did not need to assimilate further outside influences, especially Western ones, which provided Europe with its own opportunity to expand. The issue of race

⁶⁶ Manuscript account of the mutiny of the 47th Native Infantry in 1824 at Barrackpore, by Thomas Erskine Dempster (1799-1883), Bengal Medical Service, 1820-1857, Assistant Surgeon of the 47th, January-November, 1824. BL(OIOC): MSS.EUR.B400.

⁶⁷ Ibid.

⁶⁸ Ibid.

and a belief in white superiority would eventually play a part in the colonial process but it was not the primary driving force behind Western colonialism.

Another significant fault with post-colonial theorists is the fact that they often fail to place some of the blame for the propagation of imperialism on the colonized peoples themselves. For example, political fragmentation of the Moghul empire led to British expansion throughout India; a lack of political unity prevented many countries from mounting a collective defense of their territory which helped facilitate the spread of colonialism by the West. Examples of complicity on the part of the Indian people has already been explained. Said remarks on the last page of *Culture and Imperialism* how countries throughout the world (implying America and the West) should interact with one another to help avoid imperialistic ambitions.

It is more rewarding - and more difficult - to think concretely and sympathetically, contrapuntally, about others than only about us. But this also means not trying to rule others, not trying to classify them or put them in hierarchies, above all, not constantly reiterating how our culture or country is number one (or *not* number one, for that matter). For the intellectual there is quite enough of value to do without *that*.⁶⁹

This final idealistic comment belongs in Karl Marx's *Communist Manifesto*. Said's interpretation of a perfect world echos Marx's anticapitalist rhetoric and his desire to establish a classless socialist society. It was the capitalistic nature of the Western powers that provided the stimulus for competition and the desire to be *number one*, which in turn helped give them the scientific and technological ability to create world empires. Competition and the

desire to be *number one* is what motivates people, economies, and nations.

Imperialism does not necessarily have to be interpreted as a form of racism, as post-colonial theorists would like. The relationship between the West and the East is not mutually exclusive; it is far more complex than the simple generalizations presented by post-colonial theorists. The most recent comprehensive critique of Said's work is by John Mackenzie. In his book, *Orientalism: History, Theory, and the Arts*, Mackenzie criticizes the nature of Said's historical approach and believes that the West and the colonized people of the world "were locked into a process of mutual modification, sometimes slow but inexorable, sometimes running as fast as a recently unfrozen river."⁷⁰ The inter-dynamics of the colonial process cannot be explained by simply denouncing the actions of the Western world without analyzing the impact of imperialism objectively. Post-colonial theorists such as Said and Mukherjee prefer attacking the West and emphasizing the racism that they believe was inherent within its culture; this method provides them with an opportunity at creating a new approach to imperial history.

A legitimate account of the effects of colonialism on the world should also acknowledge the benefits of imperialism. Scholars of post-colonial theory truly believe that colonized people either received no lasting rewards from the imperial experience, or they simply choose not to explain them. Trautman defines the dilemma created by authors of post-colonial scholarship as such: "It seems to betray a feeling that one cannot seriously weigh the value of *Orientalism's* substance without running the risk of finding some of it good and, in that measure, a justification of a regime of

⁶⁹ Said, *Culture and Imperialism*, 336.

⁷⁰ John MacKenzie, (New York: St. Martins Press, 1995), 209.

colonial power.”⁷¹ Said denounces the British colonization of India, but it is highly unlikely that modern India would be the world’s largest democracy if it had not been for the influence of British legal institutions. The government in Bengal succeeded in suppressing pestilence, famine, and warfare throughout the subcontinent and improving the welfare of the inhabitants. The extensive railway network, communications, and military infrastructure that exists in India today would not be present if it had not been for the British; nearly every colony that the British surrendered was left with the structure of a fully functioning parliamentary democracy.

Not only do scholars of post-colonial theory fail to realize (or simply recognize) that not all territories of the modern world are against economic imperialism, but they refuse to acknowledge the fact that direct colonialism is accepted and even desired. The most recent example is the island of Anjouan, part of the four-island Comoran Archipelago in the Indian Ocean that received independence from France in 1975. Early in 1997, the citizens of Anjouan announced that they no longer wanted to be independent, and desired to be a French colony again. The French government at the moment does not want to repossess the island. The decision made by the citizens of Anjouan was motivated by the fact that poverty is rampant with an unemployment rate of 90 percent. The island of Mayotte, only 25 miles from Anjouan voted to stay French in 1975; the island enjoys free education, health benefits, and a minimum wage.⁷² Obviously, these were important factors that influenced their desire to return to French control. In the case of Ireland, Said claims that Britain still rules the island today.⁷³ In actuality,

Northern Ireland is part of the United Kingdom. The recent agreement between the province’s Protestants and Catholics to share power has the potential to end years of hostility, but the pact requires the Republic of Ireland to amend its constitution to specify that reunification will occur only if the majority of the inhabitants of Northern Ireland request it.⁷⁴ At the present, the Protestant inhabitants outnumber the Catholics and their desire is to remain tied to Great Britain; until the demographics shift in favor of the Catholics, and they vote to join the Republic of Ireland, the territory will remain an integral part of the United Kingdom.

Bermuda is Britain’s largest remaining colonial possession with a population of 60,000; with the 600 million dollar economy that American tourism generates, the citizens of Bermuda are provided with a comfortable standard of living. The citizens of Bermuda rejected independence from Britain in a 1995 referendum.⁷⁵ The Cayman Islands, with a population of 32,000, has a prosperous economy due to the island’s position as a banking center and tax haven.⁷⁶ In 1967, just before Franco closed the border, sovereignty was proposed in a referendum to the citizens of Gibraltar, who rejected it by an impressive margin of 12,138 votes to 44. Clearly, their desire is to stay a possession of Great Britain for the immediate future.⁷⁷ Spain has rejected Britain’s claim to the Rock, but curiously, the Spanish government considers their two enclaves Ceuta and Melilla on Moroccan soil to be an integral part of Andalusia in southern Spain. It is by no means a given fact that the majority of Hong Kong

⁷¹Trautman, 25.

⁷²Suzanne Daley, “Indian Ocean Island Yearns to Retie Colonial Bond,” *The New York Times*, September 29, 1997, A4.

⁷³Said, *Culture and Imperialism*, 7.

⁷⁴John-Thor Dahlburg, “Deal OK’d to End 30 Years of ‘Troubles’ in Northern Ireland,” *Los Angeles Times*, p A8, Saturday, 11 April 1998.

⁷⁵William D. Montalbano, “As Colony is let go, Its been there, Done that for British,” *The Los Angeles Times*, July 1, 1997, A14.

⁷⁶*Ibid.*

⁷⁷*National Geographic*, November, 1996, 61.

citizens would have chosen to join China if they had been given a choice in the matter. The week prior to the handover, British Governor Chris Patten's standing in the polls rose to a record 79 percent.⁷⁸ Patten pushed Hong Kong toward democratization, which the Chinese government denounced; only time will tell if democracy in Hong Kong will prevail now that the British are gone.

Puerto Rico exemplifies the desire by a foreign territory to remain under direct colonialism. The United States has ruled the island for nearly a hundred years. The New Progressive Party Government chose commonwealth status over statehood in a November 1993 plebiscite; 48.6 percent of Puerto Ricans voted for commonwealth, defeating statehood by two percentage points. Advocates for complete independence finished third with only 4.4 percent of the vote.⁷⁹ The desire to remain tied to the United States is clearly evident. However, statehood and independence advocates believe that the existing commonwealth status is "tantamount to direct colonialism,"⁸⁰ but the benefit of commonwealth status is that the island remains self governed, retains its separate cultural identity, and is exempt from paying federal taxes.⁸¹ These are positive points that obviously influenced the vote in 1993. The House of Representatives recently passed a bill that requires the citizens of Puerto Rico to again vote on their status by the end of 1998.⁸² Undoubtedly, the decision will be for commonwealth or independence, but whatever the outcome, both the United States and Puerto

Rico will benefit from maintaining their present relationship both economically and militarily. Guam is another example of a colonial possession of the United States that desires to remain under its control. The island was acquired from Spain in the 1898 Treaty of Paris. The native population is 140,000; all are American citizens, but they cannot vote in elections. The islanders are demanding a commonwealth status that would give them more political rights. They want their own immigration laws and greater integration with the United States; independence for the island is not an issue.⁸³ If American imperialism truly exists, as Said believes, why did the United States give Puerto Rico an option of voting for independence when the island is important economically and strategically to the United States? This is not a characteristic of an expanding American empire; you do not form a Pax-Americana by giving countries the option of sovereignty.

Orientalist scholars of the past and modern historians of imperialism have obviously been motivated by Eurocentric sentiments, but they are not a Western product. They have their Eastern equivalents. Halbfass agrees that the present study of the effects of imperialism demand "self-questioning and the critique of Eurocentric preconceptions are necessary ingredients of any responsible study of India. However, the attempt to eliminate *all* Western constructs and preconceptions and to liberate the Indian tradition from all non-Indian categories of understanding would not only be impractical, but also presumptuous in its own way . . . it would raise the problem of a reverse Eurocentrism."⁸⁴ This is obviously the case with Edward Said who refuses to acknowledge the benefits received by the East from Western

⁷⁸*Newsweek*, July 7, 1997, 39.

⁷⁹"Hearing weighs new plebiscite on Puerto Rico," *The New York Times International*, March 24, 1996, (Section 1), 32.

⁸⁰*Ibid.*

⁸¹*The New York Times International*, March 24, 1996, (Section 1), 32.

⁸²"A Choice for Puerto Rico", *New York Times*, March 9, 1998, (Section A), 18.

⁸³John Hiscock, "Islanders demand bigger role in U.S.," *The Daily Telegraph*, Wednesday, September 3, 1997.

⁸⁴Halbfass, *Tradition and Reflection*, 12.

influences; he criticizes the West, especially United States' foreign policies which he interprets as American imperialism, but provides no realistic solutions for the problems he believes exist. Criticism is valuable, but legitimate solutions would be more practical.

Said's books such as *Culture and Imperialism* do make a positive contribution to the field of history. They generate debate and often point out important issues that need to be discussed. For example, his commentary on America's lack of understanding of the East is correct. He explains how Arabs are often misrepresented by the media and the film industry as "sleazy camel jockeys," "terrorists," or "billionaire sheiks."⁸⁵ The following quote by Said summarizes some of the fundamental faults with American society concerning international affairs:

The concurrence between such notions and the world-view promulgated by the media is quite exact. The history of other cultures is non-existent until it erupts in confrontation with the United States; most of what counts about foreign societies is compressed into thirty-second items, "sound-bites," and into the question of whether they are pro- or anti-America, freedom, capitalism, democracy. Most Americans today know and discuss sports with greater skill than they do their own government's behavior in Africa, Indochina, or Latin America; a recent poll showed that 89 percent of high school juniors believed that Toronto was in Italy.⁸⁶

Said's books are rare examples where an author points out the negative aspects of American culture or politics that need to be exposed. His book *Covering Islam* deals with the misconceptions of the West toward the Islamic religion and the Muslim world.⁸⁷ The

often misguided policies of the American government toward the state of Israel and the Palestinians are covered in detail in *Peace and its Discontents: Essays on Palestine in the Middle East Peace Process*.⁸⁸ For most Americans the historic handshake between Yasser Arafat and Yitzhak Rabin on the White House lawn on September 14, 1993 meant the beginning of peace between Israel and the Palestinians. The disturbing reality of the peace process is exposed by Said. The agreement to withdraw the Israeli army from the Occupied Territories resulted simply in a redeployment from the center of Palestinian towns to the outskirts. Israel will maintain control of all roads throughout the West Bank including all entries and exits into Palestinian towns. Furthermore, Said describes the degree of self government that the Palestinians will possess in their newly acquired "autonomous" territories:

Palestinians will have municipal authority over the towns and some 400 villages within the Israeli cordon, but they will have no real security responsibility, no right to resources or land outside the populated centers and no authority at all over Israeli settler, police, and army. Israel will continue to hold fifty or sixty Palestinian villages. The settlements will be untouched and a system of roads will connect them to one another, making it possible for settlers, like whites in the old South Africa, to avoid or never even see the people of the Bantustans, and making it impossible for Palestinians to rule over any contiguous territory.⁸⁹

As a whole, the state of Israel retains complete control over the security, water, land, air space, airwaves, roads, and borders throughout the Palestinian autonomous areas.⁹⁰

⁸⁵Said, *Culture and Imperialism*, 36.

⁸⁶Said, *Culture and Imperialism*, 322-3.

⁸⁷ Edward W. Said, *Covering Islam* (New York: Random House, 1981).

⁸⁸Edward W. Said, *Peace and its Discontents: Essays on Palestine in the Middle East Peace Process* (New York: Vintage Books, 1996).

⁸⁹Said, *Peace and its Discontents*, 148

⁹⁰Said, 148.

Post-colonial theorists such as the Guha-led *Subaltern Studies* group have greatly benefited the field of imperial history by complementing the traditional approach to history that has ignored the perspective of the native population that was subjected to the colonial experience. These issues are important and need to be discussed, but how significant are the drawbacks that come with the benefits of post-colonial theorists and their contribution to imperial studies or history in general?

Do personal agendas such as Said's rejection of Western Orientalists befit the professional study of history? Does political rhetoric such as Said's American imperialism theory belong in historical scholarship? The presence of obvious biases by authors such as Said, Mukherjee, and Guha have to make a historian question the validity of their material. Mukherjee's attempt at demonizing the British is clearly reverse racism, and the acceptance of such attitudes in the modern field of history is unsettling and dangerous. Colonization by the West needs to be put in its historical context; the occupation of foreign territory and its peoples is not a new concept. Emphasizing racism and violence as prime factors in imperialism only creates new hatreds. Scholars of post-colonial theory are influenced by the emotional impact of colonialism; emotional sentiments can cloud one's judgment and reduce the ability to interpret events objectively. This is obviously the case with scholars of post-colonial theory such as Edward Said, Rudrangshu Mukherjee, and Ranajit Guha. This does not mean that their contribution to the field of imperial history should be ignored; their faults simply need to be acknowledged within the historical piece.

ARAB NATIONALISM AND ISLAM

Allison Rubalcava

This article contends the basic doctrines of Islam and of nationalistic movements are incompatible. Arab nationalism began with the decline of the Ottoman Empire at the turn of the twentieth century, and was clearly influenced by western ideology. This led to controversy among Arab-speaking peoples, as many of the leaders of Middle Eastern nation-states speak of Islamic unity and Arab unity yet act in the self interest of their particular nation-state. In response, an Islamic revival has occurred which is competing with nationalistic ideology. The incompatibility of the two movements and the struggle to reconcile religious, ethnic, and national identity continue to plague the Middle East.

Since the nineteenth century Arabs have had difficulty reconciling their Muslim identity with their national identity in the modern secular state. The issue becomes a conflict of loyalties in the Arab-Muslim world because the Islamic faith is not compatible with the goals of Arab nationalist movements. Islam provides for only two worlds, the Muslim world (Dar al-Islam) and the non-Muslim world (Dar al-Harb).¹

THE ISLAMIC EMPIRE

Islam emerged in the seventh century from Mecca, a southwestern Arabian town important as a trading post and as the location of the Kaaba, a sacred shrine which housed the idols and symbols of the various gods worshipped by the Bedouin tribes that inhabited the region. Muhammad was born about 570 A.D. to a Quraysh tribe in Mecca entrusted with the care of the Kaaba. After experiencing visions, Muhammad believed that he was God's prophet. He preached that there is only one God, and proclaimed the new faith of Islam. During his lifetime he united the people of Arabia, and Islam became an established religion, replacing the old tribal loyalties with a new allegiance among all Muslims.

Muhammad believed that the word of God was revealed to him. God's word was recorded and later compiled into the Koran, Islam's Holy Book. The Koran guides every aspect of the Muslim community, including individual standards of behavior and responsibilities of worship. It provides a comprehensive legal system that reaches into every corner of the community's needs. Muslims recognize only God's laws as prescribed by the *Sharia*, Islam's Holy Law. "Blessed be He who in His hand holds all sovereignty," and "God has sovereignty over the heavens and the Earth."² These verses express the

¹Bernard Lewis, *The Political Language of Islam* (Chicago: The University of Chicago Press, 1988), 71-90.

²67:1 and 9:115 Koran.

complete sovereignty of God over man. Under Mohammad, Islam developed into a complete political and religious society with the prophet serving as the leader of the new community.³

Islam provided for a degree of religious diversity within the empire since Muslims recognize a common link to Jews and Christians through Abraham in the Old Testament. The Koran clearly states that "there shall be no compulsion in the matter of faith" and protects those believers in the covenant with Abraham.⁴ Omar, the second successor of Mohammed, issued a pact in 644 C.E. that provided a special status of protection, allowing for non-believers to practice their religion.⁵ People of the Book, as protected infidels, were designated as *Dhimmi* and were exempt from military service, but were subject to a special tax called the *Jizya*.

Muslims recognize Judaic-Christian history as a common heritage, with Arabs tracing their lineage to Abraham's son, Ishmael, by Hagar.⁶ The inscription, "The Mighty, the wise, declare that God and His angels bless the Prophet, and call upon Christians to recognize Jesus as an apostle of God, His word and spirit, but not his son," which appears on the Dome of the Rock, illustrates this recognition of a common ancestry.⁷

Islam recognizes both Judaism and Christianity as true faiths, because they accept the covenant of God with Abraham. Muslims believe Muhammad was the last and greatest of God's prophets to whom the final and perfect revelations were made, thus completing the teachings of Jewish and Christian prophets including Abraham, Moses, and Jesus.⁸

³Bernard Lewis, *Islam in History* (Chicago: Open Court Publishing Co., 1993), 261.

⁴Holy Koran 2:257.

⁵"Pact of Omar" in Jacob Rader Marcus, *The Jew in the Medieval World, A source Book: 315-1791* (Cincinnati: Hebrew Union College Press, 1990), 13-15.

⁶Genesis 12:21, New Revised Standard Version.

⁷Albert Hourani, *A History of the Arab Peoples* (Cambridge, Massachusetts: Harvard University Press, 1991), 28.

⁸Bernard Lewis, *The Shaping of the Modern Middle East* (New York: Oxford University Press, 1994), 26.

Upon Muhammad's death, his followers conquered the land that today includes the countries of Egypt, Iran, Iraq, Israel, Jordan, Lebanon, Syria, the Maghrib, and Spain. Most of the conquered people accepted the Arabic language and the Islamic religion. The Umayyad Dynasty (661-750) moved the political center to Damascus from Medina, and the Abbasid Dynasty overthrew the Umayyads in 750, moving the capital to Baghdad. Islamic culture flourished as the new dynasty promoted commerce, industry, and science. The empire encompassed many ethnic groups, but emphasis was placed on the community of believers rather than on ethnic nationality. A common religious culture, expressed in Arabic, the language of the Holy Book, united the Islamic world.⁹ Invasions of Mongols from central Asia characterized the twelfth century, and the five-century-old Abbasid Empire ended in 1258 with the destruction of Baghdad. The Ottomans conquered most of the Arab Empire in the 1300s, ultimately defeating the Christians and capturing the city of Constantinople in 1453. The Ottoman Empire lasted for over 500 years, from the 1300s until after World War I when the empire collapsed and the secular state of Turkey emerged.¹⁰

THE ORIGINS OF ARAB NATIONALISM

The Middle Eastern world continued to be ruled by different Muslim Empires that unified ethnically varied peoples under the secure umbrella of Islam. Arab nationalism first surfaced about the turn of the nineteenth century. It began as a movement against alien domination of Arab lands, first by the Ottoman Empire, then by the Western powers of Britain and France, and finally against the Jewish state of Israel, which occupies the historically disputed land of

⁹Hourani, 83.

¹⁰Background information note

Palestine.¹¹ This early nationalist movement emerged in reaction to a Turkish national movement.

The Ottoman Empire began its decline well before the beginning of World War I. A group of young Turkish officers sought to arrest its disintegration through westernized reforms, beginning with the Hatt-i Humayun Edict of 1856.¹² In 1876, however, the Sultan reversed the modernizing reforms, and exiled the Young Turks. In 1908, the Young Turks succeeded in overthrowing the Sultan in the Young Turk Revolution, aimed at the "restoration of the constitution and parliament."¹³ The Turkish nationalists, intent on preserving the Ottoman Empire, embarked on a program of Turkification that included the replacement of the Arabic language with Turkish.¹⁴ Since nationalism is frequently based on a common language, and Arabic had been the language of the Islamic world for centuries, this action aroused Arab animosity. In addition, the process of Turkification included replacing many Arab officials with Ottoman Turks. In Jerusalem, the Pasha, a high ranking Ottoman official, tried to replace the Khalidi family, which held positions as deputy judges and chief clerks of the Islamic *Sharia* court. This attempt to replace Arab officials with Turks was interpreted as an anti-Arab move.¹⁵ Arabs began to identify with their common history, culture, and language rather than with their shared religious identity with the Ottomans. Previously, Islamic religious allegiance had been more important than ethnic

identity. The Syrian Abd al-Rahman al-Kawakibi (1849-1902) fostered political Arabism when he came out openly against the Turks and the Ottoman Sultan to demand an Arab state with an Arab Caliph.¹⁶

These early nationalists focused on the ethnic differences between the Arabs and the Turks and resented Turkish control over ethnically Arab lands. A call went out to Arabs to address the difference between the Turk and the Arab.

Arise, O ye Arabs! Unsheath the sword from the scabbard, ye sons of Qahtan! Do not allow an oppressive tyrant who has only disdain for you to remain in your country: cleanse your country from those who show their enmity to you, to your race and to your language. O ye Arabs! Be united, in the Syrian and Iraqi provinces, with the members of your race and fatherland. Let the Muslims, the Christians, and the Jews be as one in working for the interest of the nation and of the country.

Arab communities were shifting from the idea of Islamic solidarity, represented by the Ottomans, toward the notion of independent Arab nationalism. The goal was an independent ethnically Arab state. This desire for ethnic purity in Arab lands was further expressed by Negib Azoury in the *Program of the League of the Arab Fatherland* in which he argues that Egypt and the Arab Empire can not be unified under the same monarchy because the Egyptians are of the African Berber race and not of the Arab race.¹⁸

Turkish nationalism led to the breakdown of the Islamic Caliphate system, resulting in the emergence of the sovereign state of Turkey from the ashes of World War I, and the ethnic

¹¹C. Shafer Boyd, *Nationalism and Internationalism: Belonging in Human Experience* (Melbourne, FL: Kreiger Pub., 1982), 88.

¹²Howard Spodek, *The World's History* (New Jersey: Prentice Hall Inc.), 524.

¹³Muhammad Y. Muslih, *The Origins of Palestinian Nationalism* (New York: Columbia University Press, 1988), 54.

