HISTORIA

LETTER FROM THE EDITORS

The editors of the 2011 issue of *Historia* are proud and excited to present this historical journal composed of papers written by our fellow students. As in the past, this year's articles cover a wide array of topics and a variety of historical periods. There were a record number of submissions this year, and we are confident that, through a diligent, anonymous, and democratic selection process, we have chosen the articles that best showcase the topical range and intellectual depth of our students, both within and without the History Department. We thank the many students who submitted papers, whether they were chosen for publication or not, and encourage everyone to submit papers again next year.

It was our decision that the Chicago style of indenting the first line of each footnote would be abandoned in favor of justifying them to the left margin, which we think improves both readability and appearance.

We would like to thank our faculty advisor, Dr. Michael Shirley, for his continuing patience and guidance throughout the entire publishing process. We would not have succeeded without Dr. Shirley's support and timely humor, which was priceless. We also would like to thank Dr. Anita Shelton and Ms. Donna Nichols, as well as the entire history faculty, for their support and assistance. Finally, we would like to thank the alumni for their continued support of *Historia*; we are grateful to have them as our readers.

We thank you all, and hope you enjoy this edition of *Historia*.

The Editors

TABLE OF CONTENTS
VOLUME 20

The Quakers and Conscientious Objection

Tara J. Carnahan

Introduction

The legacy of the Religious Society of Friends, more commonly known as the Quakers, is varied, including William Penn's settlement of Pennsylvania, their efforts to abolish slavery, and an oatmeal trademark. However, their importance and influence on the legal and legislative standing of conscientious objecting is less well known. It is the purpose of this paper to provide the historical and religious background of conscientious objection (CO), and to discuss the congressional legislation and the Supreme Court decisions that have affected, altered and advanced the CO's status. It is my intention to illustrate that the legal definition of a CO has evolved from a very specific, strict classification into a modern characterization that is complex and ambiguous. I will also demonstrate how the progression of the CO's legal status has been linked to the development of the awareness that every human being has a right to the same level of respect and merit, and that each individual has the right to be sovereign with his/her own personal beliefs. I will reveal how the peace churches - specifically the Quakers - initiated, defined, sustained, protected, lobbied and advanced the concept of conscientious objecting in America. I will show how the Quaker "traditions have provided a favorable context: first, religious toleration and later, the protection of civil liberties,"[1] and how, as a result, "the liberal state in the United States has recognized a continuing and even an expanding basis for conscientious objection through legislative, executive, or judicial response."[2]

The Religious Society of Friends

In order to comprehend the foundation and purpose of conscientiously objecting to military service, it is essential to understand Quaker theology. Because "it was the Quaker nonresistance and unconditional adherence to pacifism that opened up issues such as the moral legitimacy of militia fines and war taxes, the nature and function of alternative services, and the practical meaning of liberty of conscience – all of which have caused reflection on the fundamental

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[1] Charles C. Moskos and John Whiteclay Chambers II, ed. *The New Conscientious Objection: From Sacred to Secular Resistance* (New York: Oxford University Press, 1993), 46.
[2] Ibid., 46.

relationship between conscience and society and influenced later generations of conscientious objectors."[3]

The doctrine of the Society of Friends (Quakers) is that God created all beings in His image and that "the manifestation of the Spirit is given to every man that cometh into the world." (1 Cor. 12. 7.). Every

> soul, as it comes into the world, is an object of Redeeming love…. Thus, the seed of the kingdom, as a redeeming principle, is placed in the heart of every individual, ready to expand with the opening faculties of the soul, and to take the government of it, from the first dawn of intellectual life…. Through Jesus Christ, a remedy sufficient for salvation has been provided for every individual soul: and nothing but individual disobedience can deprive us of the offered salvation.[4]

Basing their theology on the changes that the Reformation introduced, Quakers deem that it is only through living a good Christian life, not through religious ceremonies or sacraments, that salvation may be obtained. Therefore, salvation and conscience is the individual's responsibility.

An individual is personally responsible to obey the Ten Commandments and "hearken diligently unto the voice of the Lord thy God" (Deut. 11. 26.). An individual's responsibility for salvation was founded in the concept of the "Inner (or Inward) Light." The Friends maintain that within each soul there is the light of Christ and that, if they heeded, that Inward Light would show them their sinful conditions and their need for Christ, and would lead them to salvation. But if they ignored it or failed to heed its admonitions, they would be lost and ultimately damned.[5] As stated by George Fox, the religious founder, "the same Spirit that had inspired the writers of the Bible was still available to humans, and that past written work of that Spirit, while it should be valued, should not be placed about the Spirit itself,"[6] and that "I will hear what the Lord my God will say within me." (Book 3, c.1, Discip.1). This belief led to the practice of sitting in silence in a meetinghouse waiting on the Spirit to move a member of the sect.

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[3] Yuichi Moroi, *Ethics of Conviction and Civic Responsibility: Conscientious War Resisters in America during the World Wars* (New York: University Press of America, 2008), 29.

[4] Elisha Bates, *Doctrines of Friends: Principles of the Christian Religion as Held by The Society of Friends, Commonly Called Quakers* (Mount Pleasant, 1831) 39.

[5] Thomas D. Hamm, *The Quakers in America* (Columbia University Press, New York, NY, 2003), pp. 15.

[6] Ibid., 16.

> When a number of individuals thus sit down, in solemn silence, waiting upon God – their minds being abstracted from all inferior objects…a spiritual communion is felt…. The heavenly virtue and solemnity is felt to flow, as from vessel to vessel. For when a meeting is thus gathered, in the name and power of Christ, he is often pleased to appear among them in great glory…which is the effect of his own divine work in their hearts…There is, in silent worship, something so beautiful, so sublime, so consistent with the relation in which we stand to God, that it appears strange there should exist a single doubt of its propriety.[7]

Once a member was moved by Spirit, they would speak and then either have an open discussion with the other members, or retake their seats until another person was impelled to speak. Speaking during worship, "requires neither wealth nor learning, nor extraordinary natural abilities, to perform it. It is within the reach of the simple, the illiterate, and the poor."[8] The belief that the Spirit of God moved within each individual, regardless of age, sex or race, was for the Quakers, the beginning of individual conscientiousness. The conviction that the Spirit of God is within each human being, and that each individual is responsible for his/her own salvation and moral conscience was the foundation of conscientiously objecting to war and military service.

Two significant passages in the Bible that the Quakers adhere to faithfully in regard to bearing arms and serving in the military are "thou shalt love thy neighbor as thyself," (Matt. 22.37, 39) and "He shall judge among the nations, and shall rebuke many people; and they shall beat their swords into ploughshares, and their spears into pruning-hooks: nation shall not lift up sword against nation, neither shall they learn war any more" (Isa. 2. 4, 5.). These are the passages that are most often referred to by Quakers and other religious groups as the foundation for objecting to violence and war.

Along with the Quakers, there were other "peace churches" that were also against serving in the military and considered COs and deserve mention. Most of the "other denominations may have had a central authority but lacked sufficient consensus of opinion to act officially on conscientious objection."[9] The peace churches that were established in America between the seventeenth and late eighteenth centuries were the Amish, Mennonites, Shakers, and the German

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[7] Elisha Bates, *Doctrines of Friends: Principles of the Christian Religion as Held by The Society of Friends, Commonly Called Quakers* (Mount Pleasant, 1831) 191.

[8] Ibid., 187.

[9] U.S. National Interreligious Service Board for Conscientious Objectors, *Religious Statements on Conscientious Objection* (Washington, D.C., 1970), 2.

Baptist Brethren. After the Civil War, other pacifist religions appeared throughout the continent. However, the Quaker sect has been accredited with the introduction of conscientious objection.

When the Quakers arrived in America, they brought with them a strong, religious based conviction that every human being not only had the "Inner Light" of God, but that each individual was responsible for his/her own salvation and personal conscience. The Quakers stood behind these beliefs and pressed the newly formed United States government to recognize their individual liberty to religiously object to serving in the military or to aid a war effort in any way—it was the beginning of conscientious objecting in the United States.

The Bill Of Rights and the Constitution

When the Founding Fathers were preparing to write the Constitution, they carried in their memories the dangers of having established religions, such as they had experienced in Europe. Many of the settlers, such as the Puritans and the Quakers, had come to America to escape religious persecution. The Founding Fathers, especially James Madison, envisioned the newly forming country to be based upon a liberal republic with the idea of accommodation of religion. Within a liberal republic, the state was not to put one religion above another. "The individual must do what he thinks right; the state (that is, the citizens collectively) must do what it thinks right…the liberal state itself cannot ultimately be the source (though it can be the reflection) of the people's values…It leaves to the citizens the right and responsibility for determining their own interests and values."[10] The Founders' intention in the creation of a liberal republic was to develop a democracy in which men of intelligence and virtue would be chosen by the people. These men would put their personal agendas aside and work freely with their fellow men to create a civil society for all people.

While trying to create a liberal republic, the issue of "exemption from military service for conscientious objectors first became a national issue when ratification of our present Constitution was debated and then later when the First Congress debated what provisions to include in a bill of rights."[11] The Quakers were active lobbyists trying to ensure the new Constitution had a provision for COs. One such Quaker was Edmund Quincy, who made appeals based on religious privileges and freedom of conscience. He claimed,

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[10] Michael W. McConnell, "Accommodation of Religion," *The Supreme Court Review.* Vol. 1985 (1985): 15-16.

[11] Ellis M. West, "The Right to Religion-Based Exemptions in Early America: The Case of Conscientious Objectors to Conscription," *Journal of Law and Religion.* Vol. 10, No. 2 (1993-1994): 395.

> Liberty of conscience is but very imperfectly understood and secured, if men are to be required by human enactments to do that which they conscientiously believe to be a violation of a divine command. It is but of little moment to us that we are permitted by the laws of our country to enjoy and express without interruption, our peculiar speculative views of theology, if we are to be forbidden to apply our religious belief to the business of life. Our liberty to interpret the world of God for ourselves is of but little value to us, if we are not permitted to obey the divine commandments which we find there promulgated.[12]

In 1789, James Madison addressed the House of Representatives and outlined his proposed Bill of Rights, which would have acknowledged Quincy's claims. In what would be rewritten and ratified as the First Amendment (which contains the Establishment and the Free Exercise clause), Madison proposed that the Amendment state that "The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext infringed."[13]

Madison believed that a person who was conscientiously and religiously against war should not be coerced into fighting. He wanted to include a constitutional exemption for COs and proposed that the Second Amendment would state, "The right of the people to keep and bear arms shall not be infringed; a well armed and well regulated militia being the best security of a free country: but no persons religiously scrupulous of bearing arms shall be compelled to render military service in person."[14] The First and Second Amendment were both altered and changed before ratification, and any mention of religiously based conscientious objection was deleted.

Several Congressmen argued against including COs in the Constitution. Representative James Jackson of Georgia thought it unfair to allow some areas of the country to be defended without contributing to the effort, whether in men or materiel. Jackson was willing to compromise as long as the COs were required to pay a substantial fine for the privilege of not fighting. Another, more forceful, challenger was Representative Benson. Benson wanted the responsibility for exemption to remain within the power of the state legislature. He maintained that,

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[12] Yuichi Moroi, *Ethics of Conviction and Civic Responsibility: Conscientious War Resisters in America during the World Wars* (New York: University Press of America, 2008), 41.

[13] Lillian Schlissel, *Conscience in America* (New York: E.P. Dutton & Co., Inc., 1963), 47.

[14] Ibid., 47.

> No man can claim this indulgence of right. It may be a
> religious persuasion, but it is no natural right, and therefore
> ought to be left to the discretion of the Government…I have
> no reason to believe but the legislature will always possess
> humanity enough to indulge this class of citizens in a matter
> they are so desirous of; but they ought to be left to their
> discretion.[15]

Madison's proposals had some support in Congress, but did not pass the House of Representatives. There were a majority of representatives that had "the desire of the individual states to retain their own separate militias without interference from the federal government."[16] That was exactly what happened. The state militias and state legislation were responsible for providing CO exemptions. States varied in CO policy, but the majority required a small fee be paid for service exemption. Since there was not a legal demand on the individual states to provide soldiers, it was not necessary to compel individuals to fight. The states did not have any major difficulties with COs throughout the War of 1812 and the Mexican War, but this would change when President Lincoln initiated the first federal draft during the Civil War.

The Founding Fathers' vision of a liberal republic and individual religious freedom did pass Congress, but "the new Constitution did not provide the pacifists with the protection to which they thought they were entitled by the principle of religious liberty."[17] The concept of individual responsibility within the government had been provided with the forming of a democracy, and an individual's right to religious freedom was guaranteed with the First Amendment. However, an individual's right to conscientiously object to military service had not been settled, and would be questioned again with the start of the Civil War, when the "more than two hundred thousand Quakers and a smaller community of Mennonites and Brethren"[18] in the North would press Congress for legal exemption to the Enrollment Act of 1863.

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[15] Michael W. McConnell, "Accommodation of Religion," *The Supreme Court Review.* Vol. 1985 (1985): 21.

[16] Peter Brock, *The Quaker Peace Testimony: 1660-1914* (England: Sessions Book Trust, 1990), 157.

[17] Ellis M. West, "The Right to Religion-Based Exemptions in Early America: The Case of Conscientious Objectors to Conscription," *Journal of Law and Religion.* Vol. 10, No. 2 (1993-1994): 393.

[18] Charles C. Moskos and John Whiteclay Chambers II, ed. *The New Conscientious Objection: From Sacred to Secular Resistance* (New York: Oxford University Press, 1993), 30.

The Enrollment (Draft) Act of 1863

Prior to the Civil War, the Quakers and their allies were marginally successful in obtaining legal exemption as COs by using writing campaigns and lobbying state legislators. According to Edwards Needles Wright, "Those states whose constitutions provided for exemption from service in the militia upon the payment of some equivalent were Indiana, Iowa, Illinois, Kansas, Kentucky, and Pennsylvania…The constitutions of other states, such as Michigan, Minnesota, New York, Ohio, and Vermont placed the question of militia in the hands of the Legislature."[19] But even with state constitutions exempting COs, their federal legal status was not explicit, and with the impending draft(s) the Quakers and other pacifist churches were placed in a precarious situation.

By the summer of 1862, military volunteers had decreased and troops were desperately needed to meet demands. The first military act was the Militia Act of July 17, 1862, which was issued as an initiative to strongly compel the Northern states to upgrade their militia systems. The act stipulated that unless the states complied, "the Secretary of War could draft militiamen for nine months."[20] After a long winter, Congress decided that aggressive measures had to be taken to obtain the men needed to fight the war.

Congress passed "the first conscription law in the Union during the Civil War, which was the Enrollment Act of March 3, 1863"[21] (which would expire at the end of the war). The Quakers and the other peace churches were not mentioned or provided with an exemption in this act. The Quakers had been confident of receiving a legal exemption because they had been diligently lobbying Congress and knew that Secretary of War, Edwin M. Stanton and President Lincoln were both known to be sympathetic to their cause. "The President himself was descended from Friends and had a Quaker Cabinet. Stanton's mother was the head of a Friend's meeting, Bates and Chase were connected with Friends, and General Halleck remained by accident a member of a Meeting during the entire war."[22] But even with an understanding administration, the Quakers were not provided exemption.

Realizing the situation that faced them, the Quakers were determined to acquire a legal guarantee against conscription. They organized a committee that traveled to Washington to meet with

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[19] Edwards Needles Wright, *Conscientious Objectors in the Civil War* (New York: A.S. Barnes & Company, Inc., 1961), 39.

[20] Eugene C. Murdock, *One Million Men: The Civil War Draft in the North* (Connecticut: Greenwood Press, Publishers, 1971), 6.

[21] Leon Whipple, *The Story of Civil Liberty in the United States.* (Connecticut: Greenwood Press Publishers, 1970), 159.

[22] Ibid., 161.

Stanton. After debating the issue of CO exemption on several occasions, Stanton and the Quaker representatives finally reached an agreement. And on February 24, 1864, the following exemption clause was included as an amendatory to the Enrollment Act.

> Members of religious denominations who shall by oath or affirmation declare that they are conscientiously opposed to the bearing of arms, and who are prohibited from doing so by the rules and articles of faith and practice of said religious denominations, shall, when drafted into the military service, be considered non-combatants, and shall be assigned by the Secretary of War to duty in the hospitals, or to the care of freedman, or shall pay the sum of $300 to such person as the Secretary of War shall designate…to be applied to the benefit of sick and wounded soldiers: Provided that no person shall be entitled to the benefit of…this section unless his deportment has been uniformly consistent with such declarations.[23]

Through their vigilant work, the Quakers received legal classification as COs for the first time in American history. If an individual wanted to claim a CO exemption, he had to complete a special form similar to the one shown for the State of Pennsylvania, which would then need approval from the Provost Marshal before the CO would be excused from service.

There were, however, some members who believed that working in hospitals or in other non-combatant positions was aiding the war effort, and against their religious principles. "Those who held deep convictions on the subject, and were unwilling to evade the test by hiring a substitute or paying an exemption fine, were taken into the army."[24] The COs who were enlisted, but still refused to fight or perform non-combatant jobs, caused many problems for the Lincoln administration. Many were placed in confinement and Union prisons waiting on a decision by Lincoln. The President and his administration finally concluded that the COs being held caused an unnecessary hardship upon the Union Army, and that it would be better for all concerned if the COs were allowed to return home. "From 1863 onwards a parole system came informally into force to deal with such cases. Through these men received no written certificate of exemption,

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[23]Ibid., 162.
[24] Paul Comly French, *We Won't Murder* (New York: Hastings House, 1940), 54.

they were furloughed indefinitely—and remained free of conscription for the war's duration."[25]

Even though there are no recorded deaths of imprisoned or detained COs during the Civil War, they did endure many hardships, such as forced detainment, imprisonment, confiscation of land, harassment by local officials and neighbors, and being heavily taxed. However, it was their determination not to bear arms and to maintain their religious beliefs which

> began the claim that the right of conscience was a fundamental right of citizens…In their defense of the rights of conscience, arguments for citizenry rights begin to emerge in the context of the obligations of religious duty: considering the realm of conscience as the realm of one's duty to God, which is beyond the reach of authority in this world, the sectarian objectors begin to claim its rights as natural, inherent, and constitutionally secured to all citizen of this country.[26]

The Supreme Court never tested the constitutionality of the Enrollment Act during the Civil War. Several lower state courts did, however, hear cases regarding COs. They concurred that the Constitution stated that "Congress shall have power to raise and support armies," and that since that was the sole purpose of the Act, it was legal. The idea of the federal government having the power to issue a draft was not constitutionally settled, "until World War I, when the Supreme Court unanimously upheld the Selective Service Act of 1917."[27]

The Selective Service Act of 1917

Six weeks after the United States entered World War I, President Wilson implemented the first draft since the Civil War. Remembering the difficulties Lincoln encountered with the COs during the Civil War, Wilson understood that the any new draft provision should not be administered by the executive or military branch of the government, and should provide an army that was "raised primarily through conscription and that the modern selective draft should prohibit substitutions and commutation fees as a matter of equity."[28] On

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[25] Peter Brock, *The Quaker Peace Testimony: 1660–1914* (England: Sessions Book Trust, 1990), 178.

[26] Yuichi Moroi, *Ethics of Conviction and Civic Responsibility: Conscientious War Resisters in America during the World Wars* (New York: University Press of America, 2008), 37.

[27] Eugene C. Murdock, *One Million Men: the Civil War Draft in the North* (Connecticut: Greenwood Press, Publishers, 1971), 25.

[28] Charles C. Moskos and John Whiteclay Chambers II, ed. *The New Conscientious Objection: From Sacred to Secular Resistance* (New York: Oxford University Press, 1993), 32.

May 18, 1917, Wilson established a civilian-operated agency to oversee the draft process—the Selective Service System (SSS).

The newly formed agency was responsible for overseeing the entire draft process, and granting exemptions for COs. Just like the Enrollment Act of 1863, which specified exemptions for members of peace churches, the Selective Service Act of 1917 (SSA) stated,

> Nothing in this Act shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well-recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form…but no person so exempted shall be exempted from service in any capacity that the President shall declare to be noncombatant.[29]

With this Act, Wilson had effectively removed the provision for substitutes and commutations that had caused so many problems during the previous war, and, again, limited the exemptions to members of peace churches. The SSA also removed any politically motivated objectors and/or selective conscientious objectors ("morally objecting to participation in a particular war, or type of warfare"[30]) from exemption.

But before the end of World War I's first year, the Wilson administration started receiving pressure from the newly formed National Civil Liberties Bureau (predecessor of the American Civil Liberties Union), Quakers and other pacifists, insisting that "all" COs be legally acknowledged. The administration was also having "difficulties in determining which sects were both religious and traditionally pacifist and the basic unfairness of the pacifist sect limitation were quickly recognized."[31] In December 1917, the Wilson administration issued an executive order which acknowledged "all draftees conscientiously opposed to combatant service, either on religious or nonreligious grounds, be assigned to noncombatant duty."[32] Wilson's executive order would continue to outline the status of COs throughout World War I.

The importance of individual liberty and self-determination was realized after the United States experienced the brutality and devastation of World War I. The war helped foster a post-war feeling that all human life was valuable, and that the United States should be

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[29] Ibid., 32-33.

[30] C.A.J. Coady, "Objecting Morally," *The Journal of Ethics.* Vol. 1, No. 4 (1997): 378.

[31] Ibid., 586.

[32] Charles C. Moskos and John Whiteclay Chambers II, ed. *The New Conscientious Objection: From Sacred to Secular Resistance* (New York: Oxford University Press, 1993), 34.

protecting personal liberties, and not taking them away. The importance of self-determination for individuals and nations became part of the American psyche. Even though these views had already begun to form, they would become firmly planted in American culture following World War II.

United States v. Schwimmer

With the end of the draft, the need to conscientiously object became a mute subject – at least in regard to serving in war. The time period between WWI and WWII saw no COs objecting to war, but there were two substantial Supreme Court decisions that would affect future CO claims. Both of the cases dealt with individuals wanting to become nationalized American citizens. The first case to reach the Supreme Court in 1929 was *United States v. Schwimmer*, in which a woman claimed she was conscientiously opposed to swearing an oath to defend the country.

Roszika Schwimmer was a feminist and a pacifist who had held a diplomatic position prior to leaving her native country of Hungary. She came to the United States in 1921 and was speaking and lecturing in Illinois. Schwimmer made the decision to become nationalized in 1926, and began completing all the required documentation. When she answered Question 22 on the nationalization form, which asked if the applicant was willing to take up arms in defense of the country, Schwimmer replied, "I am willing to do everything that an American citizen has to do except fighting…I am an uncompromising pacifist…I have no sense of nationalism, only a cosmic consciousness of belonging to the human family."[33]

The Supreme Court decision stated that aliens could only receive the same privileges of a native-born citizen through naturalization, and that aliens did not possess any natural right to become citizens—it is only through Congress and statute that naturalization is achieved. Since Schwimmer refused to swear an oath to defend the Constitution and the government, which would have completed the requirements for citizenship, she did not have any constitutional rights. The Court also concluded that language had not clarified her attitude toward the Constitution, "and that her opinions and beliefs would not prevent or impair the true faith and allegiance required by the Act…. The District Court was bound by the law to deny her application."[34]

In his dissenting opinion, (Justice Brandeis concurred) Justice Holmes felt that since Schwimmer was a female over fifty years of age, it was very unlikely that she would ever have to defend the country. He thought Schwimmer was an optimist who believed in organized

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[33] Lillian Schlissel, *Conscience in America* (New York: E.P. Dutton & Co., Inc., 1963), 188.
[34] Ibid., 190.

government, the abolition of war and world peace. In one of the more moving lines of his dissent, Holmes acknowledged the optimistic tone of Schwimmer's naturalization examination and stated,

> Some of her answers might excite popular prejudice, but if there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought – not free thought for those who agree with us but freedom for the thought that we hate. I think that we should adhere to that principle with regard to admission into, as well as to life within this country…I would suggest that the Quakers have done their share to make the country what it is, that many citizens agree with the applicant's belief and that I had not supposed hitherto that we regretted our inability to expel them because they believed more than some of us do in the teachings of the Sermon on the Mount.[35]

With this dissent, Holmes illustrated how important individual thought, freedom and liberties were for the American people, and accredited Quakers with the advancement of individual consciousness and civil liberties. Holmes would find himself dissenting again two years later when the next naturalization case came before the Court, only this time he would be joined by Justices Hughes, Brandeis and Stone.

United States v. Macintosh

A Canadian Baptist Minister, Douglas Clyde Macintosh, applied for citizenship in 1925. His application for naturalization indicated that he was not a pacifist and was willing to bear arms if necessary, but would only swear an oath if he could "interpret it as not inconsistent with his position…and that he would have to believe that the war was morally justified before he would take up arms in it or give it his moral support."[36] Macintosh was willing to give his allegiance to the United States, "but he could not put allegiance to the government of any country before allegiance to the will of God."[37] Macintosh wanted to decide for himself the validity and necessity of a war before agreeing to fight – he was considered a selective conscientious objector. He stated in his brief, that he believed it was his constitutional right to object to fighting.

The Supreme Court decided this case with basically the same reasoning as *Schwimmer*, stating that it was the duty of every citizen to

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[35] Ibid., 191-192.

[36] Ibid., 195.

[37] Ibid., 195.

defend the country, and that since Macintosh did not complete the naturalization process he did not maintain any privileges of citizenship. Justice Sutherland took this opportunity to clarify and explain that conscientious objecting was not a constitutional right. The Court stated,

> The conscientious objector is relieved from the obligation to bear arms in obedience to no constitutional provision, express or implied: but because, and only because, it has accorded with the policy of Congress thus to relieve him…The privilege of the native-born conscientious objector to avoid bearing arms comes not from the Constitution, but from the acts of Congress. That body may grant or withhold the exemption as in its wisdom it sees fit; and if it be withheld, the native-born conscientious objector cannot successfully assert the privilege.[38]

With this decision, the Supreme Court outlined the Constitutional position of conscientious objectors. Even though COs did not have constitutional protection against bearing arms, with the help of the Quakers, "the right of the individual to follow the dictates of his conscience had been an established tradition in the United States and as such was treated with respect for its historic past."[39]

Selective Service Act of 1940

A fundamental concept within American culture has been the place of the individual within the structure of society and civil government. "From one vantage point, that history might be characterized as the continuous struggle to define and to secure the rights of the human person in society. The task of defining and guaranteeing 'freedom of conscience' becomes an increasingly urgent one in the present age of burgeoning collectivism."[40] And, indeed, when the United States faced another world war, individualism again came to the forefront.

In September 1940, the United States feared another war, and Congress took preventative steps to increase America's military defenses by passing the first peacetime conscription act – the Selective Service Act of 1940. The previous draft act had a strict requirement of belonging to a peace church in order to be granted exemption. The new

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[38] Lillian Schlissel, *Conscience in America* (New York: E.P. Dutton & Co., Inc., 1963), 199.

[39] Charles B. Hirsch, "Conscientious Objectors in Indiana During World War II," *Indiana Magazine of History* Vol. 46, No. 1 (1950): 62.

[40] Richard Niebanck, *Studies in Justice, Peace and Freedom: Conscience, War, and the Selective Objector* (United States: Board of Social Ministry Lutheran Church in America, 1972), 10.

legislation, "largely through the legislative efforts of the peace churches, especially the Friends, the requirement of membership in a pacifist sect was eliminated, the exemption being extended to anyone who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form."[41] Congress intended to broaden the exemptions away from just religious membership, but at the same time did not want to include immunity based upon political, ethical or social beliefs.

To avoid the difficulties the COs experienced during WWI, this Act indicated the specific procedures required to receive exemption. The process began when first registering for the draft. If the applicants intended to claim a CO status, they were required to complete Form 100 which was included with their registration information. If, and when, the applicants' "lottery number" was drawn, the Selective Service System would send them Form 150, called the Special Form for Conscientious Objectors. This form would have to be completed and returned to the local board before the date indicated on the form. These two forms had to be completed prior to the induction process or the CO claim would not be considered.

Once the local board received all the required documentation, a meeting would be scheduled and the applicant notified. The individual had a right to attend the board meeting if desired, but it was not required. When the board had reached a decision on the COs claim, it would mail a Notice of Classification Form which indicated the draftees' classification. The Act stated that anyone claiming CO status may be ordered to perform "for a period equal to the period prescribed in section 4(b) such civilian work contributing to the maintenance of the national health, safety, or interest as the local board pursuant to Presidential regulations may deem appropriate."[42] Therefore, each registrant received a classification and must perform some function for the government.

COs were usually placed within two classifications, which where known as "Class I-A-O which recognized those who were willing to render noncombatant service, and Class IV-E, which applied to those who were opposed to both combatant and noncombatant service"[43] After receiving a classification, and if, and when, the COs lottery number was drawn, he would receive notification to report for induction. Before reporting for induction, the CO must complete Form 155, the Selection

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[41] Kent Greenawalt, "All or Nothing at All: The Defeat of Selective Conscientious Objection," *The Supreme Court Review* Vol. 1971 (1971): 36.

[42] Arlo Tatum, editor, *Handbook for Conscientious Objectors* (Pennsylvania: Central Committee for Conscientious Objectors, 1970), 29.

[43] Charles B. Hirsch, "Conscientious Objectors in Indiana During World War II," *Indiana Magazine of History* Vol. 46, No. 1 (1950): 67.

for Alternate Service: Rights and Obligations of Conscientious Objectors in the Alternate Assignment Process. This form would allow the CO to specify the type of non-combatant work he was willing to perform. The CO was also given the option to work for the American Friends Service Committee, which was a Quaker organization created specifically to perform civil work jobs for the military that would not be against the pacifists' convictions.

The classifications and enrollment process for COs during WWI were altered to reflect the changing attitudes towards individual consciences. "The state's requirement imposed upon COs has evolved gradually. Over time this "equivalency" has changed from arrangements for payment of fines or commutation fees or the provision of a substitute (all of which were disallowed as undemocratic in the early twentieth century) to the provision of noncombatant service in the military or alternative service in civilian society."[44]

United States v. Kauten

The language of the Selective Service Act of 1940, which stated that COs could only be qualified for exemption if "by reason of religious training and belief," provided a wider classification for exemption and resulted in the first atheist claiming CO status. Mathias Kauten was a quiet, sensitive artist, who was a professed atheist. His strong conviction to the importance of human life and "a sense of the brotherhood of man,"[45] made him unwilling to fight in a war, and he refused to report for induction. His failure to appear would be the reason he lost his case in the lower court, and would eventually lose on appeal.

Judge Hand decided the case for the New York State Circuit Court of Appeals and determined,

> That the humanitarian views of a conscientious objector are the proper test for exemption, not his theological beliefs…. It is unnecessary to attempt a definition of religion; the content of the term is found in the history of the human race and is incapable of compression into a few worlds. Religious belief arises from a sense of the inadequacy of reason as a means of relating the individual to his fellow men and to his universe—a sense common to all men in the most primitive and in the most highly civilized societies. It accepts the aid of logic but refuses to

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[44] Charles C. Moskos and John Whiteclay Chambers II, ed. *The New Conscientious Objection: From Sacred to Secular Resistance* (New York: Oxford University Press, 1993), 45.

[45] Julien Davis Cornell, *The Conscientious Objector and the Law* (New York: The John Day Company, 1944), 15.

be limited by it. It is a belief finding expression in a conscience which categorically requires the believer to disregard elementary self-interest and to accept martyrdom in preference to transgressing its tenets…A compelling voice of conscience.[46]

Judge Hand altered the COs requirements by encompassing a wide range of individual beliefs. For the first time, the Court removed the religious requirement for claiming a CO classification. "Thus, *Kauten* is important for its recognition that the compelling experience of conscience is analogous to the compulsion of a religious belief and that such conscience-based beliefs should have analogous legal protection."[47]

Applying the same theological principles as the Quakers, Judge Hand described a compelling voice of conscience as "a religious impulse…an inward mentor…call it conscience of God."[48] The Quakers had been applying the same concept of the Inner Light, or "inward mentor" for their motivation to conscientiously object for generations. The judicial system had accepted and applied this notion to *Kauten*, but Congress would soon step in and change the language for CO exemption with the Selective Service Act of 1948.

Selective Service Act of 1948

Following the *Kauten* decision, Congress wanted to make sure that draftees could not claim political, ethnical or social claims for CO exemptions. In 1948, Congress passed a revised version of Selective Service Act. The application process for COs remained the same, and continues to be the same today – it was the language of the classification that was modified. The Act kept the "religious training and belief" clause but clarified it by adding "meaning, an individual's belief in relation to a Supreme Being involving duties superior to those arising from any human relation, but do not include essentially political, sociological, or philosophical views or a merely personal moral code."[49] Ignoring the recent judicial language of "compelling voice of conscience," Congress was reigning in and narrowing the possible reasons for CO exemption. The Supreme Being clause remained in force until 1965 when the Supreme Court heard *United States v. Seeger*. It is

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[46] Julien Davis Cornell, *The Conscientious Objector and the Law* (New York: The John Day Company, 1944), 15-16.

[47] University of Chicago Law Review, "The Legal Relationship of Conscience to Religion: Refusals to Bear Arms," *University of Chicago Law Review* Vol. 38, No. 3 (1971): 590.

[48] Julien Davis Cornell, *The Conscientious Objector and the Law* (New York: The John Day Company, 1944), 17.

[49] Kent Greenawalt, "All or Nothing at All: The Defeat of Selective Conscientious Objection," *The Supreme Court Review* Vol. 1971 (1971): 38.

important to note, that "through the whole course of governmental changes has run a thread of increased power and right for the individual and a greater freedom for the individual conscience."[50]

United States v. Seeger

The United States had been through two world wars and had witnessed mass numbers of individuals lose their lives. The world had experienced an outpouring of support for civil rights and liberties, and many organizations, such as the United Nations, were created to secure these rights in the future. America had undergone a culture change with the Civil Rights Movement and the passing of the Civil Rights Act in 1964. The concept of individual consciousness, which had "traditionally held a place of prominence in Western secular thought,"[51] was being accepted by the majority of Americans, even the Supreme Court.