¹⁴Laurie A. Brand, *Palestinians in the Arab World* (New York: Alfred A. Knopf, Inc., 1996), 10.

¹⁵Karen Armstrong, *Jerusalem: One City, Three Faiths* (New York: Alfred A Knopf, Inc., 1996), 359.

¹⁶Lewis, *Shaping of the Modern Middle East* 87.

¹⁷"Announcement to the Arabs, Sons of Qahtan," in *A Concise History of the Arab-Israeli Conflict*, eds., Ian J. Bickerton and Carla L. Klausner (Englewood Cliffs, New Jersey: Prentice Hall, Inc., 1995), 31.

¹⁸*Program of the League of the Arab Fatherland: Negib Azoury*, found in Bickerton, 31.

identification of its people with the secular state rather than with the religion of Islam.¹⁹

The Young Turk Revolution provoked the Arab nationals to aspire to an independent Arab state. The nationalist movement sought to free the Arabs and their lands from foreign domination. During World War I, a distinctive Arab, and later Palestinian, national movement emerged.²⁰

THE DEVELOPMENT OF THE ARAB NATIONALIST MOVEMENT

During World War I this desire for Arab autonomy from the Ottoman Empire was encouraged and used by the British. The Hussein-McMahon Correspondence of 1915-1916 was a series of letters written between the Sharif Hussein, the ruler of Mecca, and the British High Commissioner of Egypt, Sir Henry McMahon. The British tried to secure Arab help in the form of a revolt against the Turks in exchange for a free Arab state. These letters constituted an informal agreement regarding the territorial boundaries for an independent Arab state. The revolt was headed by Sharif Hussein's sons, Abdullah and Feisal, under the leadership of T.E. Lawrence (Lawrence of Arabia).

In the first letter from Hussein to McMahon dated 14 July 1915, Hussein outlines the legitimacy of forming an Arab state, establishing an Arab Caliphate of Islam, and in seeking British support for such action. The letter also expresses a willingness to cooperate with Britain's foreign interests. Responding to Hussein on 30 August 1915, McMahon expresses his happiness that "Arab interests are English interests, and English Arab," and states "Britain's desire for the independence of Arabia and its inhabitants, together with [British]

approval of the Arab Khalifate when it should be proclaimed."²¹

The first letter outlines specific borders for the Arab state, however, McMahon's letter of 30 August brushed aside Hussein's territorial requests, including Palestine, explaining that "it would appear premature to consume our time in discussing such details in the heat of war, and while, in many portions of them, the Turk is up to now in effective occupation."²²

The issue of boundaries fills the majority of the following letters. However, the statement by Hussein in a letter of 5 November 1915 clearly indicates a change toward Arab nationalism from Islamic unity. He states, "... but the two vilayets of Aleppo and Beirut and their seacoasts are purely Arab vilayets, and there is no difference between a Moslem and a Christian Arab: they are both descendants of one forefather..."²³ The new arrangements linked the two Arab villages on the basis of the people's common Arabic descendants in spite of their separate religious identities. While the British promised Hussein that they would not accept a peace denying the autonomy of the Arab people from German and Turkish domination, they also made promises to the Zionists, a Jewish Nationalist organization, regarding the territory of Palestine. The Balfour Declaration of November 1917 stated that the British government looked with favor upon the formation of a Jewish homeland in Palestine.²⁴ The British likewise conducted war-time negotiations with the French, addressing the division of the Ottoman-Empire lands in a manner that preserved French and British interests in the region. The Sykes-Picot Agreement of May 1916 agreed to divide the eastern Mediterranean lands of the Levant into

¹⁹Lewis, *Islam in History* 224-229.

²⁰Don Peretz, *The Middle East Today*, 6th ed. (Westport, Connecticut: Praeger Publishers, 1994), 282.

²¹"Hussein-McMahon Correspondence," in Bernard Reich, ed., *Arab-Israeli Conflict and Conciliation: A Documentary History* (Westport, Connecticut: Praeger Publishers, 1995), 20-23.

²²Reich, 28.

²³Reich, 28.

²⁴"The Balfour Declaration", in Reich, ed., 28-29.

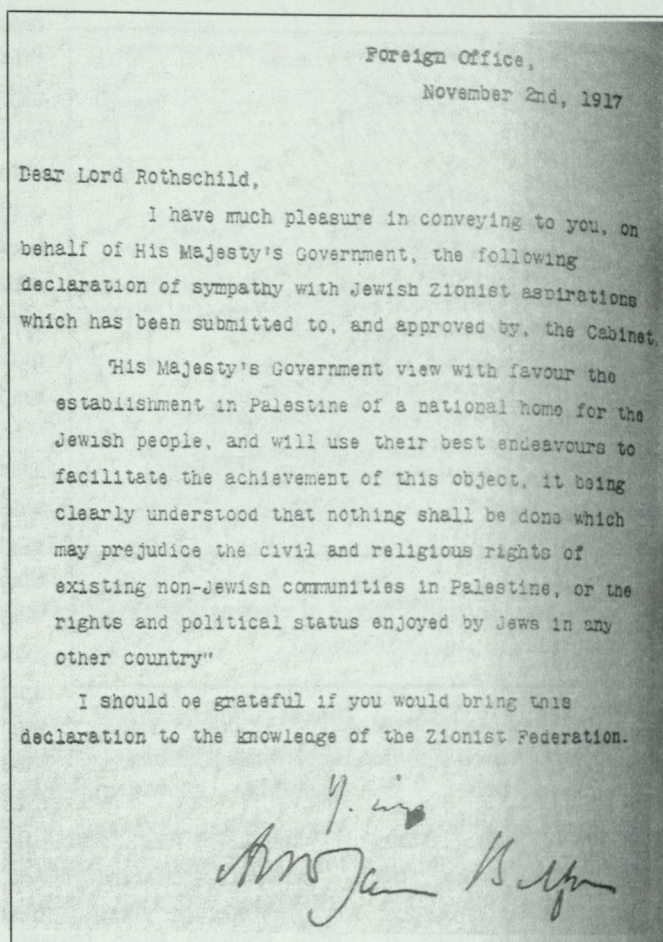
zones under direct or indirect influence of the British and the French.²⁵ The agreement proposed the establishment of an Arab state protected by Western powers involved in foreign policy and defense. The document states, "It is agreed that measures to control the importation of arms into Arab territories will be considered by the two governments [France and Britain]."²⁶

At the time of the Paris Peace Conference of 1919 concluding World War I, the Arabs remained confused about British policy. The Arabs viewed their support of the British war effort against the Turks as an exchange for British support for Arab autonomy. The French held the notion that the British had planned for France to retain power in the Levant. According

to the Zionists, the British agreed to the formation of a Jewish state in Palestine. Apparently, the British made conflicting wartime promises to the Arabs in the Hussein-McMahon Correspondence, to the French in the Sykes-Picot Agreement, and to the Zionists in the Balfour Declaration. Clearly, contradictions existed

between Britain's agreements with the Arabs, the French, and the Zionists. After the collapse of the Ottoman Empire, the Imperial powers moved in leaving all parties uncertain about the future.

As discussions of the Middle East continued during the year-long Paris Peace Conference, President Wilson appointed a commission to determine the attitudes of the Syrian and Palestinian Arabs toward a mandate, authorized by the League of Nations, over the conquered territory. The King-Crane Commission, dispatched in June of 1919, determined that the majority of the Arabs favored an independent state, over the French and British mandate proposal. The Arabs expressed hostility to British support of the Zionist movement, which advocated the establishment of a Jewish state in



The Balfour Declaration, 1917.

Palestine. The Arabs feared that the Arab population would find themselves foreigner in their own land.²⁷

The San Remo Conference of April 1920 finalized the arrangements for the former Ottoman territories and approved the final framework of a peace treaty with Turkey, which was signed at Sevres in August. The Treaty of

²⁵The Levant includes the regions of Syria, Lebanon, Palestine, and Jordan.

²⁶"Sykes-Picot Agreements," in Reich, ed., 26-28.

²⁷Marshall G. S. Hodgson, *The Venture of Islam*, vol. 3. (Chicago: The University of Chicago Press, 1974), 279.

Sevres abolished the Ottoman Empire and preserved British and French interests in the Levant by a division of territories closely following the Sykes-Picot Agreement. It contained provisions for mandates governed by France and Britain under the supervision of the League of Nations until such time as the territories became eligible for independence.²⁸

France obtained authority over Syria and Lebanon based upon her historic interest in the Christian population in these territories. Britain achieved control of Iraq and Palestine.

During the conference, Emir Feisal had relayed a message to the British stating,

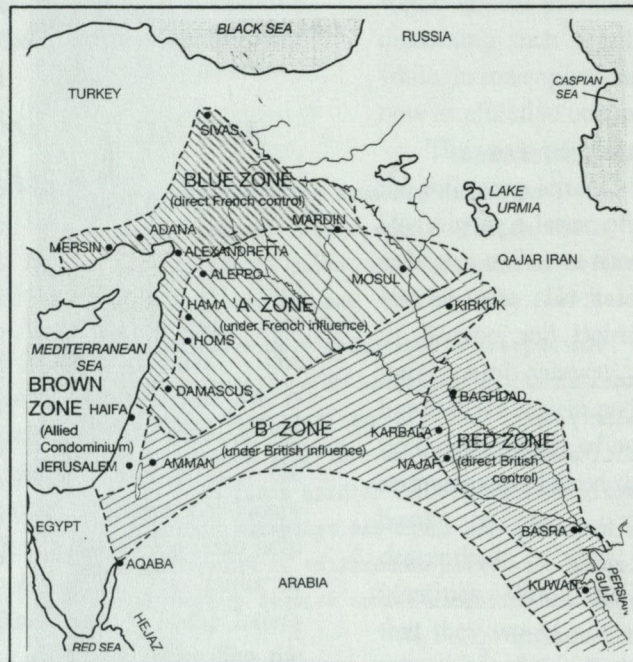
"Any decision incompatible with Arab aspirations concerning Syria, Palestine, or Mesopotamia taken without Feisal's presence will not be acknowledged by Arabs and will cause great difficulties in the future..."²⁹

Excluded from representation at the various peace conferences that ended World War I, the Arabs found themselves powerless to prevent the European powers from effectively exchanging domination by the Ottomans for that of Britain and France. Thus, the goal of an independent Arab state remained unrealized.

Arab national aspirations intensified as the Arabs struggled with British and French influence in their lands.³⁰ The British support of the Zionist movement became problematic for the Arabs, and hostilities between Arabs and Jews increased along with resentment towards the Imperial powers. The fate of Palestine became a pivotal issue in Arab nationalism. By the conclusion of World War I, Arabs raided Jewish settlements as acts of competing nationalist movements, not simply for loot.³¹

In an effort to assuage Arab feelings of betrayal, Britain attempted to appease Sharif Hussein's sons, who organized and executed the Arab uprising of 1916 against the Turks. The European powers established arbitrary boundaries and

designated Feisal and Abdullah as leaders of the newly created territories of Iraq and Transjordan. Despite the establishment of a constitutional monarchy in Iraq, provisions guaranteed Britain's effective control.³² The arbitrary nature of the modern borders of the new Middle Eastern countries created by the European powers raised difficulties.³³ During Ottoman times, the millet system for governing the vast and diverse empire had its basis in logical boundaries rooted on religious and tribal ties. The new boundaries had



"The Sykes-Picot Agreement, 1916." *A Concise History of the Arab-Israeli Conflict*, Bickerton & Klausner.

²⁸Bickerton, 42.

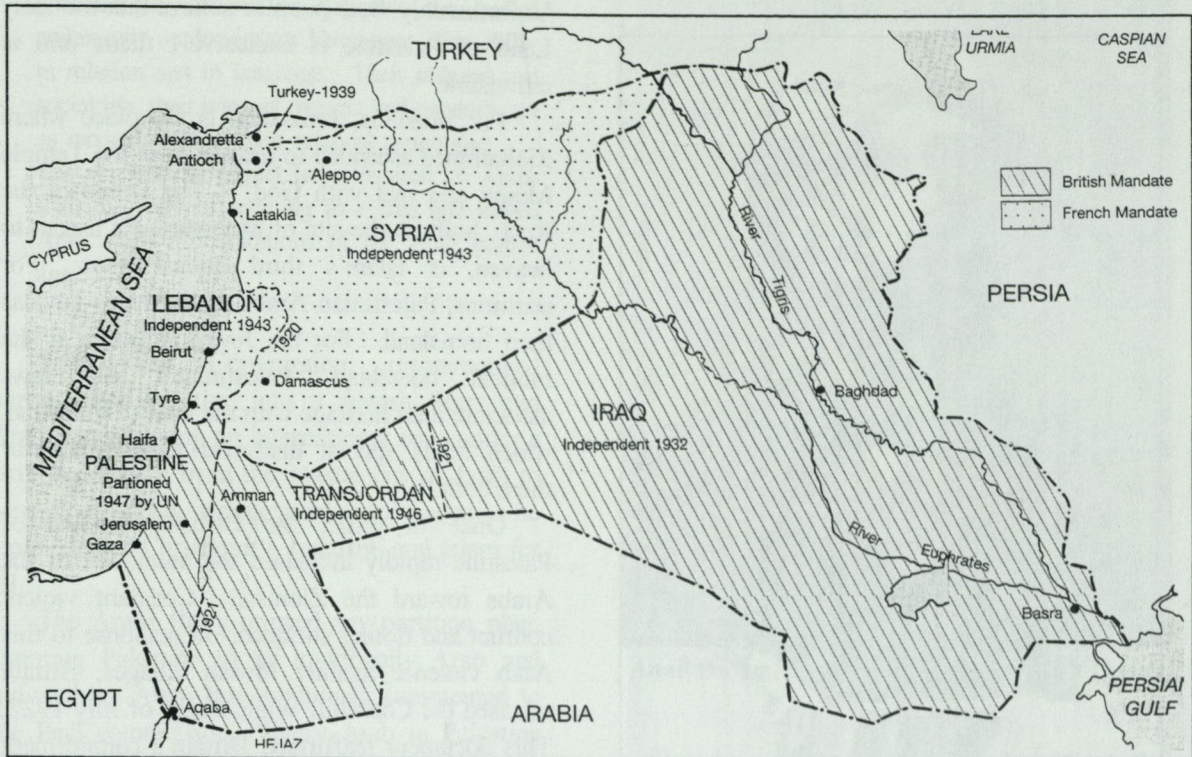
²⁹Col. Meinertzhagen relaying a message from Amir Feisal, Feb 1920, Doreen Ingrams, ed. *Palestine Papers 1917-1922: Seeds of Conflict* (New York: George Braziller, Inc., 1973), 88.

³⁰Hodgson, vol. 3, 300.

³¹Peretz, 282.

³²Hodgson, 279.

³³Brand, 3.



"The British and French mandates in Syria, Palestine, and Iraq." *The Arab Awakening*,
George Antonius.

no historical significance, and the people found themselves tied to artificial boundaries as well as dominated by alien Western powers. Although the French and British mandated governments offered greater individual freedom than any enjoyed under the Islamic state, the ingredient Arab nationalists desired most escaped their grasp—independence.³⁴

Arab nationalism intensified with the increasing strength of the Zionist movement. The Zionists' aimed for the realization of a Jewish state in Palestine, a state recognized and secured by law. Thus, the conflict evolved into Jewish nationalism versus Arab nationalism.³⁵ Jewish immigration to Palestine began slowly in 1880. The first *aliyah*, or wave of Jewish European immigration to Palestine, began in 1882 and increased steadily until British policy attempted

to restrict the movement of Jews into the Holy Land.

Prior to the Zionist movement, Palestinian Arabs and Palestinian Jews experienced relatively little conflict. Problems arose when foreign Jews arrived from various parts of Europe and America with the intent of restoring the biblical Jewish Nation in Palestine.³⁶ Ahad Hamm, a Jewish Russian intellectual, refuted the idea of Palestine as "a land without people for a people without a land." He did not support Herzle's political goals. As a cultural Zionist, Hamm looked toward Palestine as a spiritual center rather than a national home for the Jews. He recognized the Arab presence in Palestine when in 1891 he said,

³⁴Lewis, *Islam in History* 336.

³⁵Theodor Herzl, *Der Judenstaat*, in Reich, ed., 17.

³⁶Hourani, 288.



"Theodor Herzl, Founder of Political Zionism."

We abroad have a way of thinking that Palestine today is almost desert, uncultivated wilderness, and that anyone who wishes to buy land there can do so to his hearts content. But that is not in fact the case. It is difficult to find any uncultivated land anywhere in the country . . . The Arabs, especially the townsmen, see through our activities in their country, and our aims . . . But if the time should ever come when our people have so far developed their life in Palestine that the indigenous population should feel more or less cramped, then they will not readily make way for us.³⁷

Hamm prophetically recognized the imminent problem between the Zionists and the Arabs. Palestine was not a land without people.

³⁷Ahad Hamm, quoted in Hans Kohn, *Nationalism and Imperialism in the Hither East* (New York: 1932), 291-292.

Unfortunately, both peoples believe that the Holy Land of Palestine is exclusively theirs and is indivisible.³⁸

For Muslims, Jerusalem is the place where Mohammed ascended to heaven from the Temple Mount and met with God.³⁹ The Dome of the Rock, built on the site of Mohammed's ascent to heaven, is Islam's third holiest site. For centuries, Palestinian Arabs claimed this land as their homeland. For the Jews, Palestine is the biblical homeland. Palestinians and Jews associate their heritage with the land of Palestine, which holds special historical significance for them both.⁴⁰

Once in place, the British Mandate of Palestine rapidly increased the animosity of the Arabs toward the Zionists. Constant violent conflict and rioting surfaced. In response to this Arab violence against Jewish villages, Britain released the Churchill White Paper of July 1922. This document reaffirmed Britain's commitment to the Balfour Declaration but acknowledged that increased Jewish immigration provoked the Arab attacks. The White Paper put restrictions on the continued immigration of Jews into Palestine.⁴¹ Every time Jewish immigration into the Holy Land surged, Arab violence increased. A series of White Papers ensued as a result of the escalating conflict.

In 1937, a Royal Commission of Inquiry headed by Lord Robert Peel was sent to Palestine by the British government. Its purpose was to investigate the causes of unrest between the Arabs and the Jews and to offer recommendations. The Peel White Paper described the problem as:

an irrepressible conflict between two national communities within the narrow bounds of one small country . . . The Arab community is

³⁸Shimon Peres, *The New Middle East* (New York: Henry Holt and Company, 1993), 170.

³⁹Holy Koran, 17:1.

⁴⁰Peres, 170.

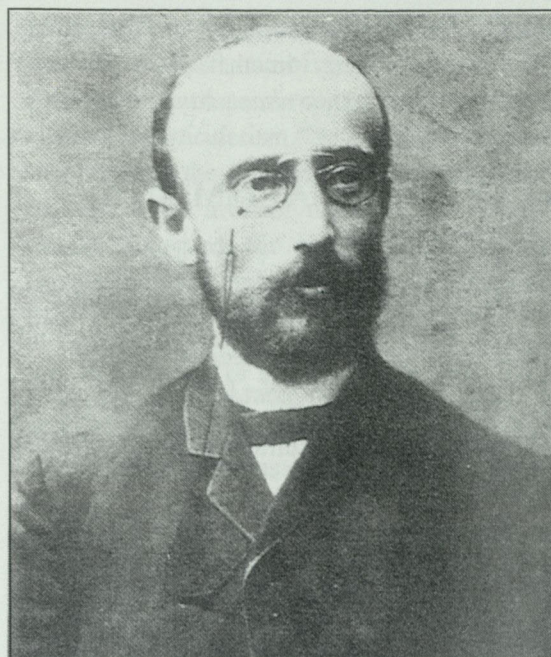
⁴¹*The Churchill White Paper, July 1, 1922*, in Reich, ed., 31-35.

predominately Asiatic in character, the Jewish community predominately European. They differ in religion and in language. Their cultural and social life, their ways of thought and conduct, are as incompatible as their national aspirations . . . The war and its sequel have inspired all Arabs with the hope of reviving in a free and united Arab world the traditions of the Arab golden age.⁴²

The Peel Commission recommended partitioning Palestine into a Jewish State and Arab State, leaving an international zone under a British mandate from the coastal city of Jaffa to Jerusalem. This arrangement would secure the Holy sites of Christianity, Judaism, and Islam for all.⁴³

The Arabs flatly refused any partition plan, claiming Palestine to be historically Arab and indivisible. Awni Bey Abdulhadi commented to the Peel commission, "Every Arab in Palestine will do everything in his power to crush down Zionism, because Zionism and Arabism can never be united together."⁴⁴ The Jews seemed more willing to compromise and accepted the idea of partition. Their attitude appeared to be that some territory was better than no territory, whereas the Arabs seemed to embrace an all or nothing policy. "The Arabs could not mount a sustained resistance, and unaccustomed to the methods of western diplomacy, they continually said no when offered anything at all--hoping that a firm and uncompromising policy of rejection would secure them the right to an independent Arab state in the land that seemed, demographically and historically, to belong to them."⁴⁵

In 1945, David ben-Gurion, a labor Zionist leader, made the statement, "We are a people without a state and therefore a people without



Ahad Ha'am. *A History of Zionism*, Walter Laquer

credentials, without representation, without the privileges of a nation, without the means of self-defense and without any say in our fate."⁴⁶ Ironically, as a result of the 1948 Arab-Israeli War, the Jewish people achieved their sovereign state, leaving the Palestinian Arabs without a home. After the establishment of Israel, ben-Gurion's statement about the Jewish people described the plight of the Palestinian Arabs. Therefore, the primary goal of Pan-Arabic movements became the destruction of the Jewish state and the reunification of Arab lands.

Arab nationalism embodies the concept that all Arabs act together, free of foreign control, shaping their own destiny. Despite aspirations for greater Arab unity, all attempts at joining individual Arab states into a larger Arab entity proved to be unsuccessful. Each individual state has its own set of interests and need for separate survival. Consequently, no single Arab state exists, and the term Arab denotes an ethnic

⁴²Peel White Paper, in Reich, ed., 45.

⁴³Reich, 45.

⁴⁴Awni Bey Abdulhadi, quoted in Martin Gilbert, *Atlas of the Arab-Israeli Conflict* (New York: Oxford University Press, 1993), 23.

⁴⁵Armstrong, 372.

⁴⁶David ben-Gurion, quoted in J. C. Hurewitz, *The Struggle for Palestine* (New York: Schocken Books, 1976), 220.

group, not a specific nationality.⁴⁷ This differs from Jewish identity in that Jews associate themselves with both a nationality and an ethnic group.

ARAB NATIONALISM AND ARAB UNITY

The First Arab Students' Congress held in Brussels of 1938 clearly asserted that "the aims of the Arab movement are to liberate and unite the Arab homeland."⁴⁸ This document is completely ethnic and cultural in nature; there is no mention of Islam.