In 1965, Daniel Andrew Seeger's case went before the Supreme Court. His case included two other appellants, Arno S. Jakobson and Forest Britt Peter, who were convicted for failing to submit to the induction process. The Court focused on Seeger, who had claimed CO status in 1958 stating he was against taking part in war by reason of his religious beliefs, but he did not complete the question regarding his belief in a Supreme Being. He stated that he held a "belief in and devotion to goodness and virtue for their own sakes, and a religious faith in a purely ethical creed…without belief in God, except in the remotest sense."[52] Seeger referred to Plato, Aristotle and Spinoza for his source of intellectual, ethical and moral convictions.

The lower Court had convicted him, but the Court of Appeals reversed the decision declaring "that the Supreme Being requirement of the section distinguished between internally derived and externally compelled beliefs and was, therefore, an impermissible classification under the Due Process Clause of the Fifth Amendment."[53] The Court concluded that,

> Both morals and sound policy require that the state should not violate the conscience of the individual. All our history gives confirmation to the view that liberty of conscience has a moral and social value which makes it worthy of preservation at the hands of the state. So deep in its significance and vital, indeed, is it to the integrity of man's moral and spiritual nature that nothing short of the

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[50] Paul Comly French, *We Won't Murder* (New York: Hastings House, 1940), 15.

[51] Richard Niebanck, *Studies in Justice, Peace and Freedom: Conscience, War, and the Selective Objector* (United States: Board of Social Ministry Lutheran Church in America, 1972), 13.

[52] Lillian Schlissel, *Conscience in America* (New York: E.P. Dutton & Co., Inc., 1963), 260.

[53] Ibid., 261.

self-preservation of the state should warrant its violation…Seeger professed "religious belief" and "religious faith"…He decried the tremendous "spiritual" price man must pay for his willingness to destroy human life…. We think it clear that the beliefs which prompted his objection occupy the same place in his life as the belief in a traditional deity holds in the lives of his friends, the Quakers…. We therefore affirm the judgment.[54]

In the decision, the Court instituted a "test," that would become known as the Seeger test, which would advance the requirements for COs farther than ever before. In order to obtain CO exemption, the applicant must maintain "a sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption."[55] By formulating the new definition, which was broad enough to include Jakobson and Peters, the Court avoided deciding the case on the constitutional issue. Also, by "omitting the Supreme Being clause it (the Court) simply removed one of the hurdles the Court had already cleared on its way to a broader understanding of religious training and belief."[56] The Court's decision in *Seeger* notably extended the scope of conscientious objection.

Subsequent to Seeger, Congress enacted the Military Selective Service Act of 1967, deleting the Supreme Being requirement from the statute's definition of religion. The definition now reads: "As used in this subsection, the term religious training and belief does not include essentially political, sociological or philosophical views or a merely personal code."[57] The Seeger test has withstood time, and is still currently being applied for determining CO status. During the Vietnam War there were several occasions when the Seeger test was questioned and challenged, and there were applicants who spent time in jail and/or prison for failing to comply with the Selective Service Act's requirements. But overall, the test seems to be holding up to the demands of the American society.

Conclusion

The progression of the classification for COs has, indeed, been altered and advanced by Congress and the Supreme Court. The first requirement for CO exemption was very narrow and strict −

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[54] Ibid., 267.

[55] Ibid., 267.

[56] John A. Rohr, *Prophets without Honor: Public Policy and the Selective Conscientious Objector* (New York: Abingdon Press, 1971), 35.

[57] Timothy G. Todd, "Religious and Conscientious Objection," *Stanford Law Review* Vol. 21, No. 6 (1969): 1739.

membership in a peace church. The strict requirement would gradually be modified to reflect the changing American attitude towards individual liberties and civil rights. Membership in a peace church would be replaced by "religious training and belief," and then "a compelling voice of conscience," followed by "religious training with an individual relationship to a Supreme Being," and finally the requirement for a relationship to a Supreme Being was dropped leaving "conscientiously opposed to combatant service, either on religious or nonreligious grounds." Over the years, the Supreme Court and Congress have adapted the CO exemption requirement to reflect the rise of civil liberties within American culture.

The development of civil liberties within America started with peace churches, especially the Quakers, who established the idea of individual consciousness through their religious belief and set the groundwork for all past and future conscientious objectors. The Quakers diligently pressed the government for legal recognition to conscientiously object to military service, and during the process the American people took notice of their cause – individual consciousness and rights. The Quakers' belief in the Inner Light and personal consciousness provided the foundation for their claims as conscientious objectors and for civil rights. As Justice Black stated, "The Quakers have had a long and honorable part in the growth of our nation."[58]

Since America now has a volunteer military, there has been no need to conscientiously object to service. There has not been a draft since the Vietnam War, and there is not a draft foreseen in the near future. If, however, Congress is compelled to issue a draft again, the Selective Service System would be responsible for the process and would presumably apply the same procedures as before. Currently, it is required of all males when they reach the age of eighteen to register with the Selective Service System, and if CO status is desired, they must inform the local board and complete all the necessary documentation during the registration process.

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[58] Lillian Schlissel, *Conscience in America* (New York: E.P. Dutton & Co., Inc., 1963), 207.

The Rise of Capitalism in the Antebellum Northeast: A Historiographical Review

John Goldsworthy

Historians predominately identify the Northeast United States as the birthplace of "capitalism" in America; however, debate remains as to its origins, and the approach best suited for such an inquiry. Although these divisions persist, scholars agree that the transition "from feudalism to capitalism" occurred within rural society.[1] Thus, since the early twentieth-century, historians have examined eighteenth-century, Northeastern rural communities, and their transformation under the surrounding, burgeoning commercial markets. The debate began with agricultural historian Percy Bidwell. In the early twentieth-century he argued that the developing industrial and manufacturing centers throughout the Northeast naturally motivated farmers to grow surplus crops, thus increasing their participation in nearby markets. As liberalism gained prominence during the 1950s, however, historians increasingly relied on neoclassical economic assumptions to reveal the "entrepreneurial spirit" imbedded within the farmers' consciousness. The rise of the "moral-economy" historians throughout the latter 1970s, conversely, challenged these neoclassical premises, arguing that social, cultural, and communal ties prevented an immediate embrace of industrial capitalism in Northeastern rural communities. Progressive and liberal philosophies during the early to mid-twentieth century imbued Northeastern farmers with a "profit motive" since the Revolution; however, the growing influence of cultural and social history during the 1960s and 1970s brought challenges to these neoclassical economic assumptions; but, during the last decade or two, renewed emphasis has been placed on the consumption and production patterns within the household economy of the Antebellum Northeast.

The debate as to whether Northeastern communities were "born capitalist" started over a century ago. During the early decades of the twentieth-century, agricultural historian Percy Bidwell argued that New England farmsteads relied on self-sufficiency in order to provide for basic necessities, since local industries had not existed to facilitate trade.[2] Therefore, unable to sell or buy their products, the Northeastern farmstead "acted as an economic microcosm, producing for itself

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[1] Gordon Wood, "Was American Born Capitalist?," *The Wilson Quarterly 23* (Spring 1999): 1.

[2] Percy Bidwell, "The Agricultural Revolution in New England," *The American Historical Review 26* (July 1921): 684.

practically everything that it consumed."[3] A product of the Progressive Era, Bidwell asserted that burgeoning industrial and manufacturing centers expanded the "home market," thus motivating New England farmers to improve yields, agricultural technology, and specialization—ushering in the so-called "agricultural revolution." By placing three quarters of the New England population out of the market's reach, however, Bidwell's interpretation becomes fully consistent with Progressive historiography, for he "limit[ed] the dominion of abstract theory over the rough texture of real life."[4]

Northeastern economic historiography remained relatively unwavering until 1952, however, for Rodney C. Loehr's essay, "Self-Sufficiency on the Farm," critiqued Bidwell's assertion that farmers' self-sufficiency only occurred due to an inability to access markets. Loehr illustrated that Bidwell's heavily deductive reasoning presented an all too simplistic interpretation; for Bidwell only deduced the "narrowness of the market" from the observation of a small industrial sector; and similarly, only deduced "low productivity" of farmers "from their high level of mobility."[5] Using farmers' diaries from the latter eighteenth and early nineteenth centuries, Loehr "found trade, exchange, and commerce ubiquitous,"[6] for it appeared "quite likely that the general run of farmers constantly sought and produced for a market, which they found in the towns, the local shopkeepers, or various kinds of ambulating merchants."[7] Loehr's position that Northeastern farmers "had the mentality of an independent entrepreneur" reflects the historiographical transition from Progressivism to liberalism in the 1950s; for Louis Hartz' influential work, *The Liberal Tradition*, asserted that since the Revolution, Americans had been imbued with "the mentality of an independent entrepreneur."[8]

Economic constructs began using this liberal notion to explain Northeastern communities' natural propensity to engage in the market economy. Developed by German theorist Johann Heinrich von Thünen, location theory—an influential economic construct during the 1950s—presupposes the interconnectedness between agricultural market activity and geographical location. Its application by Douglas North helped explicate the historicity of regional commercial activity in the Northeast in the early nineteenth-century. Douglas North, in "Location

[3] Ibid., 684.

[4] Winifred B. Rothenberg, "The Market and Massachusetts Farmers, 1750-1855," *The Journal of Economic History 41* (June 1981): 283-284.

[5] Rothenberg, "The Market and Massachusetts Farmers, 1750-1855," 284.

[6] Ibid.

[7] Rodney C. Loehr, "Self-Sufficiency on the Farm," *Agricultural History 26* (April 1952): 41.

[8] Charles S. Grant, *Democracy in the Connecticut Frontier Town of Kent* (New York, 1961) quoted in Rothenberg "The Market and the Massachusetts Farmers, 1750-1855," 284.

Theory and Regional Economic Growth," applies the paradigm to American history, tracing the development of industrialization throughout different regions of the United States, revealing farmers' growing involvement in a market oriented economy. Since farmers had "grown up within a framework of capitalist institutions," North asserts, they instinctively embraced commercialization and industrialization. North assumes, however, that farmers' primary motivation was "profit maximization."[9] Before any commercial infrastructure, North argues, farmers relied on self-sufficiency; but, with the natural progression of demographic and infrastructural growth, farmers immediately began participating in the market economy. By determining the chief natural resources available, interregional trade opportunities, and access to markets, North reveals how commercialization historically developed from region to region; subsequently, however, North eliminates any room for contingency or agency, for his model assumes a natural progression of capitalist development in the Northeast. The expansion of transportation technologies, demographics, as well as export opportunities, North argues, led to regional growth; and therefore, increased market participation.

In the late 1970s, historians started challenging the teleological notions held by North, as well as other arguments reemphasizing the "profit maximizing" motives of latter nineteenth and early twentieth farmers. In 1976, Michael Merrill disputed the interpretations given by authoritative agricultural historians—Rodney C. Loehr, John Falconer, and Percy Bidwell. These scholars argued that self-sufficiency on Northeastern farms only occurred because of necessity; for the emergence of the shopkeeper and improved transportation immersed the Northeastern farmer into the market economy. Merrill's 1978 article, "Cash is Good to Eat: Self-Sufficiency and Exchange in the Rural Economy of the United States," reevaluated the long-held contention that American agriculture had always been "money-market oriented."[10]

Merrill explicates the underlying flaws masked within the assumptions of Bidwell and Loehr; all relied on the neoclassical economic theories advanced by Adam Smith. According to Smith, people have a "natural propensity" to exchange; and therefore, the only impediments to increased market expansion are either "technological or environment" contingencies. This reliance, however, effectually eliminates the character of such exchange. Furthermore, such an

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[9] Douglass C. North, "Location Theory and Regional Economic Growth," *The Journal of Political Economy 63* (June 1955): 243.

[10] Michael Merrill, "Cash is Good to Eat: Self-Sufficiency and Exchange in the Rural Economy of the United States," *Radical History Review 3* (Fall 1976): 43.

argument is ahistorical, since "its periodicities are regular, its adjustments are instantaneous, and its processes reversible."[11]

Merrill abandoned the neoclassical economic theories underlying prior interpretations. Instead, he applied basic tenets of classical Marxist theory, examining the social relations guiding household exchange. Merrill exposes the fundamental nature of the "household mode of production,"[12] and how "use-value" guided transactions in Northeastern rural communities during the latter eighteenth and nineteenth centuries; "social need," he explains, drove exchange, rather than "monetary surplus."[13] Guided by the basic Marxist precept that "social production" is inherent "in every mode of production," Merrill argues that money relation—inherent in commodity modes of production—did not exist, for the "cooperation in work governed the character of product exchanges," rather than the goal of "profit maximization." Merrill challenges the long established notion that early American farmers were self-sufficient;[14] instead, he asserts that community networks fostered labor and product exchange. Essentially, Merrill contends that Northeastern rural society was devoid of a "commodity mode of production," and thus did not solely seek "profit maximization." Breaking from the teleological tendencies of prior interpretations—depicting subsistence farming as the first phase in an evolutionary process—Merrill argues that local and state governments put an end to the "free exchange of labor," rather than a burgeoning market and commercial infrastructure. Although Merrill uses a Marxist approach to assess the social relations behind household transactions, his refusal to accept these exchanges as commodities, and thus market transactions, separates him from more traditional Marxists. Merrill's examination of communal exchanges, and the social relations embedded in the "household mode of production" ushered in new interpretations investigating the household as the center of the burgeoning market in the rural Northeast.

Expanding on the critique of the "entrepreneurial spirit" used to explain farmers' natural propensity to participate in market exchange, James Henretta's "Families and Farms: Mentalité in Pre-Industrial America" reveals deeper, communal values that underlay the economic changes of rural communities in the eighteenth and early nineteenth centuries.

Henretta's approach—examining the mentalite of pre-industrial yeoman communities—draws inspiration from the *Annales* School; a historiographical approach characteristically associated with meta-

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[11] Ibid., 45.

[12] Ibid., 47.

[13] Ibid., 63.

[14] Ibid., 61.

narratives, tracing the social, cultural, and economic transformations of a given region. The school gained prominence amongst historians throughout the 1960s and 1970s, for it broke away from the traditional political and diplomatic narratives of early twentieth century historiography. Contributors like Fernand Braudel relied on geography, demographics, and other quantitative analysis to explicate social and cultural transformations. Although Henretta's examination does not span multiple centuries, it does incorporate a plethora of quantitative analysis characteristic of *Annales* historiography—demographics, capital formation, and the availability of natural resources.

Like Merrill, Henretta challenges the basic assumption of a "liberal" consciousness during this era, for many community members, he argues, did not place "individual freedom and material gain over that of public interest."[15] Furthermore, Henretta brushes off the assumption of an inherent "liberal consciousness" by examining the political, social, and geographical contexts intrinsically tied to the transformation of communal expectations. Henretta accounts for social differentiation, for example, by examining evolving cultural expectations; for instance, all young male farmers strived for property ownership, but by no means had it been universally realized; so, to be "young," "was either to be landless or without sufficient land to support a family."[16] Also, Henretta incorporates geographical considerations into his cultural analysis, revealing that "massive westward migrations" of Euro-Americans in the late eighteenth century preserved and extended "age- and wealth-stratified" yeoman communities.[17] Essentially, Henretta asserts that social and cultural relationships within yeoman communities confined the scope of "entrepreneurial activity and capitalist enterprise."[18]

Christopher Clark focuses on household production to expose the increased market activity in the Connecticut Valley during the early nineteenth-century. In his 1979 article, "Household Economy, Market Exchange and the Rise of Capitalism in the Connecticut Valley, 1800-1860," Clark examines the cultural and social values underlying communal exchange, and how household production became increasingly market oriented. Clark acknowledges Merrill's and Henretta's persuasive challenge to the liberal values attached to post-colonial farmers; however, he points out that they have not adequately examined the transition to a profit oriented consciousness.

Using account books, diaries, sermons, and letters, Clark argues—contrary to Merrill—that the household system initially

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[15] James T. Lemon quoted in James A. Henretta's "Families and Farms: Mentalite in Pre-Industrial America," *The William and Mary Quarterly 35* (January 1978): 3.

[16] Ibid., 6.

[17] Ibid.

[18] Ibid., 26.

embraced market involvement; however, "increasing tension and conflict" developed "as the 19th century progressed,"[19] for new cultural constructs emerged, challenging "old attitudes toward debt" and "speculative enterprise."[20] Clark asserts that as "more people became dependent upon the market for their existence,"[21] participation in the household system declined; and, with a new "theological formula" emerging in the early eighteenth century—combining "independence, frugality, and industry"[22]—an entrepreneurial spirit developed, further disintegrating the household economy, and with it, communal values. Clark's argument reveals the deeper, socio-economic transformation that emerged in the Connecticut Valley as industrial capitalism entrenched itself. He ends the essay with George Bancroft's Workingmen's Party nomination letter—revealing a history from below approach, demonstrating competing power relations manifesting in the political landscape:

> When the merchant demands that his interest should prevail over those of liberty…when the usurer invokes the aid of society to enforce the contracts which he has wrung without mercy from the feverish hopes of pressing necessity, it is the clamor of capital, which, like the grave, never says, It is enough.[23]

Launching a critique against the "moral-economy" historians—Merrill, Henretta, and Clark—Winifred B. Rothenberg's study, "The Market and Massachusetts Farmers, 1750-1855," relies heavily upon quantitative analysis to demonstrate that late eighteenth century Massachusetts's farmers behaved more like "rational economic actors."[24] By examining account books, diaries and personal journals,[25] Rothenberg was able to analyze the "movement in trade of farm products." Furthermore, to adequately assess the farmers' economic considerations, Rothenberg took into account the records of marketing trips, transport costs, farmers' prices, and the weight of hogs and feed. Through these historical inquiries, Rothenberg had been able to identify

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[19] Christopher Clark, "Household Economy, Market Exchange and the Rise of Capitalism in the Connecticut Valley, 1800-1860," *Journal of Social History 13* (Winter 1979): 181-182.

[20] Ibid., 182.

[21] Ibid., 183.

[22] Ibid.

[23] George Bancroft quoted in Christopher Clark's "Household Economy, Market Exchange and the Rise of Capitalism in the Connecticut Valley, 1800-1860," 184.

[24] Naomi R. Lamoreaux, "Rethinking the Transition to Capitalism in the Early American Northeast," *The Journal of American History 90* (September 2003): 438.

[25] Winifred B. Rothenberg, "The Market and Massachusetts Farmers, 1750-1855," 289.

the emergence of an "authentic market economy" during the last two decades of the eighteenth century.[26] Essentially, Rothenberg asserts "Massachusetts did not begin as an experiment in self-sufficiency,"[27] for "farmers were agents of change."[28]

During the 1970s, historians began repudiating the notion that colonial America had been imbued with an "entrepreneurial spirit," but during the 1980s, more social histories developed, unraveling the political dimensions behind increased capitalist enterprise. Jonathon Prude's 1985 essay, "Town-Factory Conflicts in Antebellum Rural Massachusetts," examines the social relations between factory owners and the townspeople of Dudley and Oxford—two rural Massachusetts towns. Prude opens up his essay by introducing Herman Melville's poem, "The Tartus of Maids," demonstrating, through literary means, the "strange and gloomy" nature many associated with factory life. Like Merrill, Henretta, and Clark, Prude asserts that a "commercial ethos" did not exist in these textile factory villages; however, with burgeoning industrialization and increased market transactions, a sense of consumerism began to entrench itself.[29] To show the social dimensions behind town-factory life, Prude illustrates the "direct and obvious ways in which the mills disturbed community equanimity."[30] For example, Prude reveals the disputes over distribution of taxes and water resources; occasionally, textile dams collapsed, causing flooding on nearby fields or water shortages downstream.[31] These instances, Prude argues, reflected the larger socio-economic transformations occurring in the Northeast; for industrial capitalisms growth, Prude asserts, raised fundamental questions about its reconciliation with the nation's republican roots.[32]

The historical dialogue during the 1970s and 1980s predominately focused on the "moral economy" in Northeastern communities, and whether an "entrepreneurial spirit" or "liberal consciousness" had been present since the Revolution; however, J. Ritchie Garrison's 1990 study, *Landscape and Material Life in Franklin County, Massachusetts, 1770-1860*, takes a different methodological approach by examining "archaeological, architectural, and documentary records."[33] By analyzing the transformation of material culture, and its

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[26] Gordon Wood, "Was America Born Capitalist," 39.

[27] Ibid., 312.

[28] Lamoreaux, "Rethinking the Transition to Capitalism in the Early American Northeast," 438.

[29] Jonathon Prude "Town-Factory Conflicts in Antebellum Rural Massachusetts," ed. Steven Hahn and Jonathon Prude *The Countryside in the Age of Capitalist Transformation*, 75.

[30] Ibid., 81.

[31] Ibid.

[32] Ibid., 95.

[33] Ibid., 2.

representation of the deeper, social and economic contexts occurring throughout the Northeast, the study "contributes to an appreciation of how folk traditions and popular culture interacted in creating a vernacular landscape."[34] In taking this approach, Garrison emphasizes the value of home ownership, for it became "a statement of economic and personal aspirations;" as a result, architectural improvements increased efficiency in household production and "encouraged more men and women to buy and sell things in the marketplace." Garrison also reveals how the changing landscape became "the physical manifestation of the growth of capitalism."[35] For instance, Garrison points to the abundant market opportunities available to farm families located on hilly, woodland areas. Many farmsteads under these circumstances, Garrison asserts, took on commercial practices like "palm leaf braiding" to compensate, thus increasing household "income and productivity."[36] Garrison traces the transformation of Franklin County's material culture during an era faced with increased commercialization and industrialization, showing how these manifestations reflected deeper, social and cultural expectations.

"Moral economy" historians effectively dismantled the "notion of self-sufficiency" throughout the 1970s and 1980s; but, in the process, gave little attention to gendered divisions of labor.[37] Laurel Thatcher Ulrich's "Wheels, Looms, and the Gender Division of Labor in Eighteenth-Century New England" sought to fill this gap by examining women's role in the burgeoning industrial and manufacturing markets of eighteenth and early nineteenth-century New England. Using probate inventories, diaries, and the manufacturing census of 1810, Ulrich reveals how weaving—once a male dominated trade in the sixteenth century—had been picked up by "dutiful daughters and industrious wives" in the eighteenth century;[38] effectually demonstrating that the shift did not occur arbitrarily, but resulted from a fundamental "transformation in the nature of production."[39] In Essex County, Massachusetts, for instance, farmsteads began purchasing and inheriting looms from their predecessors, enabling household production of "huckaback, overshot, twill, diaper, dimity, fustian, jeans, shirting, wale, and many kinds of patterned coverlets"[40] for household

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[34] J. Ritchie Garrison, *Landscape and Material Life in Franklin County, Massachusetts, 1770-1860* (Knoxville: The University of Tennessee Press), 5.

[35] Ibid., 3.

[36] Ibid., 249.

[37] Laurel Thatcher Ulrich, "Wheels, Looms, and the Gender Division of Labor in Eighteenth-Century New England," *The William and Mary Quarterly 55* (January 1998): 4.

[38] Ibid., 6.

[39] Ibid.

[40] Ibid., 8.

consumption. Thus, by mid eighteenth-century, "work that had once belonged to male artisans," began appearing in New England households, providing women, along with their daughters, part-time work.[41] During the early nineteenth century, as the rate of industrialization and commercialization increased, some women—"with enough talent and the right combination of circumstances"—moved beyond "utilitarian household products," and began participating in wider markets, sometimes becoming "commercially successful."[42] This transformation, Ulrich asserts, molded a distinct female consciousness, reinforced communal values, and shaped industrialization. Although Ulrich's study primarily focuses upon gendered roles in pre-industrial New England society, it reveals larger patterns of consumption and production at the heart of an increased market oriented society.

Like Ulrich's examination of the gendered division of labor in eighteenth-century New England households, Carol Shammas' study, *The Pre-industrial Consumer in England and America*, examines the household mode of production, and how household consumption and production patterns revealed the deeper, socio-economic contexts of early modern New England society. Both methods, however, draw influence from Jan De Vries' study, "The Industrial Revolution and the Industrious Revolution."

Vries exposes the problematic nature of the term 'Industrial Revolution,' for it limits fundamental understanding of the commercial and market ethos already apparent throughout the household economic system during the pre-modern era. By expanding on early modern economic history, scholars could better explicate the "gradual phenomenon"[43] of household production and consumption that predate the grand narrative of the Industrial Revolution. Furthermore, Vries demonstrates how "Industrial Revolution" connotates that the "course of modern industry" directly related to this singular event, thus contributing to an overly simplistic interpretation of the burgeoning market economy during the pre-modern era; for the production and consumption patterns of early modern households demonstrates a commercial ethos predating the "Industrial Revolution." By focusing on the household, and the early modern consumption and production patterns attached to it, historians have underscored market orientation before the "Industrial Revolution."

In searching for the "birthplace" of capitalism, historians have examined the Northeast United States as the locus of the burgeoning commercial ethos. During the early twentieth century, Percy Bidwell

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[41] Ibid., 10.

[42] Ibid., 33.

[43] Jan De Vries, "The Industrial Revolution and the Industrious Revolution," *The Journal of Economic History 54* (June 1994): 261.

advanced the concept of "subsistence farming." He argued that it grew out of necessity, for farmers had been isolated from industrial and manufacturing centers, and thus unable to adequately trade. During the mid twentieth century, however, with the increasing embrace of liberalism, agricultural historians like Rodney Loehr began to argue that subsistence farming ended immediately after the introduction of the local shopkeeper and merchant; for the farmer, since the nation's birth, had been imbued with an "entrepreneurial spirit." As social and cultural history became widely used within historiography during the 1970s and 1980s, however, the "moral economy" historians like Henretta, Clark, and Merrill challenged the underlying neoclassical economic assumptions posited by Loehr and Bidwell as ahistorical at its base. Throughout the past couple decades, however, increased emphasis has been placed on the household as the chief economic unit; and as such, consumption and production patterns of the pre-industrial consumer have been examined to show communal exchange at a basic and fundamental level.

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"Warrior Queens:" Gender and Female Soldiering During the Civil War

Jeana Callahan

Lauren Cook stepped out onto the battlefield. She looked around and realized she was the only woman present. Dressed in her Union fatigues, she faced the Confederate enemy courageously. Between battles, she excused herself to the restroom. When she exited the ladies room, she was greeted by a security guard. He said the other male soldiers had requested she leave, because no women had fought in the original Civil War battles. Ms. Cook was not in fact participating in the Civil War, but a re-enactment in 2002, as the *New York Times* reported in an article called "When Janie Came Marching Home." Even as recently as nine years ago, history has neglected to give female Civil War soldiers the recognition they deserve.

Antonia Fraser contributed to these feelings in the 1990s, writing, "almost every culture throughout history had its Warrior Queens…the U.S. is so far one of the significant exceptions."[1] I will argue in this paper that the United States did in fact have warrior queens, for they were the women who fought for equality in the 19th and 20th century. Female Civil War soldiers were an example of these high spirited, daring women willing to put their lives on the line for their country; a country that denied them equal rights. A number of women used the Civil War as a weapon of gender warfare, challenging 19th century gender norms, which prescribed women to be confined in the home's private sphere. Public sphere job opportunities were restricted to men. This Victorian ideology translated to American gender relationships. These gender norms will be analyzed in the context of female Civil War soldiering, as well.

Due to women being poorly educated and unable to read or write during the Antebellum period, few primary sources exist providing information about female soldiers. Most primary source information must be derived from a female soldier's direct descendent, and some of this work has been compiled by historians like Lauren Cook. Secondary literature on the topic can easily be accessed but this type of analysis is based mostly on male accounts of women in the regiments. These accounts are useful, however, because they still provide valuable insight. They are mostly letters written by male soldiers home to their families.

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[1] DeAnne Blanton and Lauren M. Cook, *They Fought Like Demons: Women Soldiers in the American Civil War* (Baton Rouge: Louisiana State University Press, 2002), 306.

This paper will analyze women as soldiers and its relationship to gender norms of the 19th century. In addition, it will prove that women broke through gender barriers as Civil War soldiers with long lasting effects. This will be established through individual women's stories explaining why they joined, what happened to them during and after their service, and how their experiences affected the fight for women's rights. I will be using the small amount of primary sources available, including a book by Lauren Cook Burgess, who compiled the diary of Rosetta Wakeman.[2] Secondary sources will be the prime source of information for this paper.

First of all, when examining the entrance of women under the guise of men into the military, gender norms of the 19th century must be analyzed. For the use of this paper, the 19th century will be split into two periods, Antebellum (pre-Civil War, 1800-1861) and Civil War to the 20th century (1861-1900). The Antebellum period will be analyzed for context, framing the ideology of women who participated in the Civil War. As mentioned above, women were not allowed into the public sphere of education as readily as men. Only elite women would have been educated beyond the home.[3] Sex discrimination by educational institutions during the Antebellum period was often an impetus for women to fight for rights.

Northern Antebellum women had more opportunities than Southern women. Northern industrialization had opened the door for working-class women to work in factories, mainly textiles, for the industry employed about 240,000 women, or 24% of the workforce.[4] Eleanor Flexner argued in her book, *Century of Struggle: The Woman's Rights Movement in the United States,* that Southern women were restricted from industrial jobs because of the institution of slavery, which prevented wage labor job creation.[5] A careful reading of Flexner's book, first published in 1959, provides a sturdy construct of Antebellum women, both Northern and Southern.[6] She contextualized women's

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[2] The information Cook-Burgess compiled was collected from living descendents of Rosetta Wakeman. They found her trunk in the attic after she passed away, which contained her diaries. Her family did not know she had served as a man or her stories until the trunk was found. See Lauren Cook Burgess' book, *An Uncommon Soldier* for more information.

[3] There were exceptions to this rule, of course. Elizabeth Cady Stanton, 19th century abolitionist and women's suffrage activist, was educated at the Johnstown Academy, where she studied math, Greek, and Latin until the age of 16. She was unfortunately denied admittance to Union College on the basis of sex; instead she attended a girls-only seminary.

[4] Thomas P. Lowry. *Confederate Women: 120 Southern Women Convicted by Union Military Justice.* Baton Rouge: Louisiana State University Press, 2006, vii.

[5] Eleanor Flexner, *Century of Struggle: The Woman's Rights Movement in the United States.* Cambridge, Massachusetts: Harvard University Press, 1959, 75.

[6] Ibid.

roles (mostly as suffragists and abolitionists) as a prelude to women's actions during the Civil War. Her chronological narrative serves as a concise women's history sourcebook crucial for any study.

In 1848, a group of women led by Lucretia Mott and Elizabeth Cady Stanton, met in Seneca Falls, New York, to discuss women's rights.[7] This meeting gave birth to the women's suffrage movement, which was concentrated in the North. This meeting was unrivaled in the South, for they lacked women's rights leaders like Stanton and Mott. Mott and Stanton, who were later joined by Susan B. Anthony and Mary Livermore, crusaded for a woman's ability to express herself publically, as men did. Until 1861 and the outbreak of the Civil War, these women met annually to discuss progress on women's rights.[8]

Southern women did not enjoy the same opportunities as Northern women when it came to exercising their rights during the Antebellum period. The 19th century South was extraordinarily hierarchical and patriarchal. Women were often confined to their homes, especially upper class women.[9] The lack of women's rights leaders like Anthony, Stanton, Livermore, and Mott denied Southern women public agency. Southern women often expressed an identity crisis that formed before the war and continued throughout, according to Drew Gilpin Faust, women's historian and author of *Mothers of Invention.*[10] This psycho-historical analysis by Faust provides insight into Southern women, but lacks a comparison to Northern women, who could have experienced the same identity crisis. Faust did explain, however, that Southern women had a different war experience than Northern women due to most of the war being fought on Southern soil.[11]

The Northern and Southern women who decided to become Civil War soldiers had several commonalities, even though they had been raised in polarized Antebellum societies. They were from mostly agrarian working or middle class families and white.[12] According to historian Richard Hall, author of *Patriots in Disguise: Women Warriors of the Civil War*, women from across the economic spectrum, ranging from

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[7] This meeting was the first of its kind. Stanton and Mott had met previously at an abolitionist conference closed to women in England. They discussed sex discrimination and decided to hold a women's rights convention. This meeting produced the "Declaration of Sentiments", outlining desired women's rights in the United States.

[8] Flexner, *Century of Struggle*, 75.

[9] Lowry, *Confederate Women*, viii.

[10] During the Civil War, Faust argued that Southern women felt as if they had to perform both male and female duties while their husbands were away. Before the war, some desired to be more than housewives, but had no way of expressing it until given the opportunity to serve their country during the war. Drew Gilpin Faust, *Mothers of Invention* Chapel Hill & London: University of North Carolina Press, 1996, 17.

[11] Faust, *Mothers of Invention*, 17.

[12] Blanton, *They Fought Like Demons*, 2.

poor and illiterate to highly-educated upper class women, served. This is not the historical consensus, however, and my research has found it also untrue.[13] If highly-educated women had served, more primary sources would exist, because they would have had the ability to write about their experiences.

Scholars agree on five main reasons why women joined the Civil War as soldiers: to be with loved ones, to get away from home, for bounties and pay, for the perceived adventure and romance of war, and because they were patriotic.[14] There were exceptions to these five reasons, including women who were transvestites, living as men before, during and after the Civil War. The following are stories of extraordinary women who put their lives on the line to change the perception of women forever.