The League of Arab States organized in Cairo in 1945 and its charter, signed by Egypt, Syria, Lebanon, Iraq, Saudi Arabia, Yemen, and Transjordan, provided for closer political, economic, and cultural cooperation between Arab states. This represented a move toward Arab unity. In article 2, however, the document recognized the political divisions in the Arab world and substantiated the right of each state to complete sovereignty.

The objective of the league shall be to strengthen the ties between the participant states, to coordinate their political programs in such a way as to effect real collaboration between them, to preserve their independence and sovereignty, and to consider in general the affairs and interests of the other Arab countries. . . . Each state participant in the League shall respect the existing regime in the other League states, regarding it as a (fundamental) right of those states, and pledges itself not to undertake any action tending to alter that regime.⁴⁹

Although expressing Pan-Arab ideals, in other ways this document actually strengthened

the sovereignty of the individual nations created by foreign powers. The different governments acting with explicit approval continued to pursue their own political interests. None of these countries showed any willingness to give up its own sovereignty to create one large Arab state with one centralized government.⁵⁰ The failure of the Arab armies to prevent the emergence of Israel is a clear example of the effectiveness of nationalism in the Middle Eastern world. The Arab countries unified their anti-Zionist rhetoric, but did not unify their actions. The Arab states spoke with sentiment favoring Arab unity, but each state acted in accordance with its own political and economic interests. Preserving individual interests conflicted with the Pan-Arab cause.⁵¹

The Ba'ath Party organized in Syria and Iraq during the mid-1950s established Pan-Arabism as the official program of this strong political organization. Article 10 of its constitution states that "an Arab is a person whose mother tongue is Arabic, who has lived or who looks forward to living on Arab soil and who believes in being a member of the Arab nation."⁵² Muslim identity is not included in the definition, demonstrating that the movement's political goals stem from a cultural and ethnic perspective rather than from a spiritual one. The Ba'ath Party describes the specific territorial boundaries of a unified Arab land in Article 7 of its constitution. The territory included in the Arab fatherland is delineated as "that area which is inhabited by the Arab nation, extending from the Taurus mountains to the Pusht-I-kuh (sic) mountains, to the Gulf of Basra, to the Arabian sea, the Abyssinian mountains, the Great Desert, the Atlantic ocean and the Mediterranean sea."⁵³ The objectives of the Syrian Ba'ath Party anticipate a return to a period

⁴⁷Peretz, 11.

⁴⁸*The First Arab Students Congress*, in Bruno Leone, *Nationalism: Opposing Viewpoints* (Minneapolis: Greenhaven Press Inc., 1986), 52-54.

⁴⁹*The Pact of the League of Arab States, March 22, 1945*, in Hisham Sharabi, *Nationalism and Revolution in the Arab World* (Princeton, New Jersey: D. Van Nostrand Co. Inc., 1966), 153-155.

⁵⁰Lewis, *The Shaping of the Modern Middle East* 96.

⁵¹Lewis, 96.

⁵²*Ba'ath Provisional Constitution, April 27, 1954*, in Sharabi, 161-162.

⁵³Sharabi, 163.

of Arab greatness that is associated with the conquests of the Abbasid Caliphate.

The Arab University Graduates' Conference held in June of 1954 in Beirut issued a statement listing political and social resolutions as "steps toward the realization of Arab unity." They included "eliminating the use of passports for Arab subjects traveling in the Arab world to enable them, including Palestinian refugees, to move freely in all Arab countries using identity cards only."⁵⁴ This plan excluded Jews from this freedom of travel. It recommended to the Arab states that charters be drawn safeguarding public freedoms, including religious belief and expression, as well as calling for a government based on the establishment of the right of popular self-rule.⁵⁵

The most interesting aspect of the documents from the Ba'ath Party and the Arab Conference in Beirut is their secular nature. Arab nationalism continued to move closer to the western ideology of nationalism. The document from the Arab University Graduates' Conference contains the parameters for a nation-state. Yet, assuming that these Arabs are devout Muslims, it raises a question of why such a document is necessary since Islam provides a complete framework for the social, political, legal, and cultural systems of the community of believers, Dar al-Islam. The *Sharia* is the only legally acceptable code for Muslims. Pan-Arabism, the uniting of all Arab people regardless of religion, and Pan-Islam, the uniting of all Muslims regardless of race, are ultimately incompatible ideologies.

PAN-ARABISM, PAN-ISLAM, AND THE NATION-STATE

Territorial disputes are the language of nationalism. Within the confines of the ideological goals of Arab unity, Iraq lacked

justification for its invasion of Kuwait. Saddam Hussein "violated one of the basic rules of the Pan-Arab canon and committed the sin of regional particularism."⁵⁶ Likewise, Arab support for the United Nation's actions in response to the invasion demonstrated Hussein's blatant disregard for the Pan-Arab cause. Hussein acted completely in the self-interest of Iraq.

Though Arabism and Islam are distinct ideologies, most Arabs identify with both. The various nationalist movements in the different Middle Eastern nations and their secular and self-protecting stances conflict with the goals of both Arab unity and Islam. Although successfully achieved in the Western world, the transition to a separation of church and state falters in the Islamic world of the Middle East, perhaps because it entails ignoring many of the dictates of the Koran. Modern Middle Eastern leaders find themselves caught between the traditions and requirements of Islam, which provide for a single Islamic state based on the Holy Law, and the demands of the secular territorial state of the twentieth century.⁵⁷

Arab unity may be seen as a first step toward Pan-Islam since the Arabs view themselves as holding a special position within the Islamic community. The Islamic religion originated in Mecca by revelation to an Arab and made Arabs the guardians of Islam's holiest places. Yet this viewpoint of elevated status for the Arabs in the Islamic order, goes against the universal message of Islam, which states that all Muslim believers are equal in the eyes of God.

Criticized since its inception, the Arab nationalist movement received comments from many factions. Ali Suaui argued against

⁵⁶Lewis, *Islam in History* 405.

⁵⁷P. J. Vatikiotis, *Non-Muslims in Muslim Society: A preliminary Consideration of the Problem on the Basis of Recent Published Works by Muslim Authors*, in *Ethnicity, Pluralism, and the State in the Middle East*, edited by Milton J. Esman and Itamar Rabinovich (Ithaca: Cornell University Press, 1988), 60.

⁵⁴Arab University Graduates Conference: *Resolutions on Outstanding Problems, Beirut, June, 1954* in Sharabi, 107.

⁵⁵Sharabi 106-107.

nationalism, believing that "only religious identity is important," and stating that, "Religion unites them; nationalism would divide them."⁵⁸

A radical Pan-Islamist, Jamal al-Din al-Afghani (1883-1897) argued against the new nationalist movement claiming that it only weakened the bond of brotherhood in Islam. Jamal al-Din asserted, "He who professes the Muslim faith, once his belief is firm, ceases to concern himself with his race or nation; he turns away from sectional ties to the general bond, the bond of the believer."⁵⁹ In 1913, Ahmed Naim, a prominent political writer in Turkey, published a book denouncing nationalism as a "foreign innovation as deadly to the body of Islam as cancer is to man."⁶⁰

According to Islamic teachings, there is to be neither ethnic nor national strife between Muslim countries. The Koran forbids fighting among Muslims. It allows for war only against the non-believing aggressors. The Koran explicitly asserts, "Fight in the cause of Allah against those who fight against you, but not transgress, Allah loves not the transgressor," and "Permission to take up arms is hereby given to those who are attacked because they have been wronged."⁶¹ Furthermore, conflict between Muslims should be dealt with through arbitration, rather than through war, as stated in verse 49:10, "The believers are a band of brothers; make peace among your brothers . . ."⁶² Christianity and Judaism share similar dictates, but the conflict between the Islamic faith as an ideal and the modern nation-state is nevertheless apparent.

The Iran-Iraq War—a conflict between Muslims—illustrated the strength of secular nationalism and the weakness of Islamic unity. These countries acted in accordance with secular

self-interest and self-preservation. According to Islam, the Iran-Iraq War, the Gulf War, as well as the conflict between the Iraqi's and the Kurds occurred despite the dictates of religious laws. The Koran forbids war between Muslims teaching that they are all brothers identifying with their mutual faith. However, when identity swings towards ethnic heritage and the protection of a state's self interest, situations occur that clearly conflict with the Pan-Islamic movement and the Dar al-Islam ideology. Islamic law designed for a single Islamic Empire like the Umayyad and Abbasid Dynasties, represent the Arab golden age. Islam lacks legislative parameters necessary to effectively govern the complex relations between several modern, independent, Islamic states.⁶³ Islamic law provides the political guidelines for two worlds only, the Muslim and the non-Muslim. If the desire for unity of Middle Eastern Arab and Muslim countries exists as an unfulfilled goal, and competing ethnic nationalism thwarts that goal, one logical avenue to success may be restoration of the Islamic political order. Diminishing nationality and encouraging allegiance to the common religion may help achieve unity of Arab countries, thereby establishing God as the sole sovereign and legislating conflict on the basis of the Holy Law.⁶⁴

In response to the secular nature of the nationalist movements, the Middle East experienced an Islamic revival. Many of the traditional religious leaders recognized the conflict of nationalism with the universal nature of Islam.⁶⁵ The strongest proponent of this revival became the Muslim Brotherhood. Shortly after World War II, this organization established its doctrine describing the universal nature of Islam and God's sovereignty over it. "We

⁵⁸Ali Suaui, cited in Lewis *Islam in History* 339.

⁵⁹Muhammad 'Abduh, *Al-'Urwa al-Wuthqa* (Cairo, 1957), 10. Cited in P. J. Vatikiotis, *Muhammad 'Abduh and the quest for a Muslim Humanism* Arabica (1957) 4:62.

⁶⁰Quoted in Niyazi Berkes, *The Development of Secularism in Turkey* (Montreal, 1964), 374-375.

⁶¹Holy Koran, 2:191-194 and 22:40-41.

⁶²Holy Koran, 49:10.

⁶³Tamara Sonn, *Between Quran and Crown* (Colorado: Westview Press, 1990), 199.

⁶⁴Vatikiotis, 59.

⁶⁵John L. Esposito, *Islam and Politics* (Syracus, New York: Syracuse University Press, 1991), 91.

believe that the doctrines and teachings of Islam are all comprehensive and govern the affairs of men in this world. Islam is at once a religion and State . . . a universal religion which applies to all nations and all people."⁶⁶ Depicted by the Muslim Brotherhood as a single territory, the Islamic homeland encompasses all Muslims regardless of nationality, class, or race. The Islamic faith transcends all territorial boundaries, and it is these territorial boundaries which create competing Islamic states.⁶⁷

The Islamic Brotherhood is a Pan-Islamic organization that does not blend with the goals of Pan-Arabism. These Islamic groups are calling for a unification of Muslims based on the principles of Islam. The desire is to return to an authentic Islamic order. In their view, nationalism and western influence must be ejected from the Middle East in order to accomplish this goal. At the World Congress of Imams held in Tehran, it was agreed that Friday sermons should "stress the coordination and indivisibility of religion and politics and clearly praise them, . . . make the people aware of the active role played by religion in aspects of social life, [and] . . . prepare the ground for the creation of Islamic governments in all countries under the precise and active supervision and leadership of committed clergymen and Islamic experts."⁶⁸ In the Islamic faith, God is concerned with politics and is, in fact, inseparable from them.

In conclusion, according to Islam, the basic division of people is Muslim and non-Muslim. Until the end of the nineteenth century, the common religion unified Muslims under the Ottoman Empire, though of course not all subjects showed contentment with their rulers.

The Ottoman Turks, recognizing the decline of their empire, initiated a wave of nationalism, which culminated in the Young Turk Revolution.

Ethnic identity with the Turkish homeland took primacy over religious identity with Islam. Early Arab nationalists reacted to this Turkish movement. World War I brought about the dismantling of the Ottoman Empire and brought in the imperialist western powers of France and Britain, who carved out new territories to suit their needs. They created a series of separate nations with boundaries having little historical significance to the people, who found themselves under foreign domination. The cry for independence took the form of Arab nationalism.

The new nationalist sentiment based on western ideas of a secular state, focused on ethnic identity, and conflicted with the teachings of Islam. As religious leaders recognized this conflict between Pan-Arabism and Islamic unity, movements sprang up to return the Middle East to a traditional Islamic society. The struggle for unity continues today by those who hope to reconcile Islam with the workings of the modern state.

⁶⁶Hasan al-Banna: *On the Doctrine of the Muslim Brothers*, found in Sharibi, 108.

⁶⁷Abdul Ala Mawdudi, *Nationalism and Islam* (Lahore: Islamic Publications, 1947), 10.

⁶⁸British Broadcasting Corp, "Summary of World Broadcasts," part 4: *The Middle East, Africa and Latin America*, ME/7222/a/3, 4 Jan. 1983, in *Islam in Foreign Policy*, ed. Adeed Dawisha (Cambridge: Cambridge University Press, 1983), 3.



Temple on the Hill.

Long after the city of Angkor was sacked by the Thais and abandoned in 1432, Buddhist monks preserved the sacred nature of Angkor Wat and continued to use the temple.

THE KHMER EMPIRE

(A.D. 802-1431)

Replicating the Mandala at Angkor

Sharon Kovach

Angkor Wat (c.1119), the temple of a god-king, lay beneath the Cambodian jungles for more than four hundred years before Henri Mouhot rediscovered it in 1860. His posthumously published journal inspired adventurers to visit Southeast Asia and stimulated the French to colonize Indochina. The temple, built by the god-king Suryavarman II, became the driving force behind the expansion of his empire. The emperor brought stability to their lives by controlling the water, so vital to their existence. The great temple at Angkor stood as the ultimate expression of stability and the climax of a long history of Khmer civilization building.

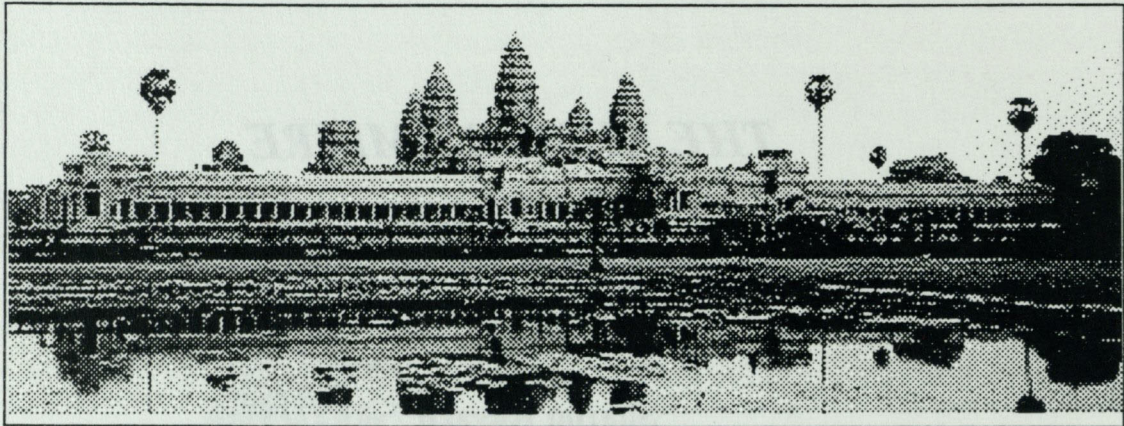
Introduction

The inconsistent environment of present day Cambodia proved both a challenge and a boon to the builders of the ancient Khmer Empire (A.D. 802-1431). Monsoon climate and melting snows in the Himalayas created wet steamy jungles. Relentless heat was the connecting thread linking the two seasons. Overflowing rivers during the rainy season followed the parched vegetation and dusty roads of the dry season. Swidden settlements¹ occupied the hills and jungles fringing the great cities, magnificent temples, and sophisticated public works that served a society of high cultural achievement. The Empire reached its cultural and political zenith as Europe emerged from a long period of stagnation in the twelfth century.² Amazingly, this advanced Southeast Asian civilization remained a mystery to the western world until French explorer, Henri Mouhot (1826-1861) embarked upon a dangerous journey in 1860 to search for the remnants of the legendary lost Khmer Empire.

For at least three centuries, Portuguese and Spanish soldiers told stories about a mysterious and grand palace near a large lake in the jungles of Southeast Asia. French

¹ Slash and burn farming villages that never remain in one place for more than a season or two.

² Wim Swaan, *Lost Cities of Asia: Ceylon, Pagan [and] Angkor* (New York: Putnam, 1966): 130.



The Temple of Angkor Wat

missionaries, as well, confirmed the existence of these wonders. These European story-tellers, however, believed the palace to be the work of some great man of history, such as Alexander the Great.³ They perceived the people inhabiting the land as too "primitive" to be capable of such a feat. Local residents perpetuated the mystery. When Mouhot asked them about the lost palace, they simply told him that a great city lay "deep in the jungle where the angry gods hid it from man."⁴

Mouhot found the rugged mountain terrain no less imposing than the monsoon climate. He frequently lamented in his diary about the long, hot, wet, muggy season, in contrast to the endless stretches of heat and drought of summer. He sighted a great variety of animal life including elephants, crocodiles, tigers, rhinoceros, and water buffalo. Two particular creatures in this habitat gave him considerable cause for concern: his constant enemy the mosquito, and his continuous fear of the dreaded cobra.

Although Mouhot kindled European interest in Southeast Asia, historic recordings from

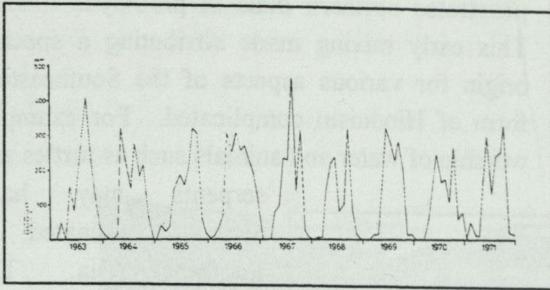
earlier chroniclers exist such as the Arab Sulayman, Portuguese traders, and the Chinese ambassador Zhou-ta-Quan. Of the three, the record of the Chinese imperial emissary of Timur Khan's court is the most accurate.⁵ These writings detail his observations and impressions while paying an official visit in 1296 to the court of Jayavarman VII during the last fluorescence of the Classical Age of the Khmer Empire. The remaining accounting of this era of history is from the Khmer and the Sanskrit inscriptions prolifically found on the walls and stelae buried throughout the jungles of Cambodia, Laos, and Thailand. These boastful inscriptions, as translated into French by Etienne Aymonier (1900-1903), Françoise Barth (1885), and Abel Bergaigne (1893) and later into English by Georges Cœdès, refer to the kings as great warriors and benefactors of the people who ruled by divine right and royal lineage.⁶

⁴ Henri Mouhot, *Diary*, trans. G.K. Greville, ed. Christopher Pym (Kuala Lumpur: Oxford University Press, 1966), 28.

⁵ I.G. Edmonds, *The Khmers of Cambodia: The Story of a Mysterious People* (Indianapolis: Bobbs Merrill, 1970), 64.

⁶ Martin Florian Herz, *A Short History of Cambodia from the Days of Angkor to the Present* (New York: F.A. Praeger, 1958), 25; Charles Higham, *The Archaeology of Mainland Southeast Asia: From 10,000 B.C. to the Fall*

³ Russell Ciochon and Jamie James, "The Glory that was Angkor," 43.



Precipitation chart; Siem Reap, near Angkor,
The Archaeology of Mainland Southeast Asia,
 Charles Higham.

One of these lauded kings, Jayavarman VII (1181-1219), expanded the Empire to its greatest extent. Under his leadership, it encompassed all of Cambodia, most of Laos, Vietnam from Hue south, most of Thailand, and perhaps part of Malay and Burma, a two million square mile area about the size of France.⁷ The Chams, the empires most aggressive and persistent enemy, dwelt on the eastern border. The mountain border formed by the Cardamom Range between the coastal Cham territory and the inland Khmer territory impeded invasion. The Truong Son cordillera to the east and the Dang Raek mountains to the north offered some protection against the Thai kingdoms as well.

During the Angkor period of the Khmer Empire, many large temples, reservoirs, and roads of stone grew throughout the empire. Zhou-ta-Quan recorded a total of 90 provinces. Each province featured a village dominated by a temple, a well defended center, and a governor, all subject to the central government in Angkor.⁸ The successful administration of the large labor force required to build massive temples, such as Angkor Wat, and the other structures necessary

to run an empire of this size came partly because the Khmer leaders found ways to control the environment. Complex factors contributed to the development of the Khmer Empire. These included increased population, ideological changes, and interaction with outsiders which contributed to the development of a hierarchical society. Finally, the brilliant innovations of Jayavarman II created an empire that was to last for over 600 years. When the state religion changed and the water control system broke down, the empire slowly deteriorated, and the Khmer region eventually returned to an area inhabited by people living in small villages. A number of factors contributed to the emergence and the demise of the empire. The two most important and inseparably linked areas of control involved the people and the environment. Maintaining control in these areas proved crucial for the survival of the empire.

Civilization Building

Villages began to spring up about 3,000 B.C. throughout the Mekong Delta, providing convenient centers of trade accessible to foreign seafaring traders. Meanwhile, Oceanic trade between India and Rome became more active until A.D. 69 when Roman emperor Vespasian decreed that gold coins must not leave Roman territory. Indian traders then looked eastward for trade opportunities using the northern overland Silk Road until the southern Chinese state of Wu halted its use in A.D. 222. As an alternative, Indian merchants took to the seas and traveled east along the coast of the Bay of Bengal, across the Isthmus of Kra on the Malay Peninsula, and then through the natural and man-made channels of the lower Mekong Plain on their way to China. These men of the sea, using the northeast prevailing winds (November-May) and the southwest winds (May-November) to power their ships, came into prolonged contact with the Funans, a Hinduized kingdom in Cambodia. Buddhist monks and Hindu Brahmins came

of Angkor (Cambridge; New York: Cambridge University Press, 1989), 20.

⁷ George Coedès, *Angkor: An Introduction*, trans. and ed. by Emily Floyd Gardiner (London: Oxford University Press, 1963, 1; Malcolm MacDonald, *Angkor* (New York: Praeger 1959), 51; Swaan, 155.

⁸ Higham, 341.

with the merchants and were welcomed into local society along with their legends and Sanskrit language.⁹

Gradually, the Hindu religions became synthesized with the animistic religions of Southeast Asia.

For example, because the Austro-Asiatic people of the area were matrilineal, the subjugation of women was never adopted. During the Angkor period, women held prominent positions in society such as professors and judges. The Funans as well did not adopt the caste system, but they did retain the practice of ancestor worship, which determined rank and formed the basis for

obligation to elite families. This also laid the foundation for the cult of the *devaraja*, another syncretization found only in Southeast Asia born from Hindu and animistic beliefs which were possibly derived from a mountain cult.¹⁰

Kaundinya, an Indian Brahman, ascended the throne in the 5th century and accelerated the Hinduization of Funan.¹¹ Easy acceptance may have occurred because Austro-Asiatic peoples

penetrated northern India in pre-Aryan times.¹²

This early mixing made attributing a specific origin for various aspects of the Southeastern form of Hinduism complicated. For example, worship of water and animals such as turtles and

serpents may have actually originated in Southeast Asia. The worship of water and the *mandala* concept of power represent two of the most important aspects accepted.