It was a crime in the 19th century for a woman to impersonate a man. Albert D.J. Cashier had been a transvestite since a young age, when she ran away from home and joined the military. She was born Jennie Hodgers, from a family of Irish immigrants residing in northern Illinois.[15] Her enlistment papers were lost, but documents revealed she was mustered out on August 17, 1865.[16] During her military career she had fought at the battles of Vicksburg, the Red River Campaign, and Nashville.[17] After finishing her military career, she continued to live as a man and in 1899, she applied for a military pension and it was granted.[18] In 1911, Cashier was hit by a car, injuring her hip; a doctor's examination showed her to be a woman.[19] Not long after her treatment for the broken hip, she was placed in an insane asylum for unknown reasons, possibly for impersonating a man.[20]

While in the mental hospital, she was forced to wear a skirt and had great difficulty walking in it; as a result, she tripped, re-injured her hip, could not recover, and died in 1914.[21] Before her passing, some of her fellow military comrades visited her at the asylum, for they had never known her true identity as a woman.[22] The veterans that visited her made sure that she had full military rites at her funeral and was

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[13] Blanton discounts this by stating that most women were from poor families. Cook-Burgess also mentioned that women who wrote other remaining primary sources were not soldiers, but spies.
[14] Blanton, Massey, Hall, Lowry.
[15] Lauren Cook Burgess, preface.
[16] Burgess, *An Uncommon Soldier* (New York: Oxford University Press, 1994), preface.
[17] Ibid.
[18] Ibid.
[19] Ibid.
[20] Blanton, *They Fought Like Demons*.
[21] Ibid.
[22] Richard Hall, *Patriots in Disguise: Women Warriors of the Civil War* (Marlowe & Company: New York, 1994), 69.

buried in her Union fatigues.[23] It was women like Cashier that allowed men to see the full potential of women and encourage the extension of rights to women because of their vast abilities to perform men's duties.

Other women joined due to the economic confines women experienced in the 19th century. Soldiering paid more than many jobs available to women. Rosetta Wakeman joined to help her family with economic burdens. Lauren Cook Burgess compiled her letters in *An Uncommon Soldier*; they are some of the only surviving primary sources from female Civil War soldiers. In 1994 when the book was published, Burgess cited in the introduction that "this is the first, and so far, only collection of letters by a female soldier."[24] Ms. Wakeman was an exception to many other female soldiers because she could read and write.

She volunteered for the 153rd regiment, New York State Volunteers.[25] She often sent money home to her family when she wrote to them. She was paid $52 when she enlisted and $13 a month for every month she served.[26] She was paid in four-month increments, and no comparison wage is listed in the book for women working in other industries, but it was assumed by the author that this wage was higher than that of a working, industrially employed woman. Obviously, women had to look outside of gender norms to help their families during lean financial times. This also proved, however, that women were capable and eager to work and earn equal pay to men.

It was not difficult for women to join the military. Because of the vast divergence in men and women's clothing during the 19th century (men wore pants, women wore skirts/dresses), differences in physical features were less noticeable, as Burgess argued.[27] If an individual wore pants, they were assumed to be a man and vice versa, if an individual wore a skirt or dress, they were considered a woman without question. It was simple for women to pass as men, as long as they wore pants. This obvious divergence in clothing reiterates the polarities between men and women's spaces in the 19th century.

Identification was difficult to come by in the 19th century. Birth certificates were not issued, and pressure to fill ranks caused many oversights by regiments.[28] Physical examinations were required, but were often poorly executed, although some women were discovered through this process. Hall cited that many women were caught before entering the ranks due to the physical exams, but there were no records

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[23] Ibid.

[24] Burgess, *An Uncommon Soldier*, xii.

[25] Ibid., 25.

[26] Ibid., 21.

[27] Ibid., preface.

[28] Blanton, *They Fought Like Demons*, 27.

discovered.[37] Blanton also wrote that some historians believed that women had higher casualty rates than men, but those statistics cannot be known due to uncounted deaths and women who were undiscovered. The proof that female soldiers were as capable as men is apparent in the statistics that Blanton offered about women prisoners of war: only 8% of women were taken as prisoners as opposed to 16% of men.[38]

Women soldiers were captured and taken to enemy camps as prisoners at the Battle of Shiloh, Richmond, Perryville, Murfreesboro, Antietam, Fredericksburg, Gettysburg, Green River, Lookout Mountain, Peachtree Creek, Allatoona, and the Wilderness.[39] It is also unknown how many women perished, but female remains have been located on the sites of the First at Manassas, Second Manassas, Shiloh, Gettysburg, Resaca, Dallas, and the Crater, and along the front lines at Appomattox and Petersburg.[40] Due to poor record keeping, many of these remains were discovered during archeological missions at the battle sites many decades later. The skeletal discoveries obviously do not disclose whether the women fought for the North or South, but they do prove that women were equally as committed to their cause as men.

Women who soldiered during the Civil War had to meet not only the call to duty from their country, but also battled 19th century gender norms to serve. Challenges arose when women were discovered dressed as men for the purpose of soldiering, for it was a crime to impersonate a man. Discharges due to "congenital peculiarities" were common for women who were discovered within the ranks.[41] After researching both primary and secondary sources, it is apparent that these women were not only fighting for the Union or Confederacy, they were fighting for their rights as women. Immediately after the war, women were continually denied war pensions for their service. In a few instances, though, women were granted pensions for soldiering. In the case of "Aunt Lucy" Nichols as reported in the December, 1898 edition of the *Chicago Daily Tribune*, a special act of Congress was passed allowing her to receive $12 monthly for having "served through the war with the Twenty-third Indiana, participating in twenty-eight battles." She had ran away from her master, and after being discovered as a woman, was protected by the soldiers and served with them until they were mustered out.

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[37] Among the women who were never discovered, they served an average of two years. As for Blanton's figures, the 17% that served openly as women were never addressed. Were they nurses or soldiers? This is not answered in her book.

[38] Blanton, *They Fought Like Demons*, 207.

[39] Ibid., 107.

[40] Ibid.

[41] Ibid., 5.

While special acts of Congress were required for women to receive their rightful war pensions, they did occur. Post-war stories of women like "Aunt Lucy" and Albert D.J. Cashier, who received their pension or proper military burial and respect from fellow male soldiers, prove that steps in the right direction were being made for women's rights because of female service. Undoubtedly, the Civil War could have been resolved without the small amount of female soldiers that served, but the crucial aspect of Civil War female soldiering lies in what happened after the war. The Gilded Age that followed the war ushered in a new sense of equal rights. The passage of the 14th and 15th Amendments, providing black men with citizenship and universal male suffrage, pushed women to continue their fight for equal rights through political action.

Inspirational stories of valiant women breaking through 19th century gender norms to serve their country on the battlefield were told by men and women long after the war had ended. These stories are their legacies and their link in the chain of women's rights. Soldiering as a woman was a private decision, an independent action. Earlier attempts at women's rights had been organized by women's groups in public settings. This paper proves it was both these private and public decisions that strengthened the women's rights movement, and these "warrior queens" were nothing less than heroines; war heroines for women's rights.

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The Farmers' Tower: The Development of the Tower Silo

Loran Berg

The tower silo has come to be a feature in what Americans see as the traditional farmstead. Much like a lighthouse marks the shoreline, each silo boldly marked where a farmer lived his life and earned his living. Silos were often the first, and sometimes only, indication that someone was farming beyond the next rise on the prairie. Silos seem timeless; however, these structures are just over 100 years old and common to the landscape for even less time. Methods of silo construction evolved over time, allowing silos to be larger, more efficient, and increasingly popular. These changes occurred through construction, engineering, and design as new materials and building techniques became available.

For centuries there had always been a problem of how to store and carry over crops from one growing season into a winter or dry season of less available animal fodder. The term "silo" comes from the Latin word *silus*, which means cellar. The process of storing crops in underground pits has been used since ancient times. The pit technique applied primarily to grain crops however, and only in the last 150 years has the ensilaging of grass crops developed. The fermented end product created by using a silo is called ensilage, or silage. Ensilaging is unique because even though it required no technological or mechanical advances, it is a recent agricultural development.[1]

Silage results from storing a crop under anaerobic conditions. In this method of crop preservation the entire stalk of a grass crop, which includes corn and other grain crops, is finely chopped and placed in a pile. The pile may be contained in a pit, as in early silos, or a tower. In any storage container, the silage must then be packed and is usually covered. The packing process removes the air from the fodder and prevents decay. Farming practices that involve the localized feeding of a large number of animals can benefit greatly from silage, as it is a densely stored fodder located in a single location.

As stated in *History of the Silo in Wisconsin,* "There was a time when land was cheap and coarse feed abundant…. At the time of the

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[1] N. S. Fish, *The History of the Silo in Wisconsin* (Wisconsin Magazine Of History. Volume: 08 /Issue: 2 1924–1925), http://content.wisconsinhistory.org/u?/wmh,4312 (accessed January 27, 2010), 160. John Scott, *Farm Buildings: A Practical Treatise* (London: Crosby Lockwood and Son, 1914), 62.

advent of the silo in this state, land was increasing in value and feed was becoming high-priced." Due to the high cost of feed, some farmers could no longer afford to keep large herds of animals over the winter months. Many were forced to sell off their herds in the fall and then buy them back in the spring. Because of this disadvantage, farmers were eager to try the new method of ensilaging their summer crops for winter fodder and for carrying through bad periods.[2]

During the 1920s, land in the Midwest was still financially available to nearly every farmer. As a result, there was not an immediate growth in silo numbers in the Midwest, even though scientist/agriculturalists brought the concept of using silos from Europe directly to the University of Illinois in Champaign, Illinois. The New York and New England area, however, due to their intensive dairying operations and high land costs, had an immediate need for what the silo could provide. Meanwhile, in the Midwest, a strong distrust of the silo as a way to store crops took years to overcome in spite of the research conducted at the University of Illinois in Champaign showing the potential benefits of the silo.[3]

In New England, an intensive dairying operation existed in the late 1800s due to the increasing urbanization occurring along the East Coast. This was a period of rapid industrialization with large numbers of people moving to cities. The new urban dwellers created a steadily increasing market for milk and other dairy products regardless of the season. Climate also contributed to the rise of silos on the East Coast. The growing season was shorter with a cooler average temperature; corn was often not able to fully mature. Rapidly growing hay crops were typical, but with the introduction of silos, it was now to the farmer's advantage to grow corn and to harvest whether the crop was mature or not. The switch from hay to corn as a primary feed crop benefited the farmer in several ways. Corn yielded more crops per acre and possessed better value as feed, and farmers could utilize the whole plant as a feed product.[4]

The interesting dispersal of the silo from Europe to Illinois, and back to the East Coast, before realizing its greatest popularity back again in the Midwest, helps explain the silo's construction method dispersal as well. In Europe, the silo consisted mainly of a trench or pit filled with silage and then packed down and covered with any type of green plant material to prevent the rotting of the fodder underneath.

[2] Fish, *The History of the Silo in Wisconsin*, 160.

[3] Allen G. Noble, "The Diffusion of Silos," *Landscape: A Magazine of Human Geography* 25, no. 1 (1981): 11-14. *America: History & Life*, EBSCO*host* (accessed January 29, 2010), 12.

[4] C. H. Eckles, *The Silo and Its Use* (Columbia: University of Missouri, 1915), 5. Noble, "The Diffusion of Silos", 12.

When the silo concept moved across the Atlantic to Illinois in the mid-1870s, it remained a pit-type silo until the first tower-style silo was built, probably by Francis Morris, a farmer from Maryland. The exact date is unknown, but an 1877 publication mentioned that Morris' experimental silo had been functional since approximately 1875 or 1876. This migration from East to West and then back East explains how the early silo types and methods developed.[5]

The first tower silos were simple constructions that any relatively handy farmer could build on his own or with help from neighbors. As a precedent for the storage of crops within a barn already existed, many farmers walled off a corner inside their barns. Some barns even featured a central silo. Since this technique used a significant amount of valuable interior floor space, the silo quickly moved outdoors with early versions attached to the outside of the barn. The silos were built by using the existing exterior wall as the fourth wall and building three walls usually as high, or just up to, the roofline.[6]

These first tower silos were square or rectangular in shape and because of this, were quite easily built. The square shape was not the most efficient method however, because air had to be eliminated when ensilaging a crop. As noted earlier, the ensilaging process involved the fermentation of a green crop under pressure. The fermentation heated the material, using up the available air. A rectangular structure containing this material nearly always had areas in the corners where the silage did not properly pack down, therefore allowing air pockets. The air pockets occurred partly due to improper loading, but also because as the silage settled, the corners created friction, which decreased the pressure exerted on the material. Because of the nature of settling material in a square, rectangular silos had a higher rate of spoilage than their round counterparts.

Both interior and exterior rectangular silos usually employed a framed construction method. The framed building technique was familiar to farmers, as all farm buildings were built in this manner. The technique worked well for most needs, but for silos it was insufficient and not suited to holding back the pressures generated by substantial amounts of heavy silage in a tall stack. Because of the weight of silage, many of these silos burst or had a wide variety of problems causing many to be torn down and the lumber reused, or simply abandoned or

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[5] Arn Henderson and Tom Isern, "Wooden Silos of the Southern Great Plains," *Pioneer America Society Transactions* 8, (1985): 1-9. *America: History & Life*, EBSCO*host* (accessed January 29, 2010), 1.
Noble, "The Diffusion of Silos", 11.
[6] Henderson, "Wooden Silos of the Southern Great Plains," 2.

destroyed. (Figure 1) Subsequently, there are only a small number of these early silo forms in existence today.[7]

Farmers quickly realized the shortcomings of the rectangular silo and proceeded to develop many variations of round silos, solving most of the problems associated with rectangular silos. Round silos eliminated corners that promoted rot, enclosed more space using less material, and were structurally suited for the high pressures exerted by tall stacks of heavy materials. With these benefits in mind, farmers began experiments in various designs that initially took advantage of the cheapest building material available—wood.

The silo was built in a variety of designs using wood. The most commonly built type was the wood stave silo. (Figure 2) Stave silos consisted of long planks placed upright on a foundation. The boards used varied in quality and shape. Some farmers used an ordinary plank and nailed it to its neighbor using another strip of wood as a joining agent. A more sophisticated method used tongue and groove joints that were spiked together. Silos of this variety could be ordered as a kit and were sold by regional equipment dealers. Different species of wood were available with pine being the cheapest variety and cypress or redwood being the highest. Different species of wood resulted in the stave silo lasting either for a shorter or longer duration, respectively. On occasion the lower quality woods, such as pine, were coated with a creosote solution to slow the decay of the wood, which also gave the silo a darker color. The stave silo proved to be the most popular type of wood silo construction due to the ease of construction, ready availability of materials, and farmers' familiarity with the construction method. Stave silos were really just very large barrels, built much like the barrels crafted by the local cooper complete with staves and iron bands. Large water tanks, such as those used by the railroad and seen across the country, were also built in this manner.[8]

All stave silos required the use of metal hoops to hold them together. As the silo rose higher, threaded hoops were placed around the entire structure to hold the staves together. The hoops needed to be adjusted periodically as the silo was filled and emptied, and these adjustments came to be one of the primary disadvantages of the wood stave silo. The hoops needed to be loosened when filled to prevent the staves from being crushed under the hoops, and then tightened when empty to prevent the structure from falling over in strong winds.[9]

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[7] Fish, *The History of the Silo in Wisconsin*, 141.

[8] Eckles, *The Silo and its Use*, 9. J. R. McCalmont, *Silos: Types and Construction* (Washington D. C.: U. S. Department of Agriculture, 1948), 2. Allen G. Noble, "The Evolution of American Farm Silos," *Journal of Cultural Geography* 1, no. 1 (1980): 138-148., 142.

[9] J. R. McCalmont, *Silos: Types and Construction* (Washington D. C.: U. S. Department of Agriculture, 1948), 2.

There were also other variations in wood silos. One interesting type was the hoop silo. (Figure 3) Long planks of wood the length of the diameter of the silo were thoroughly soaked in water and then bent around a heavy framework, secured together and then allowed to dry, which created a huge hoop. The silo walls were then built of stacked hoops. Hoop-built silos were never widely popular due to the slow and exacting building process involved and the high degree of hoop failure that occurred. A secure way of keeping the opposing forces in the silo walls together for an extended period of time never developed.[10]

The final wood-built silo technique is cribbed construction. (Figure 4) With this technique builders borrowed a construction method used by the towering grain elevators that dotted the countryside along railroad lines. Planks measuring two inches by six or eight inches, depending on the diameter of the silo, were laid flat one on top of another and then spiked together. The boards were sometimes staggered to vary the seam in the structure making it stronger. Cribbed construction created a hexagonal, octagonal, or decagonal structure rather than a round structure. Corners still existed, but the resulting angles were much larger, thus decreasing the problem of poor packing. Cribbed silos were physically attractive, stable, and incredibly strong, but required a massive amount of lumber and therefore seldom made outside of areas with large amounts of wood available. Cribbed silos were also sometimes built out of the salvaged timbers of unused barns, silos, or other farm buildings.[11]

The wooden silo, while cheap and relatively easy to build, still had a number of problems that brought about its eventual decline in popularity and use. Wooden walls, with all of their seams, were incredibly difficult to make airtight. As noted earlier, the enemy of the ensilaging process is air as it promotes decay. Wooden silos were notorious for many leaks and resulting silage losses. There were a variety of methods used to combat this such as painting the interior, using thin strips of wood as shims, and even lining the silo with steel. These methods usually worked, but they required careful application and constant maintenance. As more farmers adopted the ensilaging process and learned how it worked, they began to look for more advanced and efficient ways of preserving their crops. Further experimentation with various materials led farmers to explore different construction techniques using harder and therefore more airtight, building materials such as brick, tile, and a variety of concrete forms.[12]

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[10] Noble, "The Evolution of American Farm Silos", 142.