Source of Political Power

The powers of the kingdoms grew as the population increased and the religion shifted toward theism. These feudalistic kingdoms existed throughout the Hinduized Southeast Asian area. Kings with greater ancestral claim became overlords and their kingdom became the

center of a *mandala*, dominated by a sacred ritual center with a beautiful temple, symbolically Mount Meru. This assured the durability of a kingdom because it required a complete take over of the sacred center for another leader to gain control. One could no longer simply establish his own center and expand from it.¹³



Southeast Asia with Isthmus of Kra, Mekong River, and Tonle Sap added.

Angkor Art and Civilization, Arthaud & Grosier.

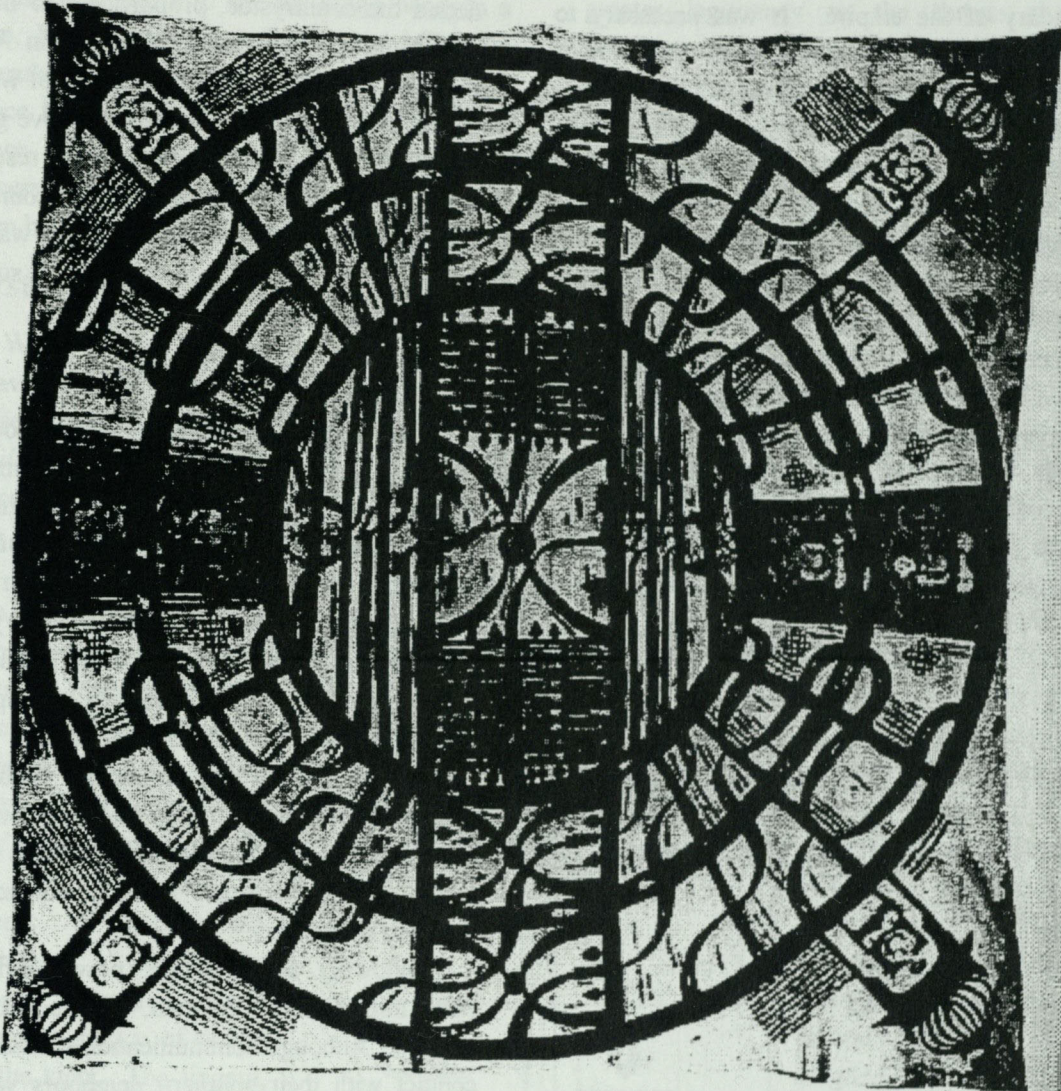
⁹ Higham, 5, 244.

¹⁰ Swaan, 123; Higham, 240; Hermann Kulke, *The Devaraja Cult*, trans. I. W. Mabbett (Ithaca: Southeast Asia Program Department of Asian Studies Cornell University, 1978), xvi.

¹¹ Kulke., 247-8.

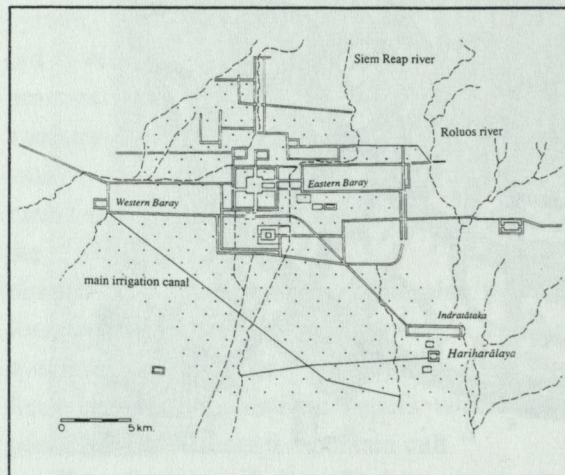
¹² Swaan, 175.

¹³ Higham, 342.



"Hindu Madala - View of the Universe. All Hindu temples were a recreation of the universe, envisioned as a *mandala*. Although frequently replicated on flat surfaces, such as the cloth in this illustration, the *mandala* was three dimensional. Heaven was a grid of squares in a quadrangle circumscribed by the continents and oceans. Each God had a designated location on the grid. Sacred Mount meru, where the gods resided, was in the center. *The Hindu Temple*, George Michel.

The mandala symbolically conceptualized the Hindus' universe geometrically and ideologically. The power of the *mandala* extended to the limits of the outermost circle or boundary of the empire. It was necessary to constantly renew alliances to keep the circle of the mandala inflated. The opulence of the ritual centers attracted obligations from the underlords, guaranteeing continuity in the alliance. Donors gained status through gift-giving and feasting in honor of the gods. The custom of inscribing the donors' names, along with the size of their gift, on the temple walls in ancient Khmer clearly signified their importance. This established a never-ending cycle of prestige interplay, whereby vassals donated gifts to the temple, which the king acknowledged by granting favors and insuring the welfare of the people. The custom allowed overlords to grow in power as they reduced the resources of their



Angkor's Irrigation System. *Archaeology,*
Higham.

vassals.

Controlling the water reserves also helped an overlord gain prestige. By building reservoirs and canals, the overabundance of rain in the wet season could be held in reserve for the long dry season. The rice production increased

from one to three or four crops a year. Reservoirs also supplied water for drinking and for ritual purification. In this way an overlord held his people's lives and souls in his hands.

Man-made water reservoirs, or *barays*, dotted the countryside, proportional to the size of each town. The Eastern *Baray* in Angkor held as much as 60 million cubic feet of water in a length nearing 5 miles. Raised above ground like a dike, during the rainy season the reservoirs filled and forced the water into connecting canals lined by other dikes. In this way, the *barays* became gravity-fed tanks that supplied water through pipes to the rice fields.

Shift in Communication

The various *mandalas* throughout the region would have continued coexisting and trading with the Indian traders if foreign trade had not gradually dried up. During the previous centuries, Indian merchants sailed their ships across the Kra Isthmus. In the 4th century these merchants switched to the Strait of Malacca as the byway through the Malaya archipelago, bypassing contact with Southeast Asia altogether. By the end of the 5th century all merchants used the Strait of Malacca route and communication for the mid-Mekong area shifted to the north. Here they came in contact with northern conquerors.¹⁴

Following these events, power struggles, both internal and external, marked the 6th century. Although communication shifted north, contact with their southern neighbors was not absent; Javanese rulers and rulers from the Mekong Plain (Chen-la) maintained diplomatic relations, occasionally serving as vassals to each other. According to Sulayman, at least one young Sambhupura prince who was ruled by the leading aristocratic family in Chen-la, served an

¹⁴Nicholas Tarling, ed., *The Cambridge History of Southeast Asia: Volume One*, (1992), 159.

apprenticeship to the Javanese King Zageb—. ¹⁵ An incident marring their relations proved to be provident for the formation of the Khmer Empire, however. King Jayavarman I from Chen-la offended King Zageb of Java by expressing a desire to see the king's head on a plate. In retaliation, King Zageb seized Chen-la, beheaded Jayavarman I, and held the young prince hostage for several years. That young prince was later named Jayavarman I's successor (Jayavarman II) by the chief minister when he returned from Java in 790 A.D.

First Khmer Emperor

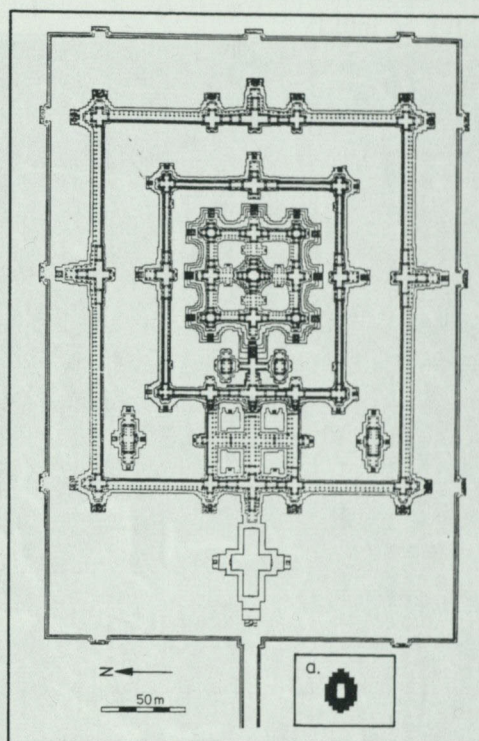
While in Java, Jayavarman II immersed himself in the paradigm of the *devaraja*. According to the cult of the *devaraja*, the king is part god and holds the god's essence along with the king's soul in a sacred lingam (usually a statue of a phallus through which the king received the power of the god). They believed that upon the king's death, he became the god of his choice by process of incarnation. Therefore, a temple, the home of the sacred lingam, became a source of power for the king. The lingam, housed in a cave-like shrine located at the midpoint of the top of the temple, represented Mount Meru, the center of the universe, and the essence of cosmic power. ¹⁶

After 20 years as an overlord, Jayavarman II had himself ritually consecrated as the *devaraja* of the Khmer Empire by a "renowned Brahman" in A.D. 802. ¹⁷ In order to secure his position as a usurper/ruler, he needed to claim greater legitimacy to the throne than the previous kings. He accomplished this by claiming divine right to rule as the *devaraja*. The Khmer emperor also established the position of priest-architect; thereafter, throughout most of the six centuries of the empire, priest-architects shared political and religious influence with the Khmer emperors. Like the king, the priest-architect had an independent lineage. This

move validated the *devaraja*'s claim to divine rule.

Jayavarman II extended the borders of the empire during his reign. He began by conquering the neighboring mandala of Indrapura, where he established the first capital and required regional aristocratic families gift him with wives to create ties of alliance. Then he shifted his attention to the central plain area near the Tonle Sap (Great Lake). Here, he conquered the Aninditapura mandala and moved the capital to the mandala kingdom of Hariharalaya, also located near the Tonle Sap. Several key reasons

made the location of the new capital ideal: abundant natural resources, natural mountain barriers for protection against invasion, and dependable waterways and roads for communication. Further, nearby mountains contained numerous iron and laterite deposits.



Angkor Wat mandala groundplan,
Archaeology, Higham

¹⁵ Edmonds, 38-9.

¹⁶ Higham, 324; Alan Houghton Brodrick, *Little Vehicle*, 163.

¹⁷ MacDonald, 46.

The fact that the Tonle Sap lay at the farthest point up the Mekong River navigable by ocean going vessels made this a strategically sound location for a powerful capital.¹⁸

In addition to providing a natural harbor for trade vessels, the Tonle Sap (Great Lake) joined with the Tonle Sap, Siem Reap and Mekong rivers in playing an important part in a natural phenomena¹⁹ crucial to the economy of the city of Angkor. The Tonle Sap River connected the Great Lake and Mekong River, which branched into two smaller tributaries farther south at the Khone falls. Every year, melting snows from the Himalayan Mountains sent torrents of water down into the Mekong; when it hit the Khone

falls, the water backed up into the Tonle Sap river, reversing its direction, and flooding the Tonle Sap Lake as well as the surrounding land, quadrupling the dry season water area.²⁰ This resulted in a flood plain area in which floating rice grew well, and it also increased the fish supply in the large 200-square-mile lake, making it the largest "fishing preserve" in the world.²¹

Provinces, each with a governor and a court, replaced the vassal system that allowed Jayavarman II to gain power. The imperial court incorporated the religious center of the *mandala* whereas the provincial courts did not. Visitors came from many miles on important



Relief Figures Tell the History of the Khmer People

¹⁸ Higham, 324, 347.

¹⁹ Swaan, 129.

²⁰ Higham, 9.

²¹ Jacques Arthaud and Bernard Groslier, *Angkor: Art and Civilization*, 10.

occasions to participate or observe the opulent processions that took place before and within the *mandala* temple.²² This gave the *devaraja* an opportunity to display his wealth and consequent power. It also required lesser noblemen to pledge costly gifts, thereby decreasing their wealth. As the source of land entitlement, the emperor controlled the power of his noble class. The noble patrons gave generously, inspired by the Hindu text that said by doing this they would "always have peace, wealth, grain and sons." This system supported the empire until fundamental religious and environmental changes began to undermine it in the 15th century.²³

Angkor Period

Two dynasties ruled over the Khmer Empire, the first established by Jayavarman II and the second begun by a usurper to the throne nearly 300 years later. The first dynasty constituted Angkor Phase I, era of the builders; Angkor Phase II, "Golden Age; and Angkor Phase III, era of the usurper.²⁴ The empire, beginning with a building flurry, soon reached its zenith, followed by a century and a half of gradual decay.

Angkor I (802-1002)

Indravarman I (877-889), Jayavarman II's cousin and successor, set the building mode that future emperors, until Jayavarman VII's reign, would follow. The first structure a new emperor undertook included a reservoir to accommodate the increase in population. Next, he constructed a temple-pyramid over an ancestral site to hold images of "deified royal ancestors."²⁵ Aware of the devastation of floods, he and all builders

after him secured the temple center above the "maximum rise of flood waters," which he controlled with moats, canals, and reservoirs. His reign brought major advances in temple and hydraulic construction. For example, weight-bearing stone replaced brick as the construction material. As a result, the reservoir accompanying the Bakong (the royal temple), outsized his predecessor's as much as 150 times.

Indravarman I's son, Yasovarman I (889-910), succeeded his father as the next great builder. He moved the capital from Hariharalaya to Angkor and built the massive Eastern *Baray*, which covered an area of 7120m x 1700m. It held 60 million cubic meters of water and tapped into the Siem Reap, changing its course.²⁶ While ingratiating himself to the masses, he made efforts to keep the priests and monks in his debt as well. Monks who worshipped *Visnu*, *Siva*, and *Buddha* benefited from the more than 100 monasteries the state built and supported under his direction throughout the empire.²⁷

Angkor II (1002-1181)

Jayavarman I's descendants continued to rule the empire, building and forming alliances, or using military force when alliances failed; in this way they kept the empire intact for another century. A century of internal strife accompanied by a florescence of art, science and literature followed this period. Known as the "Sun kings", Suryavarman I (1002-1050) and Suryavarman II (1113-1150), ushered in the era that built Angkor Wat, the temple-mausoleum.

²² Coëdes, 32.

²³ Higham, 344, 261; George Michell, *The Hindu Temple: An Introduction to its Meaning and Forms*, (New York: Harper and Row, 1977), 50.

²⁴ Swaan, 140; Higham, 352.

²⁵ Higham 325.

²⁶ Higham, 329.

²⁷ Nicholas Tarling, *The Cambridge History of Southeast Asia*, 159.

The astronomical task of constructing Angkor Wat took about fifty years to complete.²⁸ Sandstone and laterite, the primary building materials for the temples, had to be transported through the jungles many miles; the nearest quarry for this type of stone being at *Phnom Koulen*, forty miles away. The stone blocks, some weighing as much as ten tons, required two days to haul to the construction site.²⁹ Specially constructed canals, added to the already extensive hydraulic system, provided a convenient source of transportation.³⁰

When the stones proved too heavy to be conducted on the waterways, men and elephants hauled them using harnesses strapped to the stones. Cut logs, used as rollers, helped to pull the heavy stones overland. Not even the monsoon rains stopped the steady flow of stone directed to Angkor Wat.³¹

When the large sandstone and laterite blanks arrived at the construction site, the stone masons prepared them to fit in prescribed places. Next, it is speculated that the stones required hauling up a dirt road that gradually ascended to the level of construction. After completion of construction, such roads underwent removal. Gravity alone held the stones together after

being carefully fitted and put together without mortar.³²

Once put in place, a process of covering the sandstone and laterite surfaces with a thinner layer of basalt began. On this surface artists carved their delicate bas-reliefs and scrollwork. Created for the viewing of the gods, these carvings covered even places not readily visible

to human eyes. Hindu scholars, the experts in Hindu Sanskrit and mythology, needed to be on hand to direct every aspect of the construction. Orchestrating this magnitude of effort accumulated to a "concurrence of favorable circumstances on a vast scale such has occurred only a dozen times in world history."³³

Numbers played an important role in the structure, particularly four. The pattern of four materialized in groups of stairs, doorways, and among many other things. It represented the four

directions and also the four eras of time in the Hindu religion. Both of these held significance for the practical function of the temple as well. The temple, built so it corresponded with astronomical events, enabled the priests to predict such things as the summer solstice or eclipses. The bas-reliefs on the inner walls of the galleries illuminated in conjunction with the season, displaying the importance of these



Buddhist Deity Sculptures.

²⁸ Edmonds, 50.

²⁹ Robert J. Casey, *Four Faces of Siva* (Indianapolis: The Bobbs-Merrill Co., 1929), 280-281.

³⁰ Swaan, 155.

³¹ Herz, 26; Casey, 280.

³² Casey, 280; Alan Houghton Brodrick, *Little Vehicle*, 166-7.

³³ Herz, 185; Miloslav Krasa, *The Temples of Angkor: Monument to a Vanished Empire*, (London: A. Wingate, 1963), 178; Swaan, 155

events. During the spring equinox, the setting sun shone on the creation side of the mythical story on the walls, and during the autumn equinox the setting sun shone on the death scenes.³⁴ Thus, the art reflected the Hindu calendar.

During the Classic Era of Angkor, social stratification remained high; many wealthy families, dignitaries, craftsmen, Brahman priests, and laborers counted among the society's members. Artists, scholars, and religious teachers from India and emissaries from China ranked among those frequently entertained at court. The high point of the era occurred during the reign of Suryavarman the II. He restored diplomatic relations with China—broken by Jayavarman II three hundred years earlier, and he annexed Champa to the empire. His reign encouraged scholarship and extended it to women. The study of Sanskrit literature became common in addition to the Khmer literature. The Classic Era lasted at least until Zhou-ta-Quan visited at the end of the 13th century, after which it began a slow decline.³⁵

Conclusion

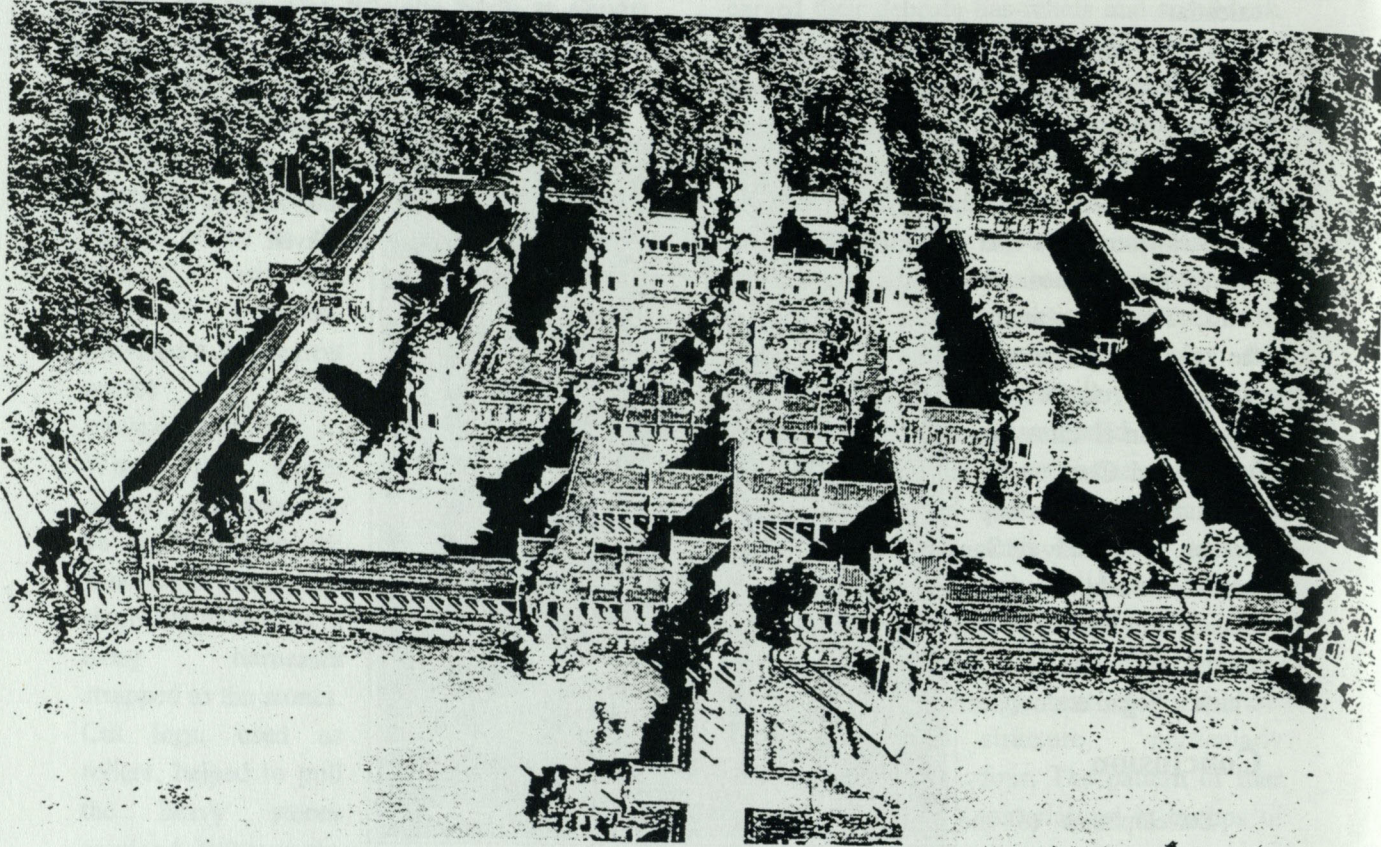
Development of the empire involved a complex assortment of factors, as did disintegration of the empire. First mechanisms for civilization needed to be set in place, then the symbol of the *mandala* and the cult of the *devaraja* supplied a firm ideological support that sustained the empire for over 600 years. The people and the mechanisms that held the environment in check became overburdened, ideology changed again—Buddhism replaced the cult of the *devaraja*—and their neighbors grew more aggressive and powerful. No one factor caused the empire to collapse; rather, it slowly

sank in much the same way that Angkor Wat is now sinking into the swamps of Cambodia.

At great expense to the people of the empire, each Khmer king built a temple (wat) to house his soul. Although motivated to build the temple because of the cult of the *devaraja*, the process of building the temple is what gave the people of the empire solidarity for so long. The building of each new temple represented a reconstruction of the kingdom's *mandala*, a process immersed in their concept of heaven, Angkor Wat being the supreme example of heaven.

³⁴Higham, 334-335.

³⁵ Brodrick, 163; David J. Steinberg, *Cambodia: Its People, Its Society, Its Culture*, (New Haven: HRAF Press, 1959), 11.



Aerial View of Angkor Wat. *Angkor*, Arthaud & Groslier.

Centrally located in the empire, Angkor Wat was designed to be the heart of the socio-political *mandala* and the representation of Mount Meru, home of the gods. There are three terraces; the facade of each a different style. The lowest terrace was designed for common men and the underworld. The middle terrace represented the entrance for the heavens and was available to the lesser noble class. Finally, the highest terrace, the sanctuary where *Vishnuraja's lingam* resided, drawing the eyes right up to the enlightenment of the heavens. Only Suryavarman II, his family, and the priests were allowed on this terrace. From this last level rose the towers that represented the five peaks of Mount Meru of which the central tower rises two hundred fifteen feet from the jungle floor. Originally, the five towers were gold plated.



Bas-relief, lower gallery frieze. Suryavarman's royal procession.

Lost Cities of Asia, Wim Swaan; *Angkor*, Arthaud & Groslier



Bas-relief on gallery frieze, upper levels. *Lost Cities*, Swaan

On the galleries of the upper terrace were 2,000 life-sized, divine, *apsaras*, intended to beautify heaven and entertain the gods with their dances. Bathed in diffused light, they had soft, ethereal quality.

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Koppes, Clayton R. "Efficiency/Equity/Esthetics: Towards a Reinterpretation of American Conservation." *Environmental Review* 11 (Summer 1987): 127-146.

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WHAT IS ENVIRONMENTAL HISTORY?

A Review Essay

Pam Griggs

Environmental awareness has increased rapidly over the last century, creating a relatively new genre of study: environmental history. This historiographical essay examines these works and attempts to answer the question, "What is environmental history?" The environmental movement, although tentatively beginning in the 1940s, has become highly politicized over the last thirty years. Griggs analyzes the ideas of various environmental historians including: the traditional, yet simplistic preservationist versus utilitarian debate, esthetics, ethics, and the complex interrelationship between environment and society. Over the years, environmental views have shifted and expanded with the introduction of technology, government intervention, and the possibility of global over-consumption and destruction. Environmental history, with its many elements, is a field increasingly important in political, social, and academic spheres.

As the nineteenth century came to a close, most Americans began to recognize that the country's natural resources were not inexhaustible. Some individuals mourned the increasing loss of wildlife and wilderness; others feared economic consequences. In another related development, people began to question the healthfulness of life in the country's urban centers. High population density and poor sanitation practices often led to deadly outbreaks of disease. In addition, the country's rapid post-Civil War industrialization, coupled with a new wave of immigration, caused tremendous expansion across the landscape. The growing population placed new strains on cities and, with increasing suburbanization, on the lands surrounding the cities. By 1890, as Frederick Jackson Turner noted in his famous address, the western frontier had disappeared, and would-be farmers had difficulty finding new lands to plow.

Political leaders, interested individuals, and emerging conservation groups examined these trends and looked for ways to adjust. A myriad of problems, combined with diverse opinions on how to solve them, created a complicated state of affairs. As life in the twentieth century became more complex, so did the issues related to the physical environment. Increasingly sophisticated technology made miracles seem possible, yet made it difficult for many to assess the environmental impacts of its use.

Environmental history has been a recent development, with tentative beginnings as early as the 1940s, but not really emerging until the 1970s, and then gaining momentum to the present day. Three

fundamental questions this essay attempts to answer are: 1) "What is environmental history?" 2) "How do historians look at the complex and wide-ranging issues that have constituted the conservation and environmental movements over the last century?" and 3) "What do environmental historians hope to accomplish by studying this field?"

This essay will begin by examining how environmental history developed. Did it develop alongside the "new"

environmental awareness symbolized by the original Earth Day celebration in 1970? Was the environmental movement itself a spin-off of other counterculture movements of the 1960s and 70s, or

did it represent a continuation of the earlier conservation movement? In addition, this essay will review how historians have structured and refined the study of this field. Historians, like the environmentalists they write about, often disagree on what people and activities should be included. Finally, some specific examples of environmental history will be discussed. Problems peculiar to environmental history will be addressed along the way.

In 1972, Lawrence Rakestraw investigated the origins of environmental history and the direction it was taking in his "Conservation Historiography: An Assessment," published in the *Pacific Historical Review*. Educated at the Universities of Wisconsin and Washington,

Rakestraw offered a broad perspective, having first worked for the U. S. Forest Service during the 1940s before he began his teaching career. Even during his years as a teacher, he worked as a consultant for the National Park Service and the Forest Service.

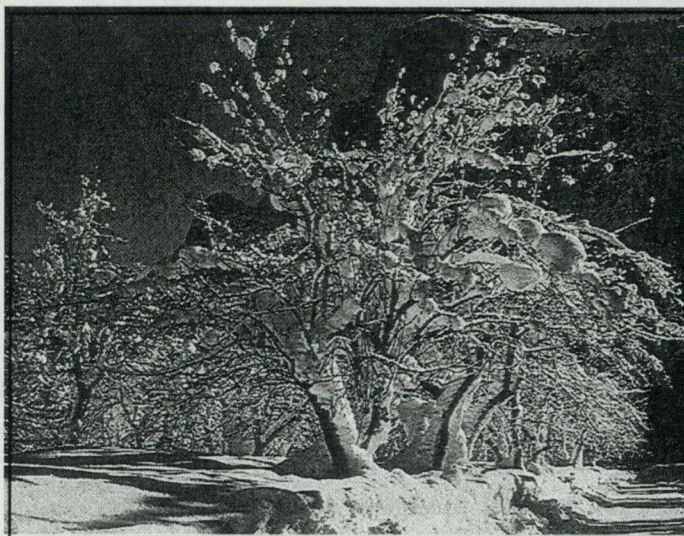
Rakestraw's evaluation clearly reflects his experience working for federal agencies. He

takes a moderate position when discussing both past controversies and current events. Like other historians, he noted the difficulties of classifying conservation history—it could be anything from political or administrative history to the history of science,

especially ecology. Natural resource professionals wrote the first conservation histories, mostly to

defend their agencies' actions. Despite this and their limitations as historians, Rakestraw observed, "they have a feeling for the landscape which few academic writers can match" (273-74).

A significant problem for historians is dealing with technical or scientific subjects. Rakestraw believes the professional resource specialist is "simply better qualified" to draw conclusions than the non-specialist historian (274). Related problems include writing about an often technical field in non-technical terms and showing a genuine understanding of the field that earns the respect of the resource professionals. He surmises that these problems influence historians to write about less technical



Half Dome, Apple Orchard, Yosemite,
California, April 1933.

Ansel Adams, National Park Service.
Courtesy of National Archives.

areas such as early conservation history, recreational history, or other aspects more related to intellectual history.

Rakestraw himself does not escape justifying the actions of the agency where he once worked, the Forest Service. He writes at length about the supposed split, culminating with the Hetch-Hetchy "incident" between "preservationists" concerned with amenity values and the "utilitarians" concerned with economic use of resources. With a defensive air, he lists numerous projects undertaken by the Forest Service to improve amenity values—everything from protecting Indian relics to improving wildlife habitat. Rakestraw argues the split really occurred between the Sierra Club, which preferred militant tactics, and the Mazamas, another mountaineering group that preferred to work within the system. He believes this rift between the militants and the "realists" persists, but the theme of conflict has been overemphasized.

The article comments on the state of conservation history in the 1970s, but barely touches on ecology or themes relating the environment to a democratic movement or efforts to achieve social justice. He notes that using the term "rape" to signify disapproval of environmental practices had become commonplace and was, in his view, often unsubstantiated. Rakestraw concludes his assessment by recommending a moratorium on conservation history and admonishing historians to learn their craft. He also suggests that historians might work at a sawmill or on a trail crew to gain a broader perspective.

Probably few historians heeded Rakestraw's advice about working in the field, and most certainly ignored his recommendation for a moratorium. By 1985, Richard White found ample material for a comprehensive historiographical essay, "American Environmental History: The Development of a New Historical Field," published in the *Pacific*

Historical Review. White's article nicely complements Rakestraw's because he had the advantage of a decade longer to assess important trends. Considered one of the New West historians, White deals exclusively with the work of academic scholars, probably because his own background does not include work outside academia.

White traces the beginnings of environmental history to Frederick Jackson Turner and other works in western history such as Walter Prescott Webb's *The Great Plains* that appeared in 1931. He suggests James Malin, with *The Grassland of North America*, as an important figure in the development of recent environmental history. (Rakestraw found Malin too technical for easy understanding.) White points to two works with profound influence on environmental history: Samuel Hays's *Conservation and the Gospel of Efficiency* and Roderick Nash's *Wilderness and the American Mind*. These studies arose from political and intellectual history, but because of the simultaneous rise of the environmental movement in the 1960s and 70s, they achieved an unexpected prominence.

In a more recent work, *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955–1985*, Hays traces the rise of environmental values in post-World War II America as part of a trend of increasing affluence and leisure time in our post-industrial society. He argues that issues of environmental quality fundamentally relate to our human aspirations for a better quality of life. Environmentalism was not just a fad, according to Hays; instead, it represented a basic shift in values reflecting the desire for protected wildlands, open space, and a pollution-free world. Since these new values were more common among young people and the college educated than among administrators, business people, and other institutional leaders, the environmental movement often overlapped other

movements represented by the counterculture of the 1960s and 70s. As Robert Gottlieb observes in "Reconstructing Environmentalism: Complex Movements, Diverse Roots," Earth Day 1970 signified a culmination as well as a beginning.

White's analysis reveals an important problem with environmental history—personal involvement.

Many historians, especially those writing on preservationist aspects, are deeply drawn to their arguments.

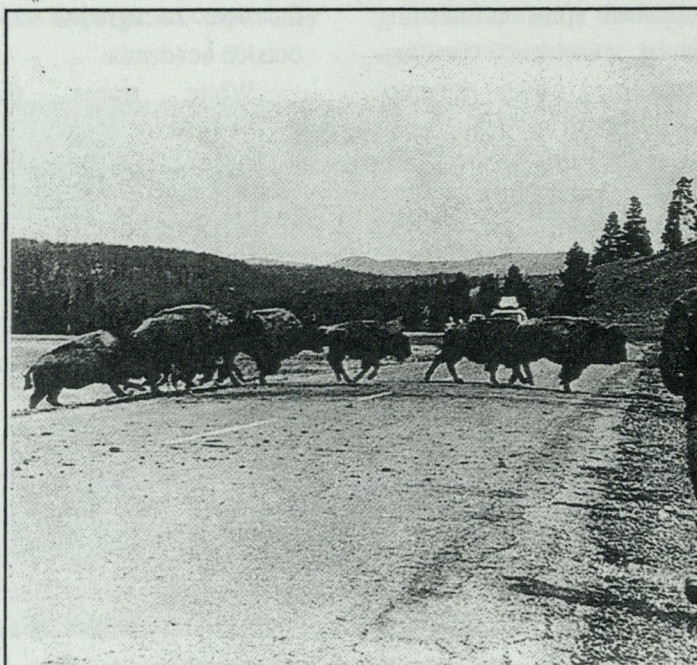
According to White, some works show "an impatience with the bounds history itself imposes. The past may be another country, but for some authors a

transcendent nature can wash away the boundaries that time creates. Instead of a search for historical context, there is an attempt to find a universal language shared by author and subject" (305). At the extreme, these works become metahistories.

Hays, known and sometimes criticized for the opposite problem—a too-dispassionate analysis—defends his stance in a rebuttal to an essay in *Environmental History* 1 (January 1996). He writes, "the temptation for historians to draw into their historical analyses both personal and moral struggles and the ideology of contemporary debate...is more than risky. Transfer of the accompanying polemics into environmental history not only invites bad history but also the risk that it will obscure the

abundant opportunities ahead in pursuing the field of environmental history" (32).

Unfortunately, many historians tended to dwell on either the utilitarian or preservationist side of the simplified framework represented by Hays and Nash, losing sight of the more



Buffalo crossing the road.

National Park Service, 1962. Courtesy of National Archives.

complex interrelationship between the environment and society their works discussed. White and other recent historians argue this framework oversimplifies reality and loses sight of the complexity of human activity, for example, "rational planners and romantic preservationists could be the same people operating in different contexts"

(310). White also points to the work of John Reiger, who believes sportsmen, a group that does not fit neatly into either the utilitarian or preservationist model, can be traced to the real beginnings of the conservation movement.

These are minor concerns, however, compared to the problem of fitting scientific ecology into the framework. Ecologists differed from both the utilitarians and the preservationists. Scientific ecologists, such as Rachel Carson and Aldo Leopold, hoped people would use "appropriate" technology in managing nature to achieve harmony with the environment. Although one historian, Joseph Petulla, suggested modifying the framework to include ecology as a third component, White finds this inadequate because scientific and

popular ecology are incompatible. Popular ecology often espoused a return to a more primitive way of life and venerated the popularized version of the American Indian's world-view of living in harmony with nature.

These two strands of ecology really represent different values, according to White on "what the ethical basis of the human relationship to nature should be" (314). This debate essentially reflects the reasons why historians study environmental history. Some look to the past hoping to find a guide for correct behavior, while others look hoping to see a reflection of the larger society. White rejects both of these goals. Without context, he says, the search for absolute values is meaningless. Moreover, when environmental historians look solely for the reflection of the larger society in environmental history, the subject may no longer *be* environmental history:

"Ultimately environmental history as purely intellectual or political history must vanish back into the fields which gave it birth and on which it relies for explanations of its subject matter. Intellectual and political history may be environmental history's parents, but they are, by themselves, unable to nurture it" (317).

What does White see as the place for environmental history in the future? He argues that the interrelationship between a constantly changing environment and a constantly changing society should form its basis. He believes that such wide-ranging works as Donald Worster's *Nature's Economy* and *Dust Bowl*, William Cronon's *Changes in the Land*, Martin Melosi's *Garbage in the Cities*, and Thomas Dunlap and John Perkins's works on insecticides, reveal how the relationship between environmental and social change can be connected with scientific thinking to enrich our understanding of the past.

To avoid unsubstantiated claims, White counsels historians to carefully examine cause and effect when discussing the environment, and calls for interdisciplinary research to deal with

the technical difficulties historians face. According to Jeffrey K. Stine and Joel A. Tarr in "Technology and the Environment: The Historians' Challenge," more scholars are bringing an interdisciplinary approach to their study of environmental history.

Stine, curator of engineering at the National Museum of American History and Tarr, professor of urban and environmental history and policy at Carnegie-Mellon University, agree with White, that the interplay between the environment and culture is central to environmental history. Nature has physical constraints and people have cultural constraints: "The result has often been a push and pull between nature and technology: at one time technology transforming the environment, and at others the environment forcing changes on technology. Exploring this dialectical relationship can offer rich insights into environmental history" (2).

Stine and Tarr argue that despite Americans' ambivalence toward technology because of its positive and negative aspects, most people still cling to the idea that technology will come to the rescue. These authors believe this trust is misguided, and contend that pollution, for example, "is as much a cultural, economic, and political phenomenon" as a technological challenge (3). In the end, environmental policy comes down to value judgments related to lifestyle and cultural choices. For Stine and Tarr, the ultimate purpose of environmental history is to shed light on the relationship between technology and environment to help weigh the risks and advantages of its use. Thus, they applaud scholars who examine industrialization's legacy of toxic wastes and the public health issues that ensued.

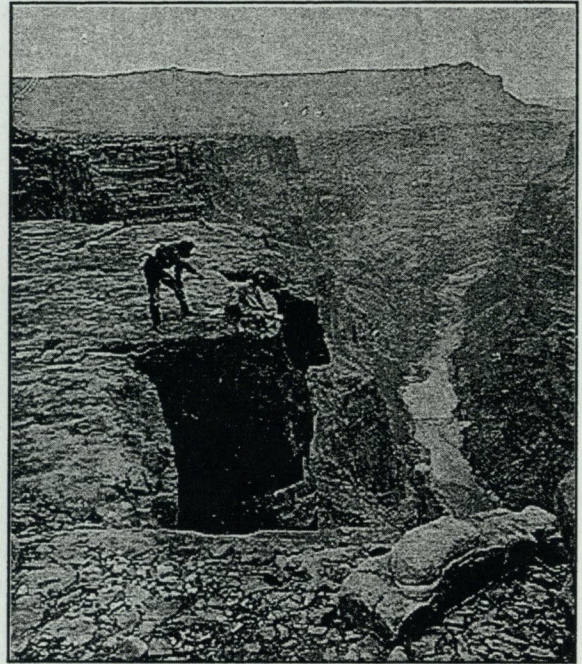
In another revisionist effort only two years after Richard White's article, Clayton R. Koppes ignored White's concerns about the old framework and proceeded to modify it. Koppes

based his analysis on three principal progressive-era ideas in "Efficiency/ Equity/ Esthetics: Towards a Reinterpretation of American Conservation," published in the *Environmental Review*. As Hays made clear in *Conservation and the Gospel of Efficiency*, early conservationists were primarily interested in an orderly use of natural resources dictated by experts. But Koppes maintains equity goals were also prevalent in progressive-era thought. The idea that forests and other resources belonged to everyone and should not be exploited by a small number of greedy businessmen, was commonly believed. Koppes also recognizes the strong esthetic goal to preserve scenic areas and wilderness that Roderick Nash discussed at length in *Wilderness and the American Mind*.

With the exception of the equity category, this analysis differs little from the standard divisions: utilitarians interested in efficiency and preservationists interested in esthetics. In the 1930s, however, Koppes asserts the progressives' esthetic impulse merged with a newly developing ecological thought that would later give rise to the modern environmental movement of the 1960s and 70s. Although he claims five new national parks (Olympic, Kings Canyon, Big Bend, Isle Royale, and Everglades) were created using ecosystem analysis to help draw their boundaries, he fails to substantiate this, or even trace the beginnings of ecology and its influence on resource management. This early linkage of esthetic interests with ecology, if corroborated, would add significantly to an understanding of the origins of recent environmentalism.

Koppes does a worthy job of recapitulating the major environmental victories and defeats of this century. His insights concerning the proposed Echo Park Dam, Glen Canyon Dam, and Redwoods National Park are especially noteworthy. The big dams built during and after the New Deal, represented the same efficiency

characteristics that forestry management had during the progressive era. They symbolized the use of technology over the environment to help achieve a higher standard of living. While opposition from the esthetic wing prevented building the Echo Park Dam in Dinosaur National Monument, they lost the battle at Glen



Near the foot of Teroweap, looking east at the Grand Canyon. Powell Survey, 1871-78.
Courtesy of National Archives.

Canyon. As Koppes asserts, "At mid-century preservationists found themselves most sharply in conflict not with private developers but with another wing of the conservation movement that also traced its roots to progressive-era origins" (144).

Under this revised framework, Koppes could have linked the equity impulse with urban efforts to improve the day-to-day environment in cities. Like many others, he equates "environment" with "nature," forgetting that urban dwellers also have an environment where they live and work. Carried to the present day, equity interests thus broadened could logically lead to

the inclusion of environmental justice efforts of recent years. These efforts include Presidential Executive Order 12898, that requires federal agencies to consider environmental impacts on minority and low-income communities. These impacts could be economic, social, or related to human health.

Robert Gottlieb's "Reconstructing Environmentalism: Complex Movements, Diverse Roots," illustrates the failure of traditional environmental history to consider urban and industrial conditions. Gottlieb maintains:

Environmental organizations range from multimillion dollar operations led by chief executive officers and staffed by experts to ad hoc neighborhood associations formed around a local environmental concern. There are groups concerned with the need for efficiency in existing economic arrangements and those that seek to remake society; groups who promote market solutions and those who want to regulate market failures; conservative environmentalists hoping to strengthen the system and radical environmentalists interested in an agenda for social change (3).

The definition Gottlieb offers encompasses traditional conservation, and the ideas promoted by environmental figures such as Bob Marshall and Rachel Carson, but also makes room for Alice Hamilton, Florence Kelly, and Lewis Mumford who dealt with the problems of industrialization in cities. Far from being just a recent focus, pollution and toxic chemicals were a recognized problem at the turn of the century. Gottlieb, a teacher of environmental policy with the UCLA Urban Planning Program, believes environmentalism was "a complex of social movements" that developed in the 1890s as a reaction to increasing urbanization and industrialization (13). These activities impacted both human and natural environments, thus relating the threat to America's remaining forests (to supply lumber) and workers'

exposure to dangerous chemicals in factories. He points to Marshall, Hamilton, and Carson to show how their environmental awareness contained a democratic component concerned with social justice.

Although best known as the founder of the Wilderness Society, Bob Marshall was also concerned with minority groups and the poor. Marshall tried to provide wilderness recreation to working-class people by keeping camping costs low in public forests, subsidizing transportation to the forests, and establishing more recreational areas closer to cities.

Alice Hamilton, a major figure in the urban and industrial environmental sphere, combined her medical degree from the University of Michigan and her interest in social service to lead the environmental and occupational health field among the working poor. While working at Hull House in Chicago, she linked a typhoid epidemic with a sewage outflow. She later championed the fight in the 1920s against adding lead to gasoline, arguing that no amount was safe.