[11] Henderson, "Wooden Silos of the Southern Great Plains," 2.

[12] Helmer Rabild, K. E. Parks, and A. K. Risser, *Homemade Silos* (U.S. Department of Agriculture Farmer's Bulletin #589, 1914), 2.

The adoption of masonry materials created advantages over wooden silos. The structures could be made much taller due to the stability and strength of these materials; more weight could be supported. One of the greatest threats to a wood silo was rot and fire. With a masonry silo, the threat of fire was negligible, rotting was no longer a concern, and they were heavy enough that strong winds could no longer blow them over as had happened to many wooden silos. Also, masonry components were themselves airtight which made the sealing of the building against air leakage much easier to accomplish. Finally, masonry silos were more durable requiring much less maintenance. Some of the earliest silos built from masonry components are still standing today, many with little to no continual maintenance. In contrast, wooden stave silos seldom survived. Researchers Henderson and Isern noted that in all of their travels and studies they knew of only one that still stood in the Plains states.[13]

There were several different types of masonry construction. A wide variety of materials were used in the construction of silos. Brick was a natural candidate; however, they were not usually used because of their high cost and the need for skilled labor in the construction process. After the development of natural gas in the early 1900s, cheap gas-fired ceramic hollow blocks became a material of choice. (Figure 5) Extremely popular, these ceramic block silos are still seen standing on many farms in the Midwest. Ceramic building material was durable, attractive, and helped insulate the silage from freezing. The dark brown and glossy appearance of fired tile proved to be a popular addition to farmyards and some companies offered farmyard "kits" that included tile barns, silos, and other miscellaneous outbuildings in a coordinating scheme. Kits were obviously quite expensive and proved to be short-lived, as farmers seldom wanted the added expense of coordinating their farmyards with a unifying construction material theme at an added expense.[14]

There were some disadvantages however, such as the brittleness of the tiles. An accidental collision, even a surprisingly light one, could crack a lower tile leading to problematic replacement issues. Additionally, acidic liquids formed during the ensilaging process tended to eat away at mortar. Some companies did produce a special tile that reduced the exposed area of the mortar, but some preventive maintenance was still necessary. The final and most important disadvantage was that, as often occurred in the evolution of any

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[13] Noble, "The Evolution of American Farm Silos", 146. Henderson, "Wooden Silos of the Southern Great Plains," 10.

[14] Ibid., 3. Noble, "The Evolution of American Farm Silos", 138-148, 146.

utilitarian structure, cheaper and easier methods of construction eventually developed.[15]

Soon after the turn of the 1900s, farmers began to use a quick, easy building material-cement. Cement gave way to concrete, which quickly became the building material of choice. This preference took a variety of forms in the construction of silos. Some farmers were able to produce their own concrete blocks and then erected a homemade silo. But commercially-made concrete blocks were also popular and created an attractive, durable, and long-lasting silo at a low cost. Concrete blocks were usually smooth, but some were crafted to include a roughed-out appearance adding an aesthetic quality to the farmyard landscape. Vendors offered a variety of styles which included straight blocks and curved blocks, hollow and solid, and blocks with built-in reinforcement. Block options did not change the outer appearance much, with the exception of choosing curved over straight, but they did create a more durable silo. Curved blocks were more costly, but they gave the silo a smoother appearance on the outside.[16]

Another form of concrete construction was closely related to an earlier design. The wood stave silo inspired the concrete stave silo. (Figure 6) The concrete stave silo was built much like the wood stave silo except that the concrete staves were usually only approximately 30 inches long. Short staves were built so they could interconnect with one another. As the silo gained height, bands much like the bands used on wood stave silos were placed around the structure to hold it together. This allowed the farmer to add to or remove height as need or financial ability allowed. (A silo showing this growth is on the right-hand side of Figure 6; note the band of colored staves near the middle, showing that this layer was once the top of the silo.) The concrete stave method was quite popular and many of these silos are still seen and built today in the Midwest. They are distinctive in their appearance due to the vertically striped look and the decorative elements that builders tended to include near the top such as contrasting colored staves in an alternating or solid band. The concrete stave silo was the first style that was universally popular in not only the Midwest, but the rest of the country, therefore becoming the standard in the silo "look." Consequently, the concrete stave construction technique is still used today.[17]

The final concrete construction method was that of the monolithic silo. (Figure 7) The monolithic silo was one solid tube of

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[15] Noble, "The Evolution of American Farm Silos", 138-48, 146-47. Henderson, "Wooden Silos of the Southern Great Plains," 3.

[16] McCalmont, *Silos*, 29. John C. Wooley, *Farm Buildings* (New York: McGraw Hill Book Company, Inc., 1941), 223.

[17] McCalmont, *Silos*, 28.

concrete, poured more or less at the same time resulting in a seam free and remarkably solid structure. With the monolithic construction technique, air leaks were no longer a concern and exterior structural support was no longer necessary. These silos could last almost indefinitely with minimal to no maintenance. Monolithic silos proved to be especially popular and came to replace other silo construction techniques as the preferred method. Construction costs were comparable with other methods and required only the use of slips and concrete supplies.[18]

The monolithic silo appeared across the Midwest as well as the rest of the country. They were easy to discern from other construction techniques due to their clean outward appearance. Monolithic silos had no exterior supports; the reinforcement was all located within the concrete itself, eliminating the hoops seen in many other techniques. They also usually featured an outside dressing that made the silo appear seamless. Of course, some were left unfinished with the slip form marks still visible, but many were finished with a surface coating of cement and paint that created a more finished look. The smooth surface lent itself well to being decorated, and many farmers personalized their silos with personal or commercial messages. (Figure 8) Monolithic construction was the construction technique also used by many grain elevators who took advantage of the large uninterrupted canvas to place their brand name and other advertisements on the exteriors.

The final type of silos was the bonded fiberglass silo, commonly known by the brand name "Harvestore." (Figure 9) These silos developed in Wisconsin in response to the long known fact that the removal of air results in the highest quality silage. Harvestore silos were made from fiberglass bonded to curved sheets of steel and then formed into an airtight structure. To allow for atmospheric change, they featured a large bag inside to adjust the pressure. An added feature of the Harvestore was the automated system built in for ease of unloading, which featured an auger that removed silage from the bottom of the silo rather than the top, as in earlier styles. This new feature created two advantages. First, it did away with the need for the outside chute and ladder and farmers no longer needed to climb to the top daily to unload silage. Second, silage could be continuously added to the top of the stack eliminating the need to completely empty a silo before filling it again.[19]

Harvestore silos came in a brilliant blue color that made them instantly recognizable from any other silo. The blue color resulted from the inclusion of the mineral cobalt in the glass material which is bonded to the steel. This was a choice based on the availability and affordability

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[18] Rabild, *Homemade Silos*, 2. Eckles, *The Silo and its Use*, 11.
[19] Noble, *Barns of the Midwest*, 108. Noble, "The Evolution of American Farm Silos," 146.

of bulk material at the time of the development of the Harvestore brand. The blue color has since become an identifying feature of all Harvestore structures to present day.[20]

With all of the conveniences of a Harvestore silo came a hefty price tag as well. The large investment only made sense for certain farmers who had a large herd feeding in a single location, such as a dairy operation. This was the target market for Harvestore silos, and their regional popularity reflects the type of cattle industry in that area.[21]

There are several features of silos that have changed over time that provide the viewer with a fascinating look at the evolution of silo construction methods and design features. Aspects of the silo, such as doors, windows, roofs, and chutes allowed such a simple structure to take on many different appearances and styles. By examining some of the features of a silo, an observer can identify a popular style in a region, or even different options offered by a local contractor.

Silos originally did not include a roof over them. Tests by agricultural colleges and firsthand experience of farmers proved that rain and weather had little effect on silage. A roofless silo did result in slightly increased spoilage, but many early silos remained roofless for ease of filling and unloading the silo. There were many advantages to a roof, such as protection from the weather, keeping out birds, and generally better quality silage. Roofs also increased the stability of the structure, decreased weatherizing, and improved the appearance. There have been many different types of silo roofs, but some of the most popular were gambrel, half-pitch, and dome roofs. The farmer or contractor selected the style individually, but the reason for the roof remained the same; a higher roof meant more headroom and more silage capacity. Some silos were built to match the roof of the barn in a gambrel fashion. Some of these gambrel roofs featured a dormer with glass windows serving a dual purpose, to allow light into the silo and as a potential access point for filling the silo. The most commonly seen roof today is the half dome, especially on concrete stave and Harvestores, due to the ease and rapidity of construction.[22]

Many older silos originally had chutes attached to the side. Many of these were removed as modern equipment updates eliminated the need for them. Automatic silage unloaders replaced the chore of the daily climb into the silo to pitch silage down to the ground below. To protect the farmer from weather, and to provide a chute to prevent the scattering of silage as it fell, enclosed chutes anchored to the side of the

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[20] Harvestore Sales Representative, e-mail message to author, May 1, 2010.
[21] Noble, *Barns of the Midwest*, 109.
[22] Chas. M. Conner, *Forage Crops. The Silo*. (St. Augustine: The Record Co., 1905), 300. Rabild, *Homemade Silos*, 9. McCalmont, *Silos*, 15.

silo were built. Chutes contained the doors and the ladder, the latter of which sometimes consisted simply of the reinforcing rods holding the silo together. Chutes were square and wooden in most wooden silos, but as concrete came into use, chutes became round and made of metal. Many concrete stave silos still retain their rounded chutes.[23]

Doors on silos also changed greatly over the course of silo evolution. Multiple doors were convenient on silos to access the silage at different levels of fill. Early silos had few or no doors due to construction methods unable to support a hole cut into the side. Early publications noted that if a door was desired, to make sure to not place them over each other to improve the stability of the silo. That was the reason for staggered doors in early constructions. As methods improved, the number and size of doors increased. Eventually the continuous door developed as a long open slit from top to bottom of the silo. (Figure 10) The supporting hoops as seen in wooden and concrete stave construction bridged these slits. This method became the normal practice with the exception of the Harvestore silo, which did not use doors.[24]

The location of the silo may seem like a commonsense decision, but in the early days of silo construction there were many contested ideas on the subject. The first square silos were built inside the barn, as it seemed the logical place to put it. If a farmer had a round barn, he usually built it in the middle and used it as a central support for the barn. Silos in the center of the barn quickly fell out of favor because it was found to be especially difficult to fill. Many farmers also believed that the heat that built up from the decaying silage could reach a high enough temperature to ignite and therefore placed the silo a safe distance from any other farm building. Over time, researchers and farmers alike reached a consensus that silos were perfectly safe and should be placed logically. The time required to move silage was greatly reduced if it was near where the cattle were actually feeding, therefore most silos came to be located directly adjacent to the barn or feedlot. The silo and barn in close proximity has come to be the complete picture many Americans think of when imagining what a typical dairy farm looks like.[25] (Figure 11)

Changes in the engineering and design of their construction, as new materials and building techniques became available, led to greater size, increased efficiency, and a wider area of use. Silos were not especially attractive structures worthy of note to most people, but by

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[23] Ibid., 14. Rabild, *Homemade Silos*, 9.
Noble, "The Evolution of American Farm Silos", 146.
[24] Conner, 299. Rabild, *Homemade Silos*, 8.
[25] J. R. McCalmont, *Farm Silos* (Washington D. C.: U. S. Department of Agriculture, 1967), 2. Wooley, 219.

understanding the long process of trial and error that resulted in their current forms it is clear that silos, like buildings examined by classic architectural studies, had an equally fascinating evolution of form.

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Illustrations

Figure 1: Rectangular silo built on the exterior of a barn. Note the substantial efforts at additional structural support and bracing to hold back the pressures of the silage. Location unknown.
Source: www.ppixels–n–pen.blogspot.com

Figure 2: Wooden stave silo in Tompkins County, New York, September 1937. Source: Library of Congress, U.S. Farm Security Administration, Office of War Information.

Figure 3: Wooden hoop silo near Gresham, Wisconsin. Note the dormer on the roof.
Photographer: Not So Far Trucker

**Figure 4: Cribbed wood silos near Soda Springs, Idaho.
Photographer: Zetrules**

Figure 5: Fired clay tile silo located near Boulder, Colorado.

Photographer: Let Ideas Compete

Figure 6: Concrete stave silos of varying height and diameter. These silos are built with automatic unloaders, seen by the use of small diameter chutes on the side of the structure. This type of silo is still built today. Location unknown.
Photographer: D. Mahalko

Figure 7: Monolithic concrete silo located in Oconto County, Wisconsin built in 1919. Note the dormer window and the attached ladder. This silo also features reinforcing hoops and due to the weathering of the paint, the slip form seams are now visible.
Source: www.townofchase.org

Figure 8: A slip-form concrete silo located near Madison, Wisconsin. Photo taken July, 1937.
Source: Corbis, Russell Lee

Figure 9: An older Harvestore silo located near Hanna City, Illinois. Note the brilliant blue color which identifies the Harvestore brand.
Source:
www.ads.agrisupportonline.com

Figure 10: Fired clay tile silo. Note the continuous door slit, which is bridged by reinforcing rods. There is also no visible ladder, so in this case the rods may have served a dual purpose as a ladder as well. Located near Ashburn, Virginia.
Source: www.ashburnweb.com

Figure 11: The typical barn and silo image most Americans think of when imagining a stereotypical farm. Located in Illinois.
Photographer: Macomb Paynes

"An Act to Prevent Procreation of Confirmed Criminals:" The Origins of Sterilization in Indiana

Laura Mondt

During the 19th century, some in the scientific community began to embrace eugenic principles. Eugenics was a movement with a strong commitment to improving the human race by weeding out the unfit. Based on eugenic principles, laws were passed that legalized sterilization in many states throughout the country. Sterilizations were performed on both men and women that were deemed to have inheritable "degenerate" traits, such as the insane, criminal or mentally infirm. The argument made in favor of sterilization stated that degenerate people needed to be sterilized in order to prevent future generations from inheriting bad traits. It was seen as sacrificing one person's rights for the good of the rest of the population. Those that were targeted to be sterilized were usually living in prisons or mental health institutions. Future generations descended from degenerates would only serve to keep the population of the institutions high and continue to be a drain on taxpayers. As laws began to be passed throughout the country, a debate was created over whether or not the government could take away an individual's reproductive rights.

In order to understand the history of sterilization and its impact, it is important to examine its origins. The first legislation legalizing sterilization was passed in 1907 in Indiana. This law came about in response to the perceived threat posed by hereditary criminality. In this paper, I will argue that the idea of heredity as understood by eugenicists made forced sterilizations appear to be a legitimate way to reduce new cases of degeneracy and led to the passage of the country's first sterilization law in Indiana despite the many constitutional issues such a law presented.

The Eugenics Movement

The effort to sterilize degenerates and criminals was a part of the larger eugenics movement. In its most basic sense, the idea of eugenics is to create the strongest human population possible through better health and lifestyles. Eugenics is the "conscious selective improvement" of the human race.[1] While the idea of improving the human race has been around since ancient times, the modern eugenics movement in the United States dates back to the mid-1860s. The eugenics movement

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[1] James A. Field, "The Progress of Eugenics," *The Quarterly Journal of Economics* 26(1), (1911): 2.

rose during this time due to the influence of the 1859 publication of Charles Darwin's *On the Origin of Species*, in which Darwin described how various forms of life underwent evolutionary changes in order to survive.[2] Soon, eugenics pioneers such as Sir Francis Galton were using Darwin's ideas about heredity to create their own studies on human intelligence and characteristics.

Eugenicists began to study human populations to examine how traits were passed on from generation to generation. In order to improve society, some eugenicists began to study undesirable human traits in an attempt to determine whether or not these traits were inherited. Oscar McCulloch, a Congregationalist minister from Indianapolis, performed a study of the hereditary traits of the Ishmael family in 1878. McCulloch encountered a branch of the family that was living in abject poverty. He discovered that there were many branches of the Ishmael family that he identified as degenerates and traced the perceived negative traits back several generations.[3] McCulloch's study of degeneracy was but one of several major studies that were used to support the idea that degeneracy was an inheritable trait.

Influenced by the studies purporting to show that degeneracy was an inheritable trait, scientists and doctors began to look into ways of preventing degenerate offspring. Dr. A.J. Oschner, a surgeon from Chicago, came up with the first practical solution for men, a procedure called the vasectomy. Oschner performed his first vasectomy in 1897 and reported it to be an easy and safe procedure that rendered a patient sterile.[4] As word spread of Oschner's success, other doctors began to use this procedure, including Dr. Harry Sharp of Indiana. Dr. Sharp used the vasectomy as a treatment method for incarcerated men at the Indiana Reformatory.[5]

Dr. Sharp performed many vasectomies and successfully lobbied to get a sterilization law passed in Indiana in 1907. His became a national figure in the sterilization movement and marketed his "Indiana Plan" to other states. An increase of pro-sterilization literature began to appear in leading scientific and medical journals as well. As a result, eleven additional states enacted sterilization laws between 1907 and 1913.[6] Prominent eugenicists such as Harry H. Laughlin, Arthur Estabrook and Charles B. Davenport published literature and books promoting sterilization, further expanding the movement.

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[2] Ibid., 4.

[3] Oscar C. McCulloch, *The Tribe of Ishmael: A Study in Social Degradation* (Indianapolis: Charity Organization Society, 1888), 2.

[4] Philip R. Reilly, *The Surgical Solution: A History of Involuntary Sterilization in the United States* (Baltimore: The Johns Hopkins University Press, 1991), 30.

[5] Ibid., 31-32.

[6] Ibid., 39.

Rise of Crime and the Inheritance of Criminality

Around the turn of the century, crime was becoming an issue across the country. The landscape of the country was changing due to a large increase in population. Additionally, the population was becoming more concentrated in urban areas, creating more opportunities for crime. According to an article in the *Journal of the American Medical Association*, crime in 1890 had risen 455% over crime in 1850. One in every 757 persons was imprisoned according to the 1890 census. The problem was seen to be even larger as more people were likely involved in criminal activity yet had been able to evade capture.[7]

During this period of increased population in prisons, some were calling for prison reform. People saw the rise in the prison population as a failure of the penal system. Dr. F.E. Daniel wrote:

> That a government should—possessing the power and means to do so—prevent an increase in the criminal element, is a proposition which requires neither argument nor defense; that it should permit—nay, deliberately propagate and encourage an increase of criminals out of all proportion to population, is monstrous.[8]

Daniels viewed the current penal system as a way to achieve retribution, not justice and reform. Criminals were being punished by being locked up in prisons, which did not necessarily serve as a proper deterrent nor provided adequate justice.

Similarly, some professionals felt that capital punishment was simply another form of crime. Capital punishment was seen as legalized murder and a curse to the United States.[9] In some states, men could be hanged for crimes such as rape. Instead of hanging, advocates proposed castration and long-term imprisonment as non-lethal solutions. Once a prisoner was released from prison, his castration would prevent him from raping again. While castration prevented rape and procreation, it was far from a perfect solution. Castration consists of removing a man's

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[7] F.E. Daniel, "A Plea for Reform in Criminal Jurisprudence," Read at the regular meeting of the Chicago Medico-Legal Society, January 11, 1896, *Journal of the American Medical Association*, 21 (1896): 129.

[8] Ibid., 1085.

[9] F. L. Sim, "Asexualization for the Prevention of Crime and the Curtailment of the Propagation of Criminals," Read during Society Proceedings of the Medical Society of the State of Tennessee, *Journal of the American Medical Association* 20 (1894): 753.

testicles, which mutilates the body. Many men suffer from insecurity, a sense of a lost manhood and other mental disturbances.[10]

By the mid-1890s, medical literature indicated that castration was an effective means of sterilization but the mental effects on those castrated made it unfavorable. Castration was far too cruel to inflict upon men who were being sterilized for non-sexual crimes. In 1909, Dr. Harry Sharp published his alternative method of sterilization in the *Journal of the American Medical Association.* Dr. Sharp used a new medical procedure called a vasectomy as a way to sterilize men. According to Sharp, a vasectomy was a safe and easy procedure that could be completed in only three minutes. A vasectomy simply prevented sperm emission while leaving the testicles intact. Men who had received a vasectomy could still have sexual relations but would not be able to impregnate women.[11] Men were effectively sterilized without the mental or physical scars left by castration and lost the potential to create more criminal offspring that would be likely to become criminals because crime was beginning to be seen as a mental defect in the 1890s. Many social scientists thought that criminals were created due to a combination of inheritance of bad traits and growing up in a bad environment.[12]

Dr. Harry Sharp and the Indiana Reformatory

The Indiana Reformatory was a prison located in Jeffersonville, a town in southern Indiana. Young men between the ages of sixteen and thirty were sent to the reformatory upon receiving a felony conviction without a sentence of life in prison or death. Dr. Harry Sharp came to the Indiana Reformatory in 1895, two years after receiving his medical degree. At the time of his arrival, the Indiana Reformatory was already known for being a pioneer in the fields of sanitation and medical practices.[13]

Dr. Sharp was soon performing vasectomies to treat patients at the Indiana Reformatory. On October 12, 1899, Dr. Sharp performed the first vasectomy on a man being held in custody of the state. According to Dr. Sharp, an inmate complained of excessive masturbation and requested a castration. Sharp instead recommended a vasectomy, which he claimed would have the same effects but would be a less traumatic surgery. After the procedure, the inmate reported that he was still suffering from masturbation despite being rendered sterile.

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[10] Harry C. Sharp, "Vasectomy as a Means of Preventing Procreation in Defectives," *Journal of the American Medical Association* 23 (1909): 1899.

[11] Sharp, "Vasectomy as a Means of Preventing Procreation," 1899-1900.

[12] F.E. Daniel, "A Plea for Reform," 129.

[13] Edwin Black, *War Against the Weak: Eugenics and America's Campaign to Create a Master Race* (New York: Four Walls Eight Windows, 2003), 63.

He again requested castration but Sharp gave him another treatment and within six months the inmate had stopped masturbating. As a result, Sharp reported that the inmate's head was clearer and he was able to succeed in school.[14]

Due to his success at curing the inmate's masturbation urges, Sharp felt that he had struck on a relatively simple procedure that would solve a common problem. The vasectomy procedure, according to Sharp, "would not mutilate the patient, nor impair his health, and yet, would improve the nervous system."[15] The inmate who had received the first procedure told the other inmates of its success and recommended vasectomies to other inmates suffering from chronic masturbation. Inmates were soon requesting Sharp's help in obtaining treatment.[16]

Initially, Dr. Sharp was only performing the operation upon request by an inmate. At the time, there was no law providing for the involuntary sterilization of inmates. Legally, Sharp could only perform a vasectomy with the permission of the patient or to solve a necessary medical problem. As a eugenicist, however, Sharp saw how vasectomies could be used to sterilize inmates for the purpose of limiting procreation.

As Sharp began to disseminate his ideas, his work caught the attention of other eugenics advocates in the state. He had many supporters who held positions in the state government, most notably Charles E. Shively, member of the Reformatory Board of Managers and Amos W. Butler, secretary of the Indiana Board of State Charities.[17] While Sharp was gaining support, he still was not able to move forward with his plans to made sterilization as a means to prevent procreation legal. When W.H. Whittaker became the Superintendent of the Indiana Reformatory, however, Sharp finally had a supporter who was willing to present a bill to the legislature. Whittaker was able to get a sterilization bill introduced to the Indiana House of Representatives in 1905 but it never achieved adequate support and died out.[18]

In order to get the bill passed, Whittaker and Sharp needed more support. Whittaker presented another sterilization bill to the House in 1907, this time in conjunction with Dr. Horace G. Read. Dr. Read was a member of the House and was thus able to promote the bill to his House colleagues. Whittaker and Sharp understood the importance of gaining

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[14] William M. Kantor, "Beginnings of Sterilization in America: An interview with Dr. Harry C. Sharp, who performed the first operation nearly forty years ago," *Journal of Heredity* 28 (1937): 374.

[15] Ibid., 374.

[16] H. C. Sharp, "Rendering Sterile of Confirmed Criminals and Mental Defectives," *Proceedings of the Annual Congress of the National Prison Association* (1907), 178.

[17] Ibid., 179.

[18] Ibid.

support from legislators before the reintroduction of the bill. They learned from the example of Pennsylvania, which had introduced a sterilization bill in 1905 that was vetoed by the governor. While there was plenty of support in the medical and scientific communities, the bill's advocates had failed to garner adequate support from the Pennsylvania legislators.[19]

Though the bill eventually passed through the Indiana House and Senate, it was not without opposition. Much of the opposition was focused on Indiana's commitment to reform in prisons.[20] Some legislators were concerned that sterilization would replace the current system of reform through education, labor and an improved environment. In order to convince legislators to accept the bill, Whittaker had to convince them that reform was still a goal of the prison system. Sterilization was to be a new step in this reform process. Whittaker's argument focused on the idea of degeneracy. Although some criminals became criminals due to extenuating circumstances, the majority were criminals because they were degenerates. Sharp writes:

> The author of this law, Mr. Whittaker, who is an enthusiastic believer in reformation through education and improved environment, holds that this law is in no way paradoxical with the idea of reform, for it applies to the degenerate class only, and degeneracy is a defect, not a disease. For it there is no cure. Idiots, imbeciles and degenerate criminals are prolific, and their defects are transmissible…. So we owe it to not only ourselves, but to the future of our race and nation, to see that the defective and diseased do not multiply.[21]

For Sharp and Whittaker, curing chronic masturbation was no longer the only concern in getting legislation passed. Sterilization needed to be legalized in order to prevent future generations of criminals from being born as criminals posed a threat to the well-being of the law-abiding citizens of Indiana.

An Act to Prevent Procreation
The bill allowing sterilization was enacted by the general assembly of the State of Indiana March 9, 1907. The bill opened as follows:

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[19] Jason S. Lantzer, "The Indiana Way of Eugenics: Sterilization Laws, 1907-1974," In *A Century of Eugenics in America: From the Indiana Experiment to the Human Genome Era*, edited by Paul A. Lombardo, (Bloomington, IN: Indiana University Press, 2011), 30.

[20] Sharp, "Rendering Sterile," 179.

[21] Ibid., 180.

An act entitled an act to prevent procreation of confirmed criminals, idiots, imbeciles and rapists: providing that superintendents and boards of managers of institutions where such persons are confined shall have the authority and are empowered to appoint a committee of experts, consisting of two (2) physicians, to examine into the mental condition of such inmates.[22]

The bill recognized the role that heredity played in perpetuating crime and gave the prison system the right to sterilize inmates. A committee composed of the regular institutional physician as well as two additional physicians would conduct an examination of the prisoner, with no more than $3.00 to be paid to each doctor as a consult fee. The committee of physicians would then meet with the board of managers for the institution and recommend sterilization for inmates for which there was no hope of improvement through other means as determined by the physician's exam. The physicians could determine the method of sterilization that would be "safest and most effective."[23] While the language of the law did not limit the practice of sterilization to a specific institution, sterilizations were only carried out at the Indiana Reformatory.[24]

Sterilization: A Constitutional Act?

While the bill was approved by the legislature and signed into law by Governor J. Frank Hanly, it was not without debate. In September 1907, Dr. Sharp presented his sterilization methods at the National Prison Association conference. By 1907, Sharp had performed 176 vasectomies at the Indiana Reformatory. All of these operations had been done at the request of the inmate, as the law allowing forced sterilizations had just been passed.[25] After his presentation, a discussion was held among attendees. The Attorney General of Indiana, James Bingham, questioned the constitutionality of the law. Bingham thought that sane people could request their own sterilization procedures in order to relieve disease but expressed doubt about having a law which allowed the forced sterilization of sane persons. He stated that the law might be better upheld if it was imposed on a prisoner at sentencing as part of the punishment.[26]

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[22] *Acts of Indiana General Assembly.* H. 364, Chapter 215 (1907), 377.

[23] Ibid., 378.

[24] Sharp, "Rendering Sterile," 180-81.

[25] Kantor, "Beginnings of Sterilization," 375.

[26] Sharp, "Rendering Sterile," 181.

Bingham cited a report written by Judge S. Roby for the Committee on Criminal Law Reform, which was presented at the same conference. Judge Roby discussed the law as it related to punishment for sex crimes. Roby felt that a jury should issue such a punishment on those who committed sex crimes at the time of sentencing in order to lessen the chance of abuse of the law.[27] Roby noted that where the law provided for sterilization as a necessary medical treatment, the law was valid. The part of the current law that referred to sterilization of rapists and other habitual criminals, however, was of "doubtful validity," due to a lack of due process procedure.[28]

Dr. Horace G. Read, one of the bill's legislative advocates, was quick to counter Bingham by noting the danger in considering sterilization a punishment. Sterilization was a "protection to society and the race" and it would be dangerous to leave that decision in the hands of the court. [29] Instead, as mandated by the law, a board of trained physicians would be much better able to determine which inmates needed to be sterilized. Before the bill was passed, Read had expressed doubts about not having the courts ordering sterilization, but "after a little conversation with Mr. Whittaker," he quickly came around.[30] In looking at the language of the law, it was stated several times that the "operation shall not be performed except in cases that have been pronounced un-improvable."[31] Indiana already had a law that defined a confirmed criminal. Confirmed criminals had three or more felony convictions; they could not be improved. Confirmed criminals, rapists, idiots and imbeciles already in prison were all eligible under law to be considered for sterilization. Read saw this law as perfectly sound because society should be able to protect itself against those of this class.[32]

The main stumbling block in this debate over sterilization was not the question of whether sterilizations should be performed but who should be in charge of making such a decision. No one was really questioning the morality of such a law, just the constitutionality of the language of the law. Bingham and Roby held that the decision to sterilize a patient needed to be handed down as part of the sentencing process. Forcing sterilization on inmates was inflicting an additional punishment that was not mandated by a court of law. Read and Sharp believed that a judge and jury could not possibly determine which

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[27] Frank S. Roby, "Criminal Law Reform," *Proceedings of the National Prison Association* (1907), 186-194.

[28] Ibid., 193.

[29] Sharp, "Rendering Sterile," 183

[30] Ibid., 183.

[31] *Acts of Indiana General Assembly.* H. 364, Chapter 215 (1907), 378.

[32] Sharp, "Rendering Sterile," 183.

criminals qualified for sterilization. Only trained medical professionals could make that decision. Whittaker reinforced Read and Sharp's statements by explaining that the board of managers at the prison had the final say over the institutional doctor in regards to sterilization. The board of managers was to be the safeguard in protecting inmates from unnecessary surgery.[33]

To counter Bingham and Roby, Sharp reiterated that sterilization was not to be seen as a punishment. He said that Roby was in favor of sterilizations, but "he perhaps sees some legal defect that may endanger the law."[34] Sharp was unconcerned about the chances of the law being overruled "unless some lawyer wishes to create trouble."[35] He went on to note that none of the 223 inmates that he had operated on have issued a complaint. Sharp stated, "It seems to me their silence is sufficient evidence, if nothing else, because they are a class that would rather make trouble if they thought they had been wronged."[36] Clearly, Sharp is taking the silence of inmates as consent when in fact they were a captive audience, often with little understanding of their own rights. Sharp counted success stories among the inmates as some were able to leave the institution once their sentence was complete.

While there was clearly much debate over the issue of sterilization among some of the most powerful men in the Indiana government, the law stood. Governor J. Frank Hanly was in favor of the law and a supporter of the Indiana prison system. Hanly delivered a paper at the 1907 National Prison Association conference, the same conference in which Roby and Sharp delivered papers. Hanly did not discuss sterilization in his paper but did outline Indiana's indeterminate sentence law, which allowed for prison sentences to be more flexible. Sentences were determined by a prisoner's age and their statement of guilt, ending uniform punishments and allowing prisoners to have shorter sentences.[37] Hanly admitted that he was initially against this law, but over time changed his mind and grew to like the law. Hanly felt that it was fair to be more compassionate towards first time offenders, who likely became criminals "by accident or stress of circumstances."[38] "Professional criminals" were to receive harsher sentences. Hanly stated, "After nearly three years of close official relation with those charged with the immediate administration of the law, my past prejudices are broken down. Instead of its critic, I have become its

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[33] Sharp, "Rendering Sterile," 185.

[34] Ibid., 184.

[35] Ibid., 184.

[36] Sharp, "Rendering Sterile," 184.

[37] J. Frank Hanly, "The Indiana Indeterminate Sentence," *Proceedings of the Annual Congress of the National Prison Association* (1907), 81-82.

[38] Ibid., 88.

defender. I have been convinced by what I have seen and hear and learned."[39] While Hanly may not have been openly endorsing sterilization, he did express support for the prison system which propagated sterilizations. Dr. Sharp considered Hanly an ally, noting that his "administration has been noted for its efforts at race purity and civic righteousness."[40] Sharp's support within the government was about to change, however, with the election of Thomas Riley Marshall as governor.

A Change of Power

J. Frank Hanly and Thomas Riley Marshall were from opposite ends of the political spectrum. Hanly was the last governor of a twelve-year Republican hold on the office of governor. Marshall was a progressive Democrat who had attracted a large following due to his likable personality on the campaign trail.[41] Hanly and Marshall shared a mutual dislike and distrust of each other. Hanly almost refused to ride with Marshall to his 1909 inauguration, an Indiana tradition, but finally consented in the spirit of good politics.[42]

As the first Democratic governor in twelve years, Marshall had his work cut out for him. The transition was not an easy one and the Democrats struggled as they fought to retain their new power. In regard to sterilization, Dr. Sharp and the sterilization advocates were about to find out that the new administration was not as friendly toward their practices as Hanly and the Republicans had been. Throughout his governorship, Marshall was known to be sympathetic to criminals, issuing twice as many pardons as Hanly. Marshall also believed in the parole system. He liked to release prisoners into the hands of a stable mentor. If the criminal's behavior remained good, he would be released from parole and receive a pardon.[43] Marshall clearly believed that criminals could be reformed and become productive members of society.