Rachel Carson, known for her best sellers, *The Sea Around Us* and *Silent Spring*, helped to create a new environmental consciousness among the general public beginning in the 1950s. She believed that decisions on pesticide use and other technologies were public issues and should be debated in a public forum. She showed how scientific experts often biased their data because their research was industry funded.

Gottlieb's argument for a broad interpretation of environmentalism is persuasive and illuminating, even though it clearly furthers his personal agenda for change. It seems doubtful, however, whether his view will lead to the kind of social change he desires. He speculates that this is "a period where environmental questions reflect crucial social outcomes and where new opportunities for change have emerged...These opportunities for change involve questions of technology and

production, decision-making and empowerment, social organization and cultural values. They reflect changes at the global level..." (14). He may be correct, but the prospect that today's environmentalists will collaborate on making such changes is remote. Just because they may choose to see themselves as descendants from a common past, there is no guarantee they will now cooperate with one another.

The interpretations by Rakestraw, White, Koppes, and Gottlieb each offer new insights into the complexities of understanding environmentalism over the last hundred years. While no single position emerges as superior to all others, both White's and Gottlieb's analyses deserve further reflection by current and future environmental historians. Their broad (though different) perspectives would help other scholars put their own studies into a more meaningful context.

White credits Nash and Hays with shaping modern environmental history. An examination of Nash's *Wilderness and the American Mind*, and a later work by Hays, *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955–1985*, helps to reveal their

influence within the field. In a significant way, the views taken by White, Donald Worster, and other New West historians are a reaction to the foundation laid by Nash and Hays.

Wilderness and the American Mind provides an accessible, logically developed, and eloquent history of the changing perception of wilderness in American culture. Nash, professor of history and environmental studies at the University of California at Santa Barbara, examines the *idea* of wilderness and its impact on our shared identity. Like Frederick Jackson Turner, Nash believes "wilderness was the basic ingredient of American civilization" (xv). As such, Nash presents wilderness with the intellectual validation he believes it deserves.

Nash traces the meaning of wilderness from ancient times to the present. He dwells at length on its definition, tempted "to accept as wilderness those places people call wilderness," but settles on the "conception of a spectrum of conditions or environments ranging from the purely wild on the one end to the purely civilized on the other—from the primeval to the paved" (5, 6).



Crested Hot Springs, Old Faithful in the distance. Yellowstone National Park.
United States Geological Survey: Hayden Survey, 1878. Courtesy of National Archives.

Wilderness in the Judeo-Christian tradition has left an enduring legacy. Biblical passages describe the Garden of Eden as a paradise, the opposite of wilderness, which was often described as desert and wasteland. The experience of the Israelites wandering in the desert for forty years imbued wilderness with several persistent meanings. The wilderness was simultaneously a sanctuary, a place to find God, and a challenge to survival.

Wilderness and the American Mind does an excellent job of following the wilderness concept from the Old World to the New World. Through examples from literature, philosophy, poetry, fiction, and art, Nash follows the evolution of thought about wilderness. Nash explores the changing values regarding wild lands, from the belief that subduing the wilderness was God's will, to a tentative appreciation for its esthetic qualities that eventually led to the preservation of scenic, recreational, and ecologically important places including Yosemite, Yellowstone, and the Grand Canyon. When Nash describes the battle over the 1964 Wilderness Act, the reader has a thorough understanding of its historical context.

Nash makes no attempt to look at conservation as a whole—his focus is on the concept of wilderness. He subscribes to the split between the preservationist/esthetic wing headed by John Muir and the utilitarian/efficiency wing symbolized by Gifford Pinchot. Because Nash's purpose concerns only wilderness, he overlooks many aspects of the conservation movement described earlier. His wholehearted endorsement of Turner's frontier thesis, however, influenced a generation of uncritical historians who followed up on many of Nash's ideas, especially on the Romantic view of wilderness. Nevertheless, after thirty years *Wilderness and the American Mind* still stands out as classic intellectual history and an important contribution to environmental history.

In his first book, *Conservation and the Gospel of Efficiency* (1959), Samuel Hays wrote a pioneering study of conservation before World War II. Twenty-eight years later, in *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955–1985*, he examined environmentalism in the post-war era.

Hays, known for his social analysis of American politics, hopes to discern the relationship between society and politics in the environmental sphere. He also hopes to improve the current environmental debate by increasing the participants' awareness of its social, economic, and political aspects. Hays believes post-war environmentalists were primarily interested in quality of life issues that developed in the 1950s. These issues cut across traditional liberal and conservative politics. The conservation movement, he argues, was based on the efficient use of physical resources like forests, water, and soils.

Although he presents considerable evidence to support these views, Hays minimizes or ignores important contradictory evidence. He fails to see the connection that Gottlieb and White see between urban environmentalists concerned with pollution or toxic chemicals early in the century and their counterparts from the 1960s to the present. Likewise, he minimizes the link between the preservation of wilderness from the progressive era into the post-World War II period that Nash discusses at length. Perhaps Hays only intends to portray political trends; however, his dividing point of World War II between the conservation and environmental eras obscures significant continuities in the various threads of environmentalism.

Beauty, Health, and Permanence does take a comprehensive look at how changing public values led to political struggle and change. He develops several sub-themes, including the environmentalist goal to decentralize

institutions, the anti-environmental movement, and the numerous geographical and political levels where environmental struggles occurred. Hays does not provide adequate support for the effort at decentralization, and admits, although environmental writing tended to promote a decentralist view, environmental activists were more likely to support increased state and federal authority.

The book's effort to assess the results of the environmental era may have been premature. Hays persuasively argues that environmentalism represented a basic shift in values, which was reflected in the desire for protected wildlands and a pollution-free world. Still, he believes that most administrators, business people, and other institutional leaders have not accepted this shift. The book implies that these people and those who follow, will never accept environmental values because of the powerful roles they play. It seems more likely, that as environmental values become more widespread with passing years, people raised with these values will come to hold more of these important and powerful positions. Overall, *Beauty, Health, and Permanence* sets the standard for an almost encyclopedic political analysis of the environmental movement. His analysis here and in *Conservation and the Gospel of Efficiency*, remains insightful to environmental scholars of the 1990s who still refer to his work and ideas.

One scholar who built successfully on Hays's earlier work, according to Richard White, is William Robbins. First with *Lumberjacks and Legislators* (1982), and then with *American Forestry: A History of National, State, & Private Cooperation* (1985), Robbins chronicles the political relationship between commercial forestry and government. Scientific forestry and the development of federal aid to help sustain forests were a direct outgrowth of industrialization. The importance of a continuing lumber supply and the need to prevent erosion and flooding that could damage

municipal watersheds encouraged industrial and government cooperation to achieve these common goals.

American Forestry developed from a contract with the U.S. Forest Service for a scholarly study of these cooperative efforts. Robbins details how the Forest Service administered congressionally authorized cooperative programs, and also how some of those plans were never executed when funds were not appropriated. Many of these cooperative programs, Robbins suggests, were designed to lessen the charges that the federal government was working with large timber interests to eliminate competition from small producers.

A significant portion of the book analyzes the impact of the Weeks Act of 1911 and the Clarke-McNary Act of 1924 that helped states fund fire protection programs. Fire protection, especially, was in the public interest as well as the property owners', who did not want to see their valuable virgin timber turn to ashes. After a series of devastating fires, including the Hinckley, Minnesota forest fire in 1894 that killed 418 people, the Yacolt, Washington fire of 1902, and numerous fires in the Pacific Northwest in 1910, destroying thousands of acres of timber, Congress passed the Weeks Act. This law authorized annual assistance to protect private and state forests on the watersheds of navigable streams and also permitted the purchase of lands on such streams.

Robbins does an excellent job of outlining the development of scientific forestry in the states during the early part of this century. By focusing on Georgia, Minnesota, Oregon, and Washington, he analyzes the problems each state faced with forestry management and conservation. With the nearly unanimous support of industry trade groups, including the National Lumber Manufacturers Association, the Clarke-McNary Act increased the level of federal assistance for fire protection, developing

nursery stock, adding to the national forests, and investigating tax policies on cut-over lands. Effective lobbying by timber interests led Congress to develop a forestry policy based on cooperation instead of regulation.

American Forestry reflects careful research into the forestry policy conducted by early forestry officials, which included Bernhard Fernow, Gifford Pinchot, Henry Graves, and William Greeley. Robbins only touches on other forestry issues, such as recreational use and wilderness policy, which are not the thrust of the book. The reader interested in the development of the national forestry's interrelationship with other agencies and timber companies will, however, find this study extremely useful.

The works by New West historians, including Donald Worster, Richard White, and Patricia Nelson Limerick, can be viewed as a reaction to the Turnerian tradition and as a response to groups promoting issues such as race and gender. In their view, the pioneers were not heroes, but rather, people who practiced genocide and ravaged the land through mining, overgrazing, improper farming, and other destructive practices.

Worster's book, *Under Western Skies: Nature and History in the American West*, provides a good representation of the New West interpretation. Many ideas presented in his other works, including *Nature's Economy*, *Dust Bowl*, and *Rivers of Empire*, are consolidated in this collection of essays. The purpose of the New West history, Worster contends, is to take, "a frank, hard look at the violent, imperialistic process by which the West was wrested from its original owners and the violence by which it had been secured against the continuing claims of minorities, women, and the forces of nature" (11-12). There are plenty of things to celebrate in the West, admits Worster, but they have their champions in tourist agencies and boosters. Only the historian can realistically examine the seamier side of Western history.

Written in a seductive style, *Under Western Skies* forces one to reexamine traditional biases. In his more eloquent moments, Worster's prose sometimes resembles that of William Faulkner's stream-of-consciousness style, if only the punctuation was removed. Perhaps, Worster thinks such language will help achieve what he knows most will consider radical: "to examine human behavior from a non-human perspective—to look, as it were, through the eyes of the rest of nature" (17). Much of Worster's writing is intellectual history as he discusses how people perceived (incorrectly he would argue) the land they were settling. Yet, he often attempts to take another viewpoint—nature's perspective. The result, Worster believes, is a comprehensive history of the "evolving human ecology" of the West, a new kind of history blended with natural history (27).

Worster defines two ecological arrangements that have marked the West: the pastoral society and the hydraulic society. Although both societies still exist, the pastoral society had its heyday in the nineteenth century with cattle barons, cowboys, and roundups. He believes the hydraulic society, founded on giant dams, irrigation, and desert cities, will lead the West into certain destruction. The following excerpt on the construction of Hoover Dam reveals his distinctive style and argument:

[Federal engineers] had one thing in common: all wanted, with a desire that knew no bounds, to dominate nature. Only a river as wild and full of life as the Colorado could satisfy their desire. All of the voices spoke in terms of cool, calculating reason—of scientific planning, of market strategies, of hydraulic principles—but always under the rational surface there was an unfathomable layer of irrationality, a vague, unspecified longing, a will to power. If the river had a fanatical zeal about it, the men who came to control it were fanatics too...They would not be satisfied until the river was under their total domination, from its headwater to its mouth—or, in other words, until the river was dead (70).

Welebaethan

But, Worster believes the mighty Colorado is not *really* dead:

Before our species was born that water cut down through that brown rock for almost a thousand feet...Even at this moment the Colorado River is busy preparing to saw through the Hoover Dam, laying down its silt behind the wall, gathering force to remove this new obstruction just as it has removed everything else ever put in its way by the forces of geology. Human domination over nature is quite simply an illusion, a passing dream by a naive species...Do what we will, the Colorado will one day find an unimpeded way to the sea (77-8).

In a similar way, other chapters of *Under Western Skies* present arguments for learning how to live in harmony with the land through nondestructive farming and ranching techniques. Worster argues humans must impose limits on their activities if they are to adapt to a fragile and beautiful landscape. Following a thorough and remarkably balanced history of the Lakota Indians in the Black Hills, Worster concludes that returning the hills to the Lakota is the right thing to do because it may help in healing an old wound. The impact of his conclusion, as shocking here as elsewhere, jolts the reader.

Worster's strength is his ability to look at things critically, but when the evidence is so evenly balanced that the traditional interpretation could be chosen without changing the status quo, Worster opts for the nontraditional, the New West historians' interpretation. This can be very disturbing. Some historians scurry away, while others feel compelled to question fundamental assumptions. Some may even admit that at least part of Worster's arguments are plausible.

A clear, concise answer to the question, "What is environmental history?," evades an easy definition. It defies pinning down. It ranges from pure intellectual history (Nash takes seven pages simply to define wilderness), to

lengthy political history (Hays takes 630 pages to describe post-war environmental history), to Robbins' administrative history of a federal agency, with a New Left slant, to Worster's ecohistory of living rivers that challenge dams. The historiographical frameworks of White and Gottlieb make room for all.

Where does environmental history fit in the overall scheme of American history? Because



Kaibob Plateau, Grand Canyon, Powell Survey, 1871-78. Courtesy of National Archives.

industrialization and growth were major factors leading to environmental consciousness in its various forms, a strong argument can be made that environmental history should be an integral part of the nation's history. The work of some historians reflects that.

It is too early to predict whether Worster's type of history, with its emphasis on natural history, will generate a substantial number of followers or will "dead end" against the unyielding anthropocentric views of most Americans. One thing is for certain: environmental history as a field is here to stay. It achieved that status sometime in the 1980s,

symbolically represented perhaps by the *Journal of American History's* decision to include "Environment" as a category for its "Recent Scholarship" section with its June 1987 issue. The accompanying note read simply, the decision was based on "much support among our readers." Environmental history in the 1990s has matured—instead of the heated polemics of the 70s, scholars are now producing carefully researched, often interdisciplinary analyses that significantly broaden our understanding of the past.



Marble Pinnacle, Kenab Canyon of the Colorado River,
Powell Survey 1871-78. Courtesy of National Archives.



"We have utterly destroyed Atlanta." Union soldier in *Civil War*, Geoffrey Ward.

THE WAR OF NORTHERN AGGRESSION:

An Economic Historiography of the Civil War

Craig Chyrchel

This historiography explores the economic reasons for the Confederate loss of the American Civil War. It reveals the concerns and mindset of historians in their time. Since 1865 historians have assessed the economic reasons for the Confederate defeat from different perspectives and have arrived at various conclusions. This articles is an assembly of historical arguments relating to the economic issues that affected the southern defeat.

INTRODUCTION

The purpose of this paper is to examine a portion of the competing historiographical arguments that constitute the unending debate over why the Union won the Civil War and the Confederacy lost. In terms of economic dynamics, two major schools of thought have evolved over the past 130 years. One set of arguments suggests that the pre-existing, dominant, capitalist power of the North made a Yankee victory inevitable. In contrast to this external argument, other historians deny any presumed Northern superiority. They suggest that the South had the economic resources to win, or at least not lose the war, had it not been for the emergence of numerous internal defects. After reviewing the positions of several historians who discredit the theories of their peers and advocate their own conclusions, the paper evaluates and summarizes the changes in the analysis of the past generations.

The Confederacy's problems offer particular interest because the evidence indicates that the Rebels held nearly 175,000 men under arms and ample military food supplies at the time of their surrender. Logistics, however, posed a problem. Robert Black¹ makes a provocative case for the poor management of Southern railroads as a decisive cause of defeat. There is reason to suspect that misadministration of the transportation network by individual states, the central government, military leaders, and owners of the rail lines all contributed to a failure to deliver available troops, food, and war material on a timely basis.

¹ Robert C. Black, *The Railroads of the Confederacy* (Chapel Hill: The University of North Carolina Press, 1952).

In addition, the issue of industrial capacity to wage war needs to be addressed. Although the image of the North as the dominant, economic giant had wide acceptance, as Richard N. Current convincingly advocates in his essay, "God and the Strongest Battalions,"² other historians arrived at different conclusions. Surprisingly, the South possessed and rapidly developed additional factory capacity, quickly transitioning from an agrarian based economy. Confederate administrative policies concerning finance, taxation, loans, currency, and trade, in addition to industry, banking, pricing, fiscal, and agriculture have been examined by numerous historians since 1901. Certainly some biases come into play as the strengths and weaknesses of the South are probed in depth. The leadership of the South believed that "Cotton was King," but did the Confederacy effectively utilize this asset? Does the fact that these historians analyze the economic issues in different decades contribute to different perspectives? A comparison and contrast of conclusions offers thoughtful insights.

JOHN C. SCHWAB

John C. Schwab, writing in 1901, makes it abundantly clear that Union economic power was paramount. He states his opinion as follows:

To an economist the history of the Confederate States centers about the government's attempts to secure the material means with which to carry on the war. The wealth of the South consisted chiefly of land and slaves, and its industries were almost exclusively agricultural. Mines and manufacturing hardly existed. Its means of transportation were far behind those of the North, and its cities, with the exception of New Orleans and Charleston, of comparatively slight importance as trade

centers. The States against which the South waged war comprised, roughly speaking, two-thirds of the country's population. The North was industrially much more advanced, its manufactures were vastly more extensive, its urban population was more numerous, its trade more advanced, its transportation system more highly developed,—in a word, its resources were far superior to those of the South, and were the cause of the final overthrow of the Confederate government.³

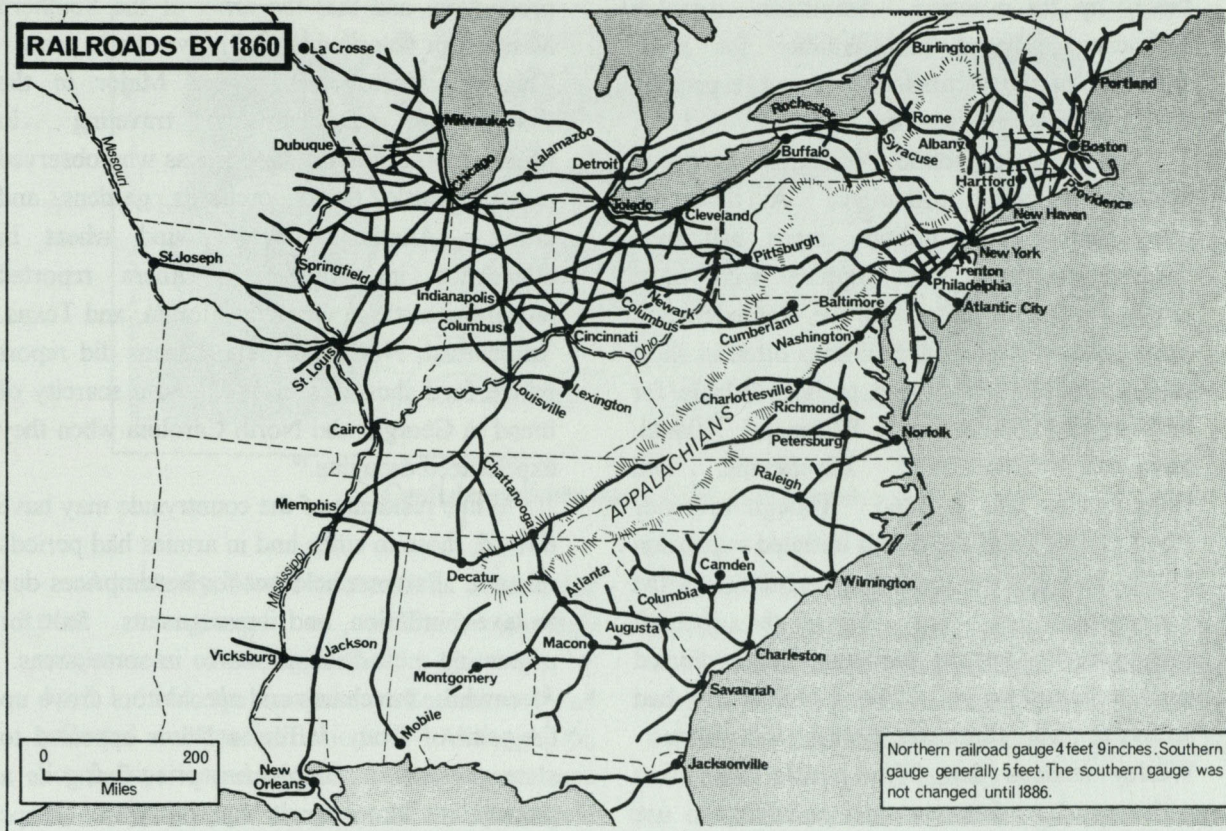
As the war proceeded, it destroyed the industrial organization of the South, and the emancipation of the slaves achieved a disastrous impact. The blockade imposed by the North resulted in economic isolation for the Confederacy, which suffered from the loss of international trade and credit. The blockade, combined with an inflated currency, led to violent speculation. All of these forces contributed to the disintegration of southern social and political institutions.

Schwab observes that the Confederate government employed "coercive measures" including "financial expedients, aimed at a forced transfer of capital from those who had it—the farmers, planters, and capitalists; in a word, from the producers—to the government and the army which consumed it unproductively." Coin in circulation was rapidly reduced in exchange for secured government loans. Investments by educational institutions, trust funds, and others were soon converted into government securities, which further eroded the supply of capital. Community savings suffered a similar fate.⁴

² David Donald, ed., *Why the North Won the Civil War* (Baton Rouge: Louisiana State University Press, 1960).

³ John C. Schwab, *The Confederate States Of America, 1861-1865, A Financial And Industrial History of the South During the Civil War* (1901; repr., New York: Burt Franklin, 1968), 2-3.

⁴ Schwab, 311.



Railroads were predominant throughout the North and South before the Civil War

American History Atlas, Martin Gilbert.

Schwab criticizes the ineffective method of capital transfer because the government was slow to implement a comprehensive taxation program. He claims that the south erred in adopting a fiscal policy which relied so heavily on paper money. In retrospect, Schwab admits that the exigencies of war appeared to offer little recourse to the Confederate leaders. He concludes that "the verdict passed upon the career of the Confederate States will not emphasize the mistaken financial policy adopted by the government but rather the fact that, in spite of it, the South maintained herself for so long."⁵

CHARLES H. WESLEY

Historian Charles H. Wesley of Howard University proposes in his 1937 work that the lack of material sources effectively accounted for the demise of the South. Wesley writes, "On the contrary it is astonishing that with its resources the Confederacy did not continue the War for a longer period."⁶ He assesses that others attributed the defeat of the South to an insufficient supply of men, food, war materials, and resources to support the populace. Other

⁶ Charles H. Wesley, *The Collapse Of The Confederacy* (The Association for the Study of Negro Life and History, Inc., 1937; repr., New York: Russell and Russell, 1968), viii.

⁵ Schwab, 312.

factors of more significance may hold this theory up for question. Admittedly, resource deficiencies shared responsibility for some suffering in the Confederate States, especially during the last few months of the war.⁷

Wesley notes a number of inconsistencies in southern economic conditions. At times the army and specific military areas had food deficiencies, while food supplies were quite ample in other portions of the Confederacy. Implements of war and munitions often in short supply, somehow managed to be available for burning and destruction in Richmond, Atlanta, Savannah, Charleston, Fayetteville, and Columbia as late as 1865. Though railroads stood in place and the South initiated expansion of the rail system, including repairs and the construction of new cars, the overall transportation system remained uncoordinated and underdeveloped. The Confederacy had access to mills, foundries, horses, and wagons. Wesley reasons that "The people who were seeking independence seemed powerless to use the nucleus given them for the building of a greater resistance."⁸

A 15 percent increase in cotton production from 1860-1861 caused great concern in the South because of the contrasting stifled food production. The Confederate Congress, President Jefferson Davis, state legislatures, governors, planters' conventions, and the press all called for a reduction in cotton and an emphasis on grains and cereals. Subsequently, growers made significant reductions in cotton production each year thereafter. Meanwhile, food production increased.⁹

People in the South recorded different experiences relating to the availability and production of food. An Englishman, after six months of travel in 1862, reported that the South

appeared to be wholly self-sustaining in food production, and that the army of the Southern Mississippi was as well fed in war as in peace. This was corroborated by a Major in the Commissary Department traveling in Mississippi, Louisiana, and Texas who observed plentiful cattle, flocks, orchards, gardens, and crops. Another traveler found wheat in abundance in Virginia. Others reported numerous cattle in Georgia, Florida, and Texas. In contrast, North Carolina citizens did report severe food shortages in 1863 and a scarcity of bread in Georgia and North Carolina when they experienced droughts.¹⁰

While residents of the countryside may have thrived, those in cities and in armies had periods of want. Farmers held out for better prices due to taxes, inflation, and impressments. Salt for preserving meat became scarce in some areas. Meanwhile, merchants and speculators drove up the price of food. Jefferson Davis appealed to state governors to implement price-fixing as a remedy.¹¹ Many areas had bountiful crops available, but would not accept Confederate currency. Farmers demanded federal greenbacks or gold as payment. Acceptable forms of money and adequate railroad transport proved the key elements required to keep supplies flowing to the armies. Hoarders had their fill of paper money and, according to Confederate officers, either gold or bayonets were necessary to pry loose supplies. From Virginia to Georgia, Sherman, Sheridan, and other Union officers found ample food available in the South, such as chickens, turkeys, sheep, calves, pigs, and sweet potatoes, all superior to rations.¹²

⁷ Wesley, viii-ix.

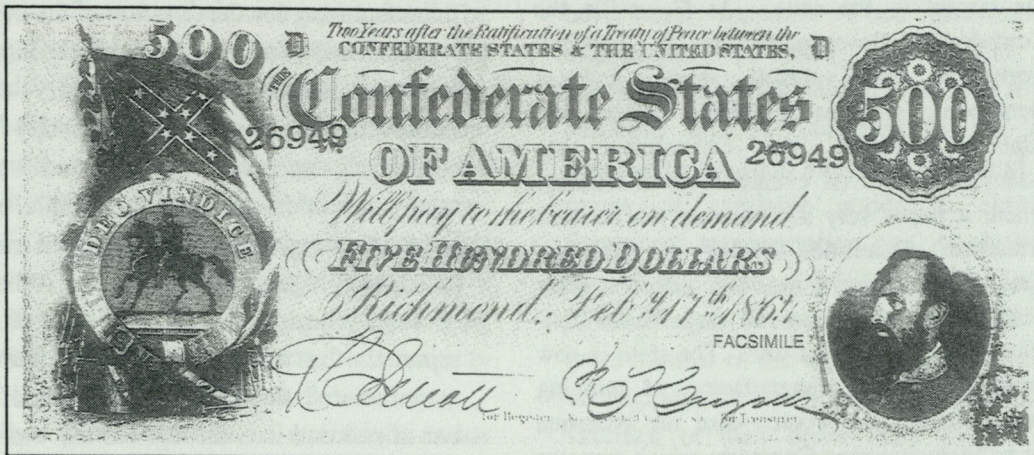
⁸ Wesley, x-xi.

⁹ Wesley, 1-2.

¹⁰ Wesley, 2-6.

¹¹ Wesley, 6-9.

¹² Wesley, 10-11.



Confederate \$500 note. Author's collection.

Admittedly, losses occurred as a result of poor management of railroads through carelessness or outright theft. However, by April 1, 1865, the Confederate Commissary had collected substantial rations.¹³ Although the South experienced periods of scarcity, evidence shows that even at the close of the war, food supplies were plentiful. At Richmond and Appomattox, Union soldiers confiscated large quantities of rations. The multifaceted issue of distribution remained the real problem. The failure to properly utilize and repair railroads made up one component. The other fault lay with the extreme states' rights orientation and individualistic, slave owning Southerners, where the "haves" refused to share with the "have nots" on a timely basis.¹⁴

Wesley reports that a number of political units, as well as private entities, issued notes,

which circulated as currency in the Confederacy.

These promises to pay generated by towns, counties, states, and insurance companies became accepted more readily than Confederate dollars.¹⁵ Unchecked by the central government, an inflationary spiral ensued.¹⁶

Some historians have suggested that few manufacturing facilities existed in the South at the onset of war. A letter from the Governor of Alabama to the Confederate Chief of Staff in 1861 quoted by Wesley tells quite a different story. He relates:

Coming over the mountains you visit Tuscaloosa, where are located a large cotton factory, tannery, shoe establishment and iron foundry--leaving Tuscaloosa and proceeding south upon the western line of Bibb County,

¹³ At Richmond, Virginia, 300,000 rations of bread and meat; at Danville, Virginia, 500,000 rations of bread and 1,500,000 rations of meat; at Lynchburg, Virginia, 180,000 rations; and at Greensboro, North Carolina and vicinity, 1,500,000 rations. These collections did not include forage by field trains of the armies under orders from their own headquarters, nor the depot collections at Charlottesville, Staunton, and other points. Wesley, 12.

¹⁴ Wesley, 15.

¹⁵ Wesley, 19

¹⁶ "The cost of food, measured in gold, brought distress in many places. Prices in Confederate money steadily increased until in February 1865 at Richmond it took one hundred dollars to buy a bushel of potatoes and eighty-eight dollars to purchase a barrel of flour. It is interesting to note, however, that eighty-eight dollars in Confederate currency had at this time the equivalent value in gold of eight dollars and eighty cents. In fact, in actual cost, the price of flour was cheaper in Richmond than it was in New York City. The depreciating value of Confederate money was the main cause for this disparity." Wesley, 18.

you come upon the Bibb County Factory, one of the largest in the state. At Gainesville the Confederate Government has a hospital, workshops and valuable stores, and at Demopolis, supplies--at Selma besides the Alabama Arsenal, the Government has established there an extensive naval foundry, where it hopes very soon to cast the heaviest ordnance. Quantities of shot and shell are already being turned out, and before a great while, it is expected to roll there heavy iron-plating for our men of war. The state is now establishing there a manufactory of spinning cards, cotton and woolen--also the Alabama Arms Manufacturing Company, which contains machinery for the manufacture of the Enfield rifles--. Both in this city and in Selma there are railroad depots and machine shops for manufacturing cars and repairing engines--along the line of the Alabama and Tennessee River Railroad are located some of the most valuable iron establishments in the Confederacy. They are in the counties of Bibb, Shelby, and Calhoun.¹⁷

The foregoing assessment, which may be interpreted as optimistic, is supported by other evidence of industrial development. Numerous cities and towns in the South had arsenals, foundries, armories, laboratories, and other heavy industry installations. Scattered throughout the South, the presence of these facilities demonstrate a proven capacity to wage a major war. Wesley, however, does cite certain industrial deficiencies, acknowledging that certain problems were never solved, such as the scarcity of certain raw materials and a lack of laborers. The Confederate policy of impressment caused the removal of large numbers of skilled workmen from industrial facilities, which impaired production. Poor planning and bad management also contributed

to the degeneration of Confederate manufacturing for the duration of the conflict.¹⁸

Railroads, mismanaged by civilians, may have fared better under military control. However, the Confederate Secretary of War authorized no such powers until near the conclusion of hostilities. Meanwhile, roadbeds fell into disrepair and a paucity of mechanics guaranteed regular breakdowns of rolling stock. Colonel Sims, as Supervisor of Railroads, reported that the Confederacy had neither manufactured new engines nor rolled a single bar of railroad iron throughout the war and that tires could not be secured. Actually, the Confederacy had all the resources necessary to produce every railroad article requirement, but the government evidently redirected the work in the shops for other purposes. Available iron ore waited for extraction in North and South Carolina as well as in Tennessee and Northern Alabama. Colonel Sims simply asked that it be produced and that preference be given to railroad supply needs in foundries and rolling mills. The government also required access to machinists and conscripted many into the army. Government plants and private factories competed for labor and many machinists left the South.¹⁹

The railroads had numerous complications. For example, multiple roads terminating in various towns often lacked interconnections. Goods had to be unloaded at one depot, hauled by wagon to another, and reloaded. Furthermore, Virginia and Piedmont roads had different gauges. Because Piedmont roads were narrower than those in Virginia, trains could not continue where the lines met. Due to competition, the railroads would not compromise on a standard gauge permitting a merger of systems. Initially, stocks of cars and engines were low in the Confederacy, but as the

¹⁷ Wesley, 22-23.

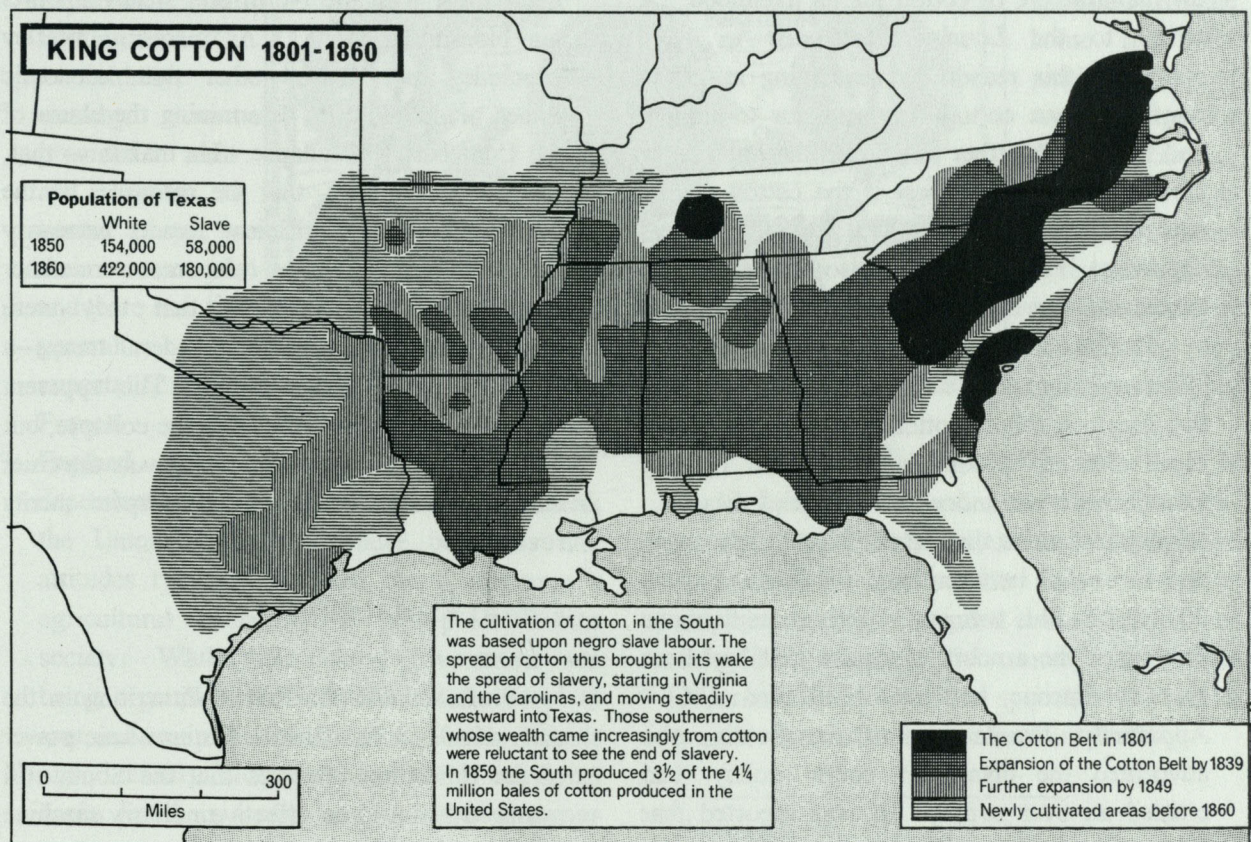
¹⁸ Wesley, 34.

¹⁹ Wesley, 38, 40.

war continued, various railroad companies began manufacturing their own equipment.²⁰ The military was quite disenchanted with the railroads. S.B. French, Major and Commissary of Subsistence, writing to Col. L.B. Northrop, Commissary-General, complained of the "cupidity of railroad companies," the "flagrant abuse," and the "corruption of agents and employees." The allegations related to a deprivation of facilities, gross overcharging compared to private freighters, and priority given to non-military shipments.²¹

When people are not of one mind, a war economy suffers. Clearly, patriotism did not motivate everyone in the South. When the Subsistence Department experienced difficulty in transporting food, the Quartermaster's

Department attempted to obtain every available horse and wagon. Food scarcities made impressment of food, horses, and wagons necessary after the farmers reached town. In reaction, farmers remained in the country, decreasing the food supply further and causing prices of available goods to skyrocket. Steamboat transportation had its shortcomings as well. In January 1864, Captain Kay of the River Rangers wrote to General Polk that "A great number of the western steamboat men will do anything for the South that does not require sacrifice of their boats--these people are like many through the lines, they are for themselves first, and for their country next."²² Speculators profited by the war, and throughout the conflict spent their money on gala events, balls, and



Spread of "King Cotton" throughout the South, 1801-1860. *American History Atlas*, Martin Gilbert.

²⁰ Wesley, 37.

²¹ Wesley, 173.

festivities. Wesley relates a situation reported by Jones, the War Clerk, about a certain person known to have been poor before the war. This person owned a provision shop, and by applying his gains through profiteering subsequently spent \$30,000 on his daughter's wedding.²³

Next to slaves, Southern leaders considered cotton to be their greatest asset. Indeed, in 1850 it represented one-half of the total exports of the United States, and by 1860 the Confederate states produced seven-eighths of the world's cotton supply. The Confederacy expected cotton to be a major bargaining chip in dealing with European countries in an effort to gain formal recognition as a separate nation. For example, it was thought that one-fifth of the population of Great Britain was dependent upon the manufacture of cotton for its livelihood. A writer to the *London Economist* in 1861 confirmed this reason by recounting at length why American cotton was superior to Indian, and the paper further mentioned the millions of jobs which would be lost if the cotton supply was interrupted. France, with 700,000 workers dependent on cotton, was also thought to be susceptible to manipulation.²⁴

Confederate expectations concerning "Cotton Diplomacy" were not realized. In fact, the plan to withhold cotton from Europe did not come close to producing recognition by any European power and was a financial disaster. Wesley maintains that "Only 53,000 bales were sent to Europe between June 30, 1861 and June 30, 1864." This was just slightly more than one percent of the amount of cotton that had been sent to Europe between 1859 and 1861.²⁵ Apparently, the leaders of the South, who advocated the disastrous cotton policy, had created an over supply. It was reported that England had 300 million pounds of cotton in

excess of normal production stored in its warehouses. The warehouses of China, India, and France were also filled. This represented a two to three year on-hand supply. Even worse for the Confederacy was a 50 percent over-supply of finished goods available due to recent mechanization improvements in spinning and weaving.²⁶ A final blow occurred in 1863 with the revival of the wool and linen industries, which began generating larger profits and provided considerable cross-over employment from cotton manufacturers.²⁷

It is true that the Confederacy had a number of economic setbacks and made its share of financial mistakes. Conversely, the evidence also demonstrates considerable success in food and industrial production, supplemented by illicit trade with the North and steady imports via blockade running. As a result, Wesley concludes that factors other than economic issues predominate in determining the cause of the Confederacy's collapse. He maintains that, "It has been shown, that the resources of the Confederacy were sufficient for its necessary demands, but that those resources were either inadequately distributed or that they were interfered with by advancing Federal troops--a superior military organization." This apparent lack of resources contributed to the collapse, but the claim of some writers that this was the chief cause of the Confederate collapse merits revision.²⁸

CHARLES RAMSDELL

Professor Charles Ramsdell, writing in the early 1940s, acknowledges the economic power of the Union but observes that the South still managed to build an effective military machine in terms of fighting quality. According to

²² Wesley, 42.

²³ Wesley, 70.

²⁴ Wesley, 105, 106, 109.

²⁵ Wesley, 114.

²⁶ Wesley, 118.

²⁷ Wesley, 120.

Ramsdell, the problem lay with supply.²⁹ The Confederacy, as an exceptionally agrarian society, possessed a frontier nature, with wealth concentrated among a planter elite and some merchants. Being characterized by a near fanatical adherence to individualism added to the South's burdens. States backed off from controlling or interfering in men's lives, making direct taxation minimal. Consequently, the South lagged far behind the North in both infrastructure and education. Folks distrusted banks; in fact, Texas law forbade them. As strict constitutionalists, these people expected the Federal government to look outward and focus on governing external affairs. This ideology did not lend itself to understanding the coalescence

required in fighting a war.³⁰

Initially, wealthy men provided arms and horses to poorer men in their command, and there was the general expectation that France and England, sorely

dependent on Southern cotton, would soon break the Union Blockade. These behaviors and attitudes typically reflected the Confederacy's agricultural economy, a cash-poor, debtor society. While their central government was being organized, the individual states acted to arm and equip their own military units. Bonds and Treasury Notes were sold to individual banks for their specie, coined money that was

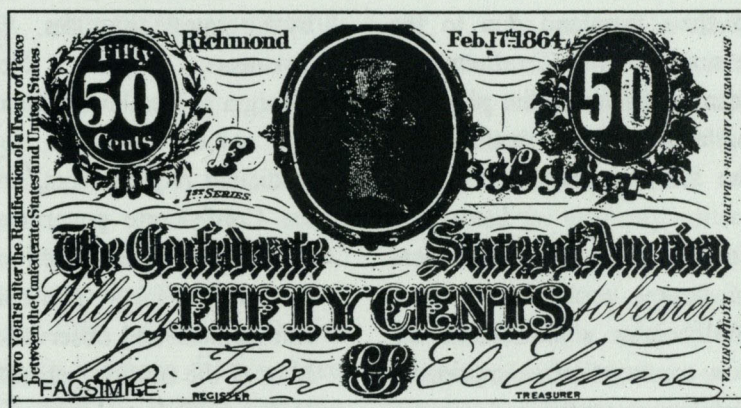
reserved by limited supplies of gold. It did not take long for these instruments to depreciate in value. The Confederate Congress first assessed a war tax on property and on this basis issued \$100 million in Treasury Notes. Most states acted on the option of paying the tax on behalf of their citizens at a 10 percent discount. This process contributed to the rapid accumulation of state debt and then loss of credit. The assumption that the conflict would be a short war motivated such risk taking. Meanwhile, in the midst of the Depression of 1861, the Confederate government continued to print paper money to "support" its expenditures.³¹

Due to the scarcity of factories and the effectiveness of the blockade, the Confederate

Quartermaster appealed to the home front for production of warm clothes for the approaching winter as well as for other equipment for the individual soldier. These items were in short supply and expensive.

Even when goods

could be produced and assembled, the non-standard, multiple gauge, mismatched railroad system of the South either failed to deliver shipments to their intended destination or was delayed in transit. Of course, greed often superseded patriotism, and speculators' goods in transit never seemed to suffer this fate.³²



Confederate fifty cent note. Author's collection.

²⁸ Wesley, 120.

²⁹ Charles W. Ramsdell, *Behind the Lines in the Southern Confederacy* (Baton Rouge: Louisiana State University Press, 1944), 2.

³⁰ Ramsdell, 4-5.

³¹ Ramsdell, 6-9, 11-12.

³² The availability of the critical imported products such as salt which was essential for curing and preserving meat, vital medicines including opium, morphine, and quinine, and coffee were suppressed by the Union naval blockade. Prices for these goods, as well as for wheat, flour, corn and meat of all kinds, soared. One major

Popular demand for price-stabilization legislation arose as the press vilified speculators. People demanded fixed prices on staple goods. Some individual states took action. For example, North Carolina's governor proclaimed an embargo on state exports, which brought an immediate outcry from the governor of Virginia relating to prepaid but undelivered purchases. Alabama's legislature passed a law cracking down on speculators by imposing severe fines. While the Confederacy struggled to secure supplies for its armies, the home front soon experienced serious deprivations. The poor folks on the farm, mainly subsistence farmers, complained to their government about the inability to secure basic items, including shoes, and those in the Gulf states bemoaned the lack of productivity of their farmland due to the drought during the summer of 1862. Letters to soldiers in the field also discussed the plight of families, relatives, and friends, resulting in desertions from the army as early as spring, 1862.³³

Crop production for food, another critical issue for the Confederacy, caused the central government to finally take some action by providing for certain conscription exemptions. An act passed in October exempted one man for every twenty Negroes. This allowed overseers to remain on the plantations to supervise harvesting. Voluntary actions by planters, promoted by southern newspapers, urged reducing the size of the cotton crop and emphasized the planting of grains such as wheat and corn as well as potatoes, beans, peas, sorghum, and other food and forage crops. Indeed, the 1862 cotton crop, reduced by about one-third the size of the previous year's production, reflected the shift to food production. However, problems with drought

and the fact that many small farmers now served the military constricted the expected level of food production.³⁴

When cotton prices soared in 1862, many planters, who were tempted to reemphasize cotton agriculture, thwarted these appeals. In addition, blockade running and trade through the lines with the Federals provided profitable export outlets. Various state governments then enacted legislation to prevent this turnaround. Alabama, Arkansas, South Carolina, Virginia, and Georgia passed laws limiting acreage dedicated to the planting of cotton and tobacco. The southern penchant for spirits and the allocation of huge supplies of grain and corn used by profitable distilleries to quench the thirst of the Confederacy became an issue addressed by the state legislatures. Again, South Carolina, Arkansas, Virginia, North Carolina, and Georgia passed laws which limited production to the amount required to support hospitals, medicinal requirements, and controlled sales to the Confederate government. Although these various laws established taxes, fines, and other penalties for non-compliance, minimal enforcement and observance was the norm. In spite of the need to generate and direct the flow of food resources, the Confederate Congress introduced no legislation on the matter, contending that such powers were not granted under the constitution.³⁵

All of this legislation went against the southern legacy of laissez-faire. However, as noted by Ramsdell, after two years of war experience, the people surrendered a host of rights ranging from control of what might be planted on their property to the creation of a prohibition policy. Significantly, the loss of liberties cherished by the rebels did not result in major protests. Although a lax compliance mitigated the impact, the failure to strongly

reason for this predicament was rampant speculation. Ramsdell, 16-17, 20-22.