Given his sympathetic attitude toward criminals, it is not surprising that Marshall was not comfortable with the new sterilization law. Shortly after his inauguration, Marshall began to work toward having the sterilization law declared unconstitutional. Within days of taking power, he was already receiving letters from concerned citizens. A citizen from Plymouth, Indiana wrote Marshall to ask him to halt sterilizations on the grounds that it was wrong to perform sterilizations without consent. While the writer of the letter acknowledged that those

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[39] Ibid., 89.

[40] Sharp, "Rendering Sterile," 179.

[41] Charles M. Thomas, *Thomas Riley Marshall: Hoosier Statesman*, (Oxford, Ohio: The Mississippi Valley Press, 1939), 55.

[42] Ibid., 57.

[43] Ibid, 96.

who were operated on before the law was passed had given consent, he or she questioned the legitimacy of the consent. The writer stated, "It is an easy matter to get the consent of a man when you have him in your power from two to fourteen years. The burglar often gets the consent of a man to take his money by holding a lighted torch to his feet."[44] The writer was even more upset that the 1907 law no longer required any sort of permission from the inmates.

Dr. Sharp, however, was not about to let all of his work come to a halt. Sharp met with Governor Marshall during the spring of 1909 in order to persuade him to leave the sterilization bill alone. Sharp's argument was based around two main points. The first point was that sterilization was becoming more widespread and other states were looking at Indiana as an example of a state with a successful sterilization law. Secondly, Sharp maintained that the law was constitutional because the sterilizations were not a second punishment but a measure aimed at improving the mental and physical health of inmates.[45]

One of the concerns Marshall raised was the possibility that the state could be sued by former inmates who had been sterilized. Sharp stated:

> I am firmly of the opinion that no-one operated upon would institute action for damages, upon his own initiative, for after close post-operative observation of over four hundred cases, I am in a position to know positively that there has been no damage done. So I appeal to you again to discourage, rather than incourage (sic) any legal action, and to pursue the course that I suggest, which is to let the law remain in operative, until such time that a law may be enacted, which you consider constitutional.[46]

Sharp claimed none of the inmates protested, but over half of the vasectomies had been performed voluntarily and it is not known how fully those who had been forcefully sterilized understood what had been done to them. Sharp's appeals to Marshall worked. No legal action was pursued and the sterilization law was not declared unconstitutional. It was not a total victory, however. While Marshall agreed not to pursue legal action, he halted all sterilizations for as long as he was in office.[47]

The Future of Sterilization in Indiana

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[44] Concerned citizen to Thomas Riley Marshall, 1909.
[45] Harry Sharp to Thomas Riley Marshall, 1909.
[46] Ibid., 1909.
[47] Kantor, "Beginnings of Sterilization," 375.

While the Indiana sterilization law was halted by Governor Marshall and his successor, Governor Samuel L. Ralston, the law remained valid. The only thing that prevented sterilizations from happening were the wishes of the governors. When Governor James P. Goodrich was elected in 1917, he decided to have the law tested in court. In 1919, Goodrich recruited the Jeffersonville city attorney to take on the case of Warren Wallace Smith, an inmate at the Indiana Reformatory who had been ordered to be sterilized by the prison's board of trustees. When the circuit court ruled in Smith's favor, the lawyers for the Indiana Reformatory appealed the case to the Supreme Court of Indiana.[48]

One May 11, 1921, *William v. Smith* was heard before the Supreme Court of Indiana. William Wallace Smith was suing Charles F. Williams, Chief Physician at the Indiana Reformatory, because he felt that his right to due process was being violated.[49] Due process would have provided Smith the opportunity to defend himself in front of Williams and the board of trustees. Instead, the order to sterilize Smith had been decided behind closed doors. Smith was not allowed to offer any evidence or experts that would support his point of view that sterilization could be harmful. The Supreme Court of Indiana upheld the circuit court ruling, declaring that the 1907 sterilization law was in violation of the Fourteenth Amendment of the federal Constitution because it denied the defendant due process.[50]

It took twelve years for the sterilization law to be declared unconstitutional after it stopped being enforced, but it only took seven years for a new sterilization law to be passed. While sterilization had fallen out of favor in Indiana from during the second decade of the 20th century, events in the 1920s brought about a resurgence of interest in sterilization. One of the key influences was *Buck v. Bell*, a case that was argued before the Supreme Court in 1924. In *Buck v. Bell*, the Supreme Court upheld the Virginia sterilization law. It was ruled that the Virginia sterilization law provided for due process and was not a dangerous or unreasonable act because it protected the welfare of the rest of the population of Virginia.[51] The Virginia sterilization law was an example of a successful law that was considered constitutional, paving the way for the passage of similar laws in other states.

The 1927 sterilization law in Indiana shifted the focus from prisons to the institutions for the feebleminded. The 1907 law called for

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[48] Paul A. Lombardo, *Three Generations, No Imbeciles* (Baltimore: The Johns Hopkins University Press, 2008), 98.

[49] Williams, et. al. v. Smith, 190 Ind. 526 (Supreme Court of Indiana, 1921).

[50] Ibid.

[51] Lombardo, *Three Generations*, 167.

sterilizations of "confirmed criminals, idiots, rapists and imbeciles"[52] while the 1927 law did not include criminals as part of the targeted population. The 1927 law would allow sterilizations on those "afflicted with hereditary forms of insanity that are recurrent, idiocy, imbecility, feeble-mindedness or epilepsy" that were committed to a state mental health institution.[53] The 1927 law, however, created many more procedural steps that had to be followed before sterilization could be performed. To get the sterilization procedure started, the superintendent of the governing board had to present to the board members the reasons an inmate had been selected to be sterilized. A petition had to be given to the inmate as well as their guardian or next of kin informing them that hearing with the governing board would be taking place. During the hearing, the governing board would review the inmate's file and the inmate or their guardian would be given a chance to present a defense. If the governing board decided to proceed with sterilization, the inmate or their guardian would be able to appeal that decision to the circuit court within 30 days and eventually the state supreme court if necessary.[54]

The 1927 differed greatly from the 1907 law in regards to due process. This law made sure that the inmates who were to be sterilized were able to launch a defense for themselves. Additionally, the inmates were given the right to appeal the governing board's decision in the Indiana court system. The 1927 law also removed liability from those performing the sterilization procedure as long as all legal steps as outlined earlier in the written law were followed.[55] The 1927 law included such a lengthy review process in order to provide due process and avoid the fate of the 1907 law.

Subsequent sterilization laws passed in 1931 and 1935 provided further due process protections. Both the 1931 and 1935 laws were passed to provide further clarifications and did not invalidate the 1927 law. The 1931 and 1935 laws were very similar and made the same clarifications but the 1931 law applied to the feeble-minded while the 1935 law focused on the insane. The 1931 law stated that when an application to commit a feeble-minded person was brought to court, the examining physician had to state whether or not the person was likely to have feeble-minded offspring.[56] The difference between the 1927 law and the 1931 and 1935 laws was that the power to allow sterilization of a person was taken out of the institutions and placed into the Indiana

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[52] *Acts of Indiana General Assembly.* H. 364, Chapter 215 (1907), 378.

[53] *Acts of Indiana General Assembly.* S. 188, Chapter 241 (1927), 713.

[54] Ibid., 714..

[55] Ibid., 714..

[56] *Acts of Indiana General Assembly.* H 220, Chapter 50 (1931), 116.

courts. Once the sterilization decision was approved by the courts and the person was institutionalized, the superintendent of the institution could then decide whether or not the operation was medically necessary. An additional provision required a full report on the sterilization procedure to be sent to the secretary of the state board of charities within ten days.[57]

Beyond Indiana: Sterilization in the 20ᵗʰ Century

The eugenic sterilization movement experienced many highs and lows during the 20ᵗʰ century, mainly due to the constitutionality of sterilization laws. One of the most well known sterilization cases was the 1942 Supreme Court case of *Skinner v. Oklahoma*. Like *Williams v. Smith*, *Skinner v. Oklahoma* concerned forced sterilizations of criminals. In this case, Jack Skinner was to undergo sterilization after his third felony conviction. As with *Williams v. Smith*, *Skinner* was overturned because of a constitutional issue. In this case, the 1935 Oklahoma sterilization law was ruled unconstitutional by the Supreme Court because it did not require sterilizations for inmates convicted of white collar crimes such as embezzlement, a violation of the equal protection clause of the Fourteenth Amendment.[58] Sterilization programs began to slowly decline in the post-WWII period, however, as heredity feeblemindedness was no longer seen as a huge threat.[59] The link between heredity and criminality or feeblemindedness that had existed in the early part of the 20ᵗʰ century no longer seemed as definitive to many within the medical and scientific communities. The law took longer to catch up. In Indiana, sterilization laws remained valid until 1974. While forced sterilizations are no longer carried out, many laws still remain on the books in other states because no one has ever challenged them.

The many sterilization laws passed throughout the 20ᵗʰ century serve to demonstrate a long trend of trying to explain crime through science. Scientists have spent more than a century trying to find some way to explain crime as a sort of deviation of nature.[60] Despite the fact that many of these claims have been proven false, they only serve to reinforce the inequality that those who have committed a crime must face. Although people came to reject the notion that sterilizations for criminals were really for the good of nation, some scientists have not given up on a genetic explanation for crime.

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[57] Ibid., 117. .

[58] Paul A. Lombardo, *Three Generations*, 225-230.

[59] Reilly, *Surgical Solution*, 135.

[60] Victoria F. Nourse, *In Reckless Hands: Skinner v. Oklahoma and the Near Triumph of American Eugenics* (New York: W. W. Norton & Company, 2008), 162.

Conclusion

The eugenics movement that emerged in the 19th century used the new scientific discoveries of genes and inheritable traits to explain the propagation of degenerate peoples. In order to prevent degenerates from passing on their bad traits, sterilization programs began to be seen as a way to eliminate the threat. Those who supported eugenic sterilizations saw themselves as public health advocates. Sterilizations were seen as good and necessary because they would allow bad genes to die with a degenerate person instead of living on in his or her offspring.

Examining the origins of sterilization law explains how pervasive the science of heredity was becoming. At the same time that crime was being described as an inheritable condition, new medical procedures such as the vasectomy were making sterilizations much more practical and safe. Dr. Harry Sharp of Indiana became very interested in the use of vasectomies as both a therapeutic and eugenics tool. Vasectomies could cure those suffering from sexual perversions as well as prevent future generations of criminals from being born. Through successful lobbying in the Indiana legislature, Sharp was able to get the first ever sterilization law passed and marketed his methods to interested practitioners in other states.

While sterilizations were never carried out to the extent that many sterilization advocates would have liked, thousands of people did lose their reproductive rights by force. Forced sterilizations were a hotly debated issue because the right to reproduction is seen by many as a basic human right. Sterilization advocates argued that sterilization was necessary because it would create better generations of people over time while those opposed felt that it was an unfair punishment for people who had led troubled lives. Ultimately, the eugenics agenda proved to be a forceful one as the United States Supreme Court upheld forced sterilizations. While sterilizations fell out of favor as heredity became better understood, it is still important to examine this chapter in the history of reproductive rights. Allowing sterilization of those deemed undesirable was a dangerous precedent, as evidenced by the debates surrounding the issue of who was allowed to decide to sterilize a person. To take away a person's right to reproduce is a huge amount of power, a power that should not be made lightly as a quick fix to a problem that could be solved or improved through reform and therapy.

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Black Diamonds: The Rise and Fall of the Northern Illinois Coal Industry

Christopher Kernc

      While digging a well on Thomas Byron's farm in Reed Township in 1864, William Hennebry struck coal.[1] With what would appear to be an insignificant event, began a period of booms, busts, trials and tribulations for the inhabitants of Will and Grundy Counties that lasted over a century. Thousands of individuals from throughout the world soon descended upon the newly discovered coalfield. Towns such as Braidwood, Coal City, Carbon Hill, Diamond, and South Wilmington formed and flourished due to the quest for coal. As with any area dependent on a single staple industry, the fate of the people who lived among the coalfields rested on the fortune of coal. This paper will examine the various factors that played a role in the decline of coal production in northern Illinois during the late nineteenth and early twentieth centuries. Essentially, it will ask what made mining feasible in the area, what were the structural changes that rendered it obsolete, and how did the industry's demise affect the surrounding communities? The goal is to discover how such a prosperous and promising industry in northern Illinois at the end of the nineteenth century waned by the middle of the twentieth.

      On the surface it seems that each mine had its own specific reason for closing. For instance, the Diamond Coal Company's No. 2 Mine was said to have shut down because of the "Diamond Mine Disaster," in which the mine flooded resulting in the deaths of an estimated seventy-two miners. In Carbon Hill, the mine was closed after a tornado hit, destroying the mining facility and equipment. One by one, the mines of northern Illinois closed down, each time it was the same story with only a different ending. In this sense, each mine did have a specific reason for shutting down—a proverbial straw that broke the camel's back. However, these explanations fall short in formulating why the coal industry in Will and Grundy Counties as a whole gradually ceased. The closing of several dozen mines cannot be solely substantiated by several dozen singular events. Broader early twentieth-century trends need to be explored to account for this. In order to answer this question, one must delve into the nature of the coal industry in northern Illinois. Comparing and contrasting the coal industry in northern Illinois with

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[1] Modesto Joseph Donna, *The Braidwood Story* (Braidwood, IL: Braidwood History Bureau, 1957), 57.

coal production in other areas of the United States may reveal broader trends and shifts affecting the coal mining industry in general. Likewise, characteristics particular to the northern Illinois coal industry may shed light on why mining declined there, and not in other noteworthy areas of coal production.

Some of the broader aspects that played significant roles in the rise and fall of the mining industry in Will and Grundy Counties include regional economics, the character of the local coal seam, and technology. However, labor is also an essential, and often overlooked, element in this study. The aforementioned factors contributed to the labor struggle in the area, and like them, the labor struggle also led to the exodus of the mining industry from the area. Therefore, a thorough examination of the factors that gave rise to increased solidarity among miners and within the mining communities is required. This paper explores the techniques that the coal companies used to divide and exploit miners, as well as the techniques the miners used to leverage better working conditions. More importantly, it explains why rising solidarity and union power proved to be beneficial to Will and Grundy County miners in the short-term, but ultimately led to the mining industry's departure from northern Illinois.

Being generally of lesser quality than coal from other areas of the state, the coal in northern Illinois was first mined mostly for local consumption. The coal vein in the region was relatively small in comparison to coal seams in other localities; however, the boom coincided with the expansion of railroads in Illinois and the industrial emergence of nearby Chicago. In reference to a mine located at Diamond, a report by the Illinois Bureau of Labor Statistics stated:

> The seam of coal is thin, and near the surface, and one of the chief sources of expense in mining it is the handling of the great quantities of water which continually accumulate in the workings. Its proximity to Chicago, alone, gives to this coal field its special value, and it is doubtful if the necessary capital would be found to develop it were it not the nearest coal to the largest market in the West.[2]

Therefore, proximity played a large role in the birth of the northern Illinois coal industry. Chicago provided a market, as well as financiers, and rail provided the link to the Chicago and regional markets. According to M.J. Donna, the first major railroad line that passed through Braidwood, Illinois, was constructed in 1853. Braidwood

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[2] Illinois Bureau of Labor Statistics, *Statistics of Coal Production in Illinois: A Supplemental Report of the State Bureau of Labor Statistics* (Springfield, IL: H.W. Rokker, 1883), 97-98.

had forested areas that the railroad companies used as a source for wood to power their engines. The discovery of coal in the area corresponded with the shift toward coal-powered locomotives; thus, the growth of the mining industry in northern Illinois was no coincidence.[3] Because of the railroad the area became an important part of the transportation network of the region, and coal mining became a lucrative enterprise. Mining operations began sprouting up all over the area. Many more miles of railroad track and spur lines through the northern Illinois coalfield followed. Several local mining communities were directly founded by railroad companies, or sprang to life as the result of railroad companies sinking mines in the area. According to Jim Ridings, Braceville boomed when the Chicago, Milwaukee, and St. Paul Railroad purchased a large tract of land and began mining operations in the 1880s. The population of the township swelled from a small village with few inhabitants to a bustling community of over 3,500 residents within a decade.[4] Likewise, the founding of Coal City and its organization was plotted in relation to the Chicago, Pekin and Southwestern Railway.[5] The Village of Gardner, situated along the Chicago and Alton Railroad and the Kankakee and Seneca Railroad, began to grow rapidly, as well, after a mineshaft was sunk there in the late 1860s.[6] James MacFarlane aptly stated that the northern Illinois coalfield "on account of its vicinity to the great market afforded by the city of Chicago, is for obvious reasons destined to be one of the most productive districts in the state."[7] By 1870, mines in Will County ranked second in the state for coal production, producing 228,000 tons, and the mines in Grundy County were producing 51,375 tons of coal.[8] Likewise, the Chicago and Alton Railroad had increased its coal shipments from 12,281 tons in 1865, to 176,876 tons in 1870.[9] Proximity to Chicago and the railroad's dependency on coal made mining in the northern Illinois economically feasible.

The importance of the railroad to the plight of northern Illinois coal mining became markedly apparent during miners' strikes. The

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[3] Donna, *The Braidwood Story*, 310, 59.

[4] Jim Ridings, *Cardiff 2: A Second Volume of History from the Lost