³³ Ramsdell, 20-22, 26-27, 31.

³⁴ Ramsdell, 33, 35.

³⁵ Ramsdell, 36-39.

reject these actions by the politicians demonstrated a surprising willingness by the citizens to rally for the common good.³⁶

Ramsdell comments that the Confederate government went on to directly purchase and manufacture those items deemed necessities, thus further interfering in private business interests. As the war lengthened, individual rights were gradually surrendered to meet the Confederacy's economic requirements. Although the South eventually made adjustments to support the war effort through centralized controls, too much time had elapsed. The resources, though present, according to Ramsdell, fell into mismanagement, profiteering, and speculation, while the southern lifestyle and methods of doing business prevented the Confederacy from developing successful economic policies.³⁷

CLEMENT EATON

Clement Eaton, writing in the early 1950s, does not identify economic disintegration as the primary reason for the demise of the Confederacy, but places it among the top three culprits, along with military defeats and the descending spiral of civilian morale. He concludes:

The inability of the government to mobilize its resources went far to explain the economic deterioration of the Confederacy. The armies and civilian population should have been better nourished than they were, for surplus food in some districts was made unavailable by lack of railroad transportation. The war effort of the Confederacy also would have been greatly strengthened if the government had taken control of the vital blockade running activities early. Likewise, the government was remiss in regulating manufactures and stimulating new

industries. Its currency and taxation policies proved disastrous, but reflected the lack of industrial development. All these factors lowered the morale of the people and interfered with vigorous prosecution of the war. Such errors can, of course, be extenuated by the prevailing illusion of a short war and by people's strong laissez faire concepts of governments. The evils which brought about the failure of the home front were indeed deeply rooted in history, and among them the one-sidedness of the Southern economy was perhaps the most significant.³⁸

Eaton's observations concerning deficiencies in taxation, inflation, and finance are supported by interesting specific revelations.³⁹ According to Eaton, the Confederate Congress authorized a "... tithe, or levy in kind, of one-tenth of all agricultural products--corn, wheat, tobacco, cotton, sugar, peas, and bacon." The individualistic farmers, like most southerners, used to paying minimal taxes before the war, resented the arbitrary collection agents. Due to the lack of transportation and storage facilities, much of the food, cotton, and tobacco acquired by levy simply spoiled. Because of the rapid spiral of inflation, there was justification for the tax in kind on agricultural produce.⁴⁰

Various forms of money circulated in the South as Eaton describes:

³⁸ Clement Eaton, *A History of The Southern Confederacy* (New York: Macmillan Company, 1959), 259.

³⁹ Eaton wrote that "The war was half over before the Confederate Congress began a realistic policy of taxation. Mounting inflation brought a strong demand from the people that they be more heavily taxed. On April 24, 1863, Congress passed a comprehensive bill placing an 8 per cent tax on naval stores, tobacco, rice, sugar, liquors, wool, and flour; a heavy license tax on many occupations; a sales tax from 2-1/2 to 10 per cent; and a tax of 1 per cent on salaries between \$1,000 and \$1,500 and 2 percent above \$1,500, as well as a graduated tax on incomes from other sources than salaries ranging from 5 per cent on incomes between \$500 and \$1,500 to 15 per cent on incomes over \$10,000," 235-236.

⁴⁰ Eaton, 235-236.

³⁶ Ramsdell, 40, 41.

³⁷ Ramsdell, 120.

Unlike the Federal government, the Confederate Congress refused to make its notes legal tender. This paper money promised payment in dollars "two years after the ratification of a treaty of peace between the Confederate States and the United States of America." Paper currency poured [forth] in a steady flood from the Confederate printing press until it passed a billion and a half dollars, which was over thrice [three times] the amount of greenbacks issued in the North. Because the Confederacy was drained of specie early in the war, the states issued "shinplasters" or paper money of small denominations--fifty cents, quarters, etc. Confederate money was easy to counterfeit, and considerable amounts were printed in the North and circulated in the South to debase the currency. The supply of fiat money [unsecured by gold] was increased by the fact that the individual states, which were not constrained by the Confederate Constitution, issued large quantities of paper money, and also permitted cities, railroads and insurance companies to issue such currency. The superior value of northern greenbacks even caused them to be used to some extent in paying Confederate soldiers.⁴¹

While waging a forty-eight month war, the Confederate States of America employed 800,000 soldiers, purchased weapons, ammunition, other supplies, and naval vessels in Europe, and operated a centralized civilian government to serve the 9 million inhabitants of the South. These activities were financed by the government with a combination of twenty-seven million dollars of actual cash and the reckless printing of paper money. This produced, as reported by Eaton, "... the greatest inflation ever seen in America with the possible exception of the Revolutionary period."⁴²

ROBERT C. BLACK III

The railway systems certainly stood as key economic and military components for both the North and the South. The timely and efficient movement of soldiers, horses, artillery, military supplies, farm produce, and imported goods were especially essential for the followers of Jefferson Davis. Robert C. Black III thoroughly reviews the Southern capabilities in *The Railroads of the Confederacy*. With over 8,700 miles of railroad tracks by 1861, it is debatable whether the Southern States effectively capitalized on this vital mode of transportation, communication, and supply.

The eleven Confederate states, primarily fighting a defensive war, had a major advantage compared to the invading forces due to the Union's extensive geographical size. A principal southern defense, therefore, utilized its interior lines, largely supported by railroads. Although the Confederate front gave ground, the majority of railroad lines remained operational. Black concedes some key defects contributed to the Southern defeat:

1. Lack of strategic placement in a number of situations thwarted the needs of the rebels. Furthermore, the number of line miles was insufficient.
2. Continuous lines were often broken up by gaps, and this problem was exacerbated by the use of several different gauges in line construction.
3. Manufacturing capacity for railroad supplies was seriously deficient. The Federal blockage and a beginning shortage of cars, tenders, and locomotives, and the short term quality of rail construction

⁴¹ Eaton, 238-239.

⁴² Eaton, 240.

combined to produce terminal results for the Confederacy.⁴³

Like Ramsdell in the 1940s, Black suggested in the 1950s that two groups of men took part in the Southerners' failure to capitalize on its available resources. The selfish interests of railroad employees, managers, and owners constituted a prime source of fault in not overcoming physical problems. The rebels also neglected to maximize the advantage of their interior lines by failing to adopt a national railroad policy geared to meeting the requirements of war. In particular, Black notes the weak leadership of Jefferson Davis, his appointees, and the Confederate Congress. They were burdened by the outmoded Calhoun philosophy of the concurrent majority and states' rights doctrines, which consistently undermined decisive administrative action. In fact, it took until one month before the end of the war for Davis to finally agree to implement and sanction firm railroading rules. Thus, Black concludes that the failure of the railroad system rested not so much on its physical limitations as with the parties entrusted to efficiently wage the South's war of rebellion.⁴⁴

RICHARD N. CURRENT

Historian Richard N. Current, after examining the respective economies of the Union and the Confederacy, concludes that on this basis alone, the Confederacy should never have considered going to war. Indeed, the North held decided advantages in population, value of real estate and personal property, capital of incorporated banks, and the value of products annually manufactured. The Union also

dominated in the proportional share of national income, railroad tracks, and registered shipping.

Current admits, though, that the South had an initial advantage in the production of corn, livestock, and, of course, cotton. Northerners rated higher in literacy, education, and business experience, which were essential since wars need to be financed. They were also judged to have superior physical health.⁴⁵

In fact, Current maintains that during the war years the Union only needed to draw on a small portion of its resources to wage war. While the South fought for survival, the North promoted the westward movement and the construction of 4,000 miles of railroad track. This opened millions of acres to the public domain, and thousands of settlers moved west. Economic growth was impressive. The value of Union imports in 1864 equaled those of the entire nation in 1861, including the Confederacy. Abraham Lincoln, in his annual message to Congress in December, 1864, summarized the supremacy of the Union by asserting that "... we have more men now than we had when the war began; that we are not exhausted, nor in the process of exhaustion; that we are gaining strength, and may, if need be, maintain the contest indefinitely." All this wealth simply meant that the Union was able to consistently field an army which traveled on a full stomach, with soldiers fully clothed and equipped. Clearly, this was a force superior to any army in the world. The vast space of the Confederacy, which initially acted as a defense, was overwhelmed by soldiers and war material from the North.⁴⁶

RICHARD E. BERINGER

Richard Current, citing the 1860 census, suggests that the North enjoyed obvious

⁴³ Robert C. Black III, *The Railroads of the Confederacy* (Chapel Hill: The University of North Carolina Press, 1952), 294.

⁴⁴ Black, 295.

⁴⁵ Richard N. Current, "Strongest Battalions," in David Donald, ed., *Why the North Won the Civil War*, 15, 27, 25.

economic superiority and that the only pertinent question was how the South managed to avoid defeat for four years.⁴⁷ Indeed, the initial disparity in industrial wealth was significant, but Richard E. Beringer, writing in the 1980s, agrees with other historians who argue that this advantage was overcome in time. They made certain general observations, including that the scarcity of provisions was due in large part to problems of delivery and not of supply. While food was not plentiful, evidence indicates that rebel armies were not subject to malnutrition or starvation. Supplies of arms and munitions were always adequate. Confederate soldiers did suffer from a lack of adequate shoes and clothing, but this deficiency was never a decisive factor. In fact, they claim no rebel army was ever defeated in a major battle attributable to a lack of weapons, ammunition, or other critical supplies.⁴⁸

These historians also point to the conclusions of Raimondo Luraghi and Emory Thomas, who state that the Confederacy acted quickly to enhance their industrial base, at least in terms of military requirements, as it shifted from an agrarian based economy. Nationalization fueled an economic revolution of existing manufactures for war production. Industrialization leapt forward as armories and arsenals underwent expansion. This effort included several captured or nationalized Federal installations and the building of new ones. The military created iron manufacturing facilities, laboratories, ordnance works, and foundries. The Niter and Mining Bureau established by the government generated raw materials including lead, iron, copper, zinc, coal and niter.⁴⁹ Industrialists invested in rolling

mills, clothing factories, and leather works. The building of a naval fleet required the erection of industrial facilities. The Confederate Powder Works in Augusta, Georgia, and the Tredegar Iron Works in Richmond, Virginia became massive operations requiring thousands of employees. Beringer quotes various sources which report impressive amounts of cartridges, lead, artillery rounds, and powder being produced by 1862. Niter bed development eventually met most saltpeter requirements. Thus, this aspect of industrialization satisfied the arms and munitions needs of Southern armies.⁵⁰

The South, according to Beringer, also built a respectable navy. One hundred and fifty warships, including the keels for fifty ironclads were laid down, contracted for, or converted within the boundaries of the Confederacy. In fact, the navy channeled its excess of big guns to the army for coastal fortifications.⁵¹

A scarcity of manpower and raw materials did hurt the economy. After a few years of development and production, the Army's Chief of Ordinance, General Gorgas, finally reported a surplus of machinery, but had no one to operate it. The armies replaced manpower lost to casualties by conscripting men working in factories. While plants such as Tredegar had the capability of producing T-rails, armor, machine parts, and guns, shortages of pig iron and coal, the raw material required to fuel furnaces, limited this production to one-third of capacity throughout the war.⁵²

Though struggling to overcome industrial problems, the South, curiously, had more success in this enterprise than in sustaining itself agriculturally. These included the difficult conversion from the cash crops of tobacco and cotton, the breakdown of the transportation

⁴⁶ Current, 30-31.

⁴⁷ Current, 15.

⁴⁸ Richard E. Beringer et al., eds., *Why the South Lost The Civil War* (Athens: The University of Georgia Press, 1986), 9.

⁴⁹ Sodium and nitrate, crucial components of gunpowder.

⁵⁰ Beringer, 9-10.

⁵¹ Beringer, 11.

⁵² Beringer, 12.

systems, and the gradual Federal control of croplands. Even when harvests produced bountiful crops, as occurred throughout the four years of northern invasion, the South could not insure a timely distribution of this food to those who needed it. Bad roads, mules, and wagons impressed by the army as well as destruction of railroad tracks impeded regular deliveries, often creating food shortages for city dwellers and soldiers alike. Without question, the decline of the railway system represented a critical economic factor in the Confederate defeat. The commander of the naval ordnance facility at Selma, Alabama, bemoaned a situation where coal, when it did become available, could not be transported efficiently to a plant, or when situations arose which drastically delayed the shipment of key finished goods such as shoes, armor plate, or guns from plants and factories.⁵³

While revealing and acknowledging all of the foregoing problems, Beringer and his associates assert that economic factors only indirectly affected the outcome of the war and did not play a major role in the southern defeat. These historians conclude that the place economic liabilities had their greatest impact was upon the public will, weakening and undermining commitment. Economic woes, added to the other costs of war, caused people to reassess their initial priorities; these factors became clearly reflected in the state of their morale.⁵⁴

STANLEY LEBERGOTT

The economic arguments of Stanley Lebergott, published in 1983 and contained in Beringer's *Why The South Lost the Civil War*, presents Southern economic potential as considerably underutilized. The failure to assign Negroes to produce scarce supplies and perform

non-combatant duties in the army proved a costly omission. Lebergott posits that such action would have released thousands of soldiers for battle duty. Planters who failed to suppress cotton growing in favor of food crops are criticized because, at the very least, that labor could have been applied to mineral extraction and manufacturing. Lebergott believes planter commercial interests seriously impaired the war effort. He claims this class only focused on short term profits and keeping Great Britain supplied with sufficient cotton to deter that country from seeking alternative sources. Pursuing this policy spelled defeat for the South.⁵⁵

Beringer finds Lebergott's expectations of Confederate mobilization unrealistic. Without historical precedents and facing opposition by the elite cotton class, Southern political leaders lacked the vision to take radical action. For example, the weapons and munitions expansion, which the South accomplished, drew from previous experience established during the French Revolution. However, the central controls envisioned by Lebergott were not initiated by planners until World War I. Even the minimum economic demands made by the Confederate government met resistance by the populace. Moreover, the South's general expectation for a short term war gave no opportunity to develop long-term loyalties to the new government. The citizenry did, however, support the military. Three percent of the population was kept under arms, a higher figure than the Union, despite numerous exemptions from conscription.⁵⁶

Lebergott notes other financial deficiencies. The Confederate government loathed assessing taxes. This source of revenue produced only one percent of its income while bond sales remained poor. The Confederate solution of

⁵³ Beringer, 13.

⁵⁴ Beringer, 12.

⁵⁵ Beringer, 10.

⁵⁶ Beringer, 10-11.

printing lots of money, subsequently contributed to excessive inflation. However, Beringer observes that the nation executed similar policies in the French and American Revolutions. Therefore, although using questionable methods of financing, it must be acknowledged that the Confederacy succeeded in supplying and equipping its armies.⁵⁷

CONCLUSION

Causation analysis is treacherous territory. Even after narrowing the focus to an evaluation of the role of Southern economics, we find few historians in complete agreement with one another. And where there is agreement on ranking, different views emerge pertaining to the interpretation of specific factors. Although historians Richard Current and John Schwab paint a definite David and Goliath scenario, an examination of potential Southern resources and those that were realized through internal development, theft from the Union, and importation reveal a surprising inventory of economic strength. Certainly, its imperfect economy lacked strong central direction, functioning as individuals and states as intended by the Confederate Constitution. Operating under these constraints, the questionable financial leadership of the South failed to advance their cause and maximize utilization of resources. However, in spite of food and medicine shortages, the international cotton debacle, and rampant inflation, the evidence demonstrates that the southern people remained inspired to support a seemingly futile enterprise. The scholarly debate has certainly generated a diversified range of conclusions with regard to economic issues. These ideas and analyses also must be compared by the student to other major reasons for success or failure. These include such aspects as military leadership and

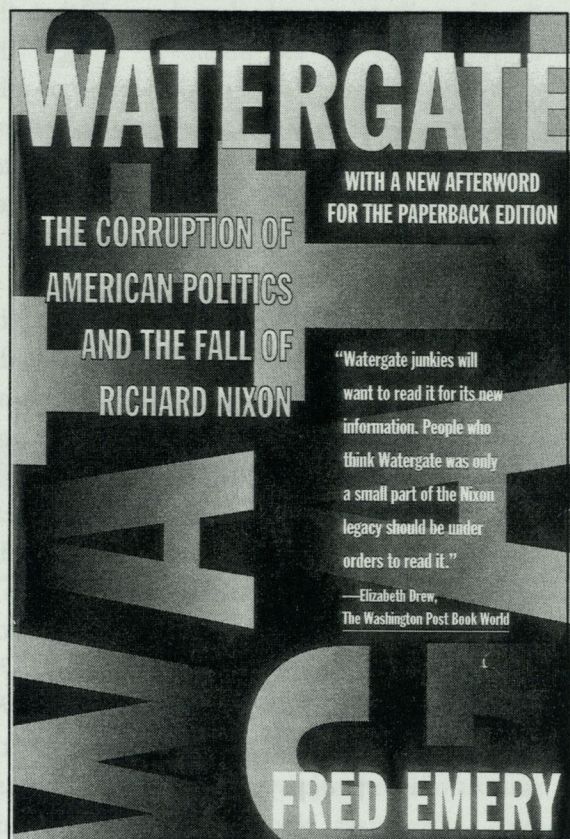
performance of troops, effectiveness of the political leadership, as well as the crucial diplomatic initiatives regarding the involvement of the European nations. More importantly, since the United States experienced a virtual rebirth as a result of this incredible struggle for survival, the phenomena surrounding the constitution of these pivotal issues continues to merit our serious attention.

⁵⁷ Beringer, 11.

**WATERGATE: THE CORRUPTION OF
AMERICAN POLITICS AND THE FALL
OF RICHARD NIXON**

Fred Emery

New York: Random House, 1994.



Those who think history can be either accurate or interesting but never both at the same time, should include Fred Emery's *Watergate* in their mandatory summer readings. They will discover five-hundred-plus pages packed with a rich, detailed, and amusing description of a cardinal episode in recent American history. Emery is the Stephen King of United States chroniclers. Without losing sight of the historian's main goals of knowledge, truth, reason, and significance, this American author portrays with vivid penmanship actors and plots of one of the most bizarre tales in

contemporary annals. The scholar will be immersed in an amazingly authoritative account of Richard M. Nixon's Little Big Horn. The layman will enjoy the elegant and intriguing reconstruction of a sordid page of Machiavellian *Realpolitik*, and wonder how this could have happened in the "land of democracy." The final product is not just a great history book, but an imposing treatise on applied politics, a magnificent volume of anthropological work, and a majestic monograph of "non-fictional" fiction.

Writing "the" definitive account of the "Watergate" is like producing the ultimate computer; two seconds after the achievement is celebrated, the output becomes obsolete. A regular flow of new information, revelations, "exclusive" interviews, and "lost" tapes appears magically almost every month in newspapers and on television to change some of the basic elements of the story; now even radio shows dedicate entire days to the mystery of "Deep Throat," the last of America's superheroes. Nevertheless, Emery's reconstruction is here to stay. Somebody may be able to challenge some of the details proposed by the historian to frame the whimsical beginning of the "Watergate" affair, or to shed new light on some of the "behind-the-scenes" conversations that accompanied Nixon's slow fall from the White House, but it is hard to foresee a direct dare to *Watergate's* main ideas so convincingly presented and supported by its author.

Emery leaves no doubts as to Nixon's guilt, but he is able to frame and explain a series of illegal acts, unworthy of the President of the United States, through a profound portrait of an insecure, arrogant, and paranoid man. The only American president ever to be forced out of office is depicted as a hostage of his own lasting sense of insecurity, which the historian ties to the 1960 loss to John F. Kennedy. Nixon himself is often heard justifying his unlawful actions with nothing better than a reminder that

Review

wiretapping had already been used by some of his predecessors. The main protagonist of this tragicomic episode of American history is a professional politician whose defeat at his favorite game is due to his inability to sacrifice small sums in order to win larger amounts. In Emery's powerful description, what ultimately leads to the fall of a man who participated in five presidential elections is his desire to be surrounded by incompetent yes-men who transform a comedy of errors (the break-in) into a tragedy of horrors (the cover-up).

As the author highlights, the "third rate burglary"—with its forgotten tapes, walkie-talkies without batteries, and police cars low on gas—is just a minor piece of a complex jigsaw. The true "Watergate" has more to do with a complex but fallacious cover-up and a bloodless political massacre game. It is here that Emery paints a dazzling picture of that flying circus that surrounded the President at any instance. The secret of such a brilliant portrait rests on a remarkable use of primary sources that include dozens of memoirs, the transcript of the Nixon's tapes (those available at the time of publication), the legal documents related to the federal investigation, not to mention the so-called Haldeman, Ehrlichman, and Colson papers. The historian does not "translate" the evidence for the reader, but lets the written words speak for themselves. What emerges is a stunning but human illustration of what politics is all about. *Watergate* is everybody versus everybody else. It is a sinking ship being abandoned by fleeing rats, and, more important than any other consideration, is a restless search for a scapegoat, a quest, as Emery reveals, that will end with the "promotion" of Attorney General John Mitchell to sacrificial lamb when it is already too late to change the outcome of the game.

Fred Emery will surely be criticized for his casual pendulum between present and past tenses, but this sometime distracting habit

should not let the critic forget that it is through this particular style of writing and exposition that history comes alive. Moreover, the author's painstaking research of the smallest details offers full support to his findings and ideas (he even validates Nixon's claim of a "sleepless night" after the national day of protest following the Kent State tragedy by showing that the President was on the phone at 3:15 in the morning). Emery's reconstruction of the Watergate affair rests on solid ground because the terrain has been checked for water infiltration, the materials have been inspected one by one, and mason has provided a qualitative effort.

That said, the lack of attention that the historian pays to the role of the media in the whole affair is somehow puzzling. Were we all blinded by Robert Redford and Dustin Hoffman's masterly performances in *All the President's Men*, or did American newspapers actually play an important part in the uncovering of a corrupted White House? It is hard to justify the scarce space and recognition offered to Carl Bernstein, Bob Woodward, *The Washington Post*, *The New York Times*, *The Los Angeles Times*, and all other journalists and sources of information that helped crack the case open. Doubtless Nixon's involvement would have emerged even without the major push from the media, but the timing may have been much different, the republican President would have finished his second term in office, and today, instead of Bill Clinton, we could have Dan Quayle accused of receiving illegal funds.

Reviewed by **Andrea Guarducci**

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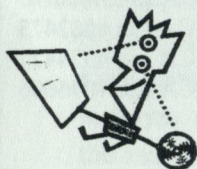
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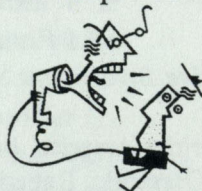
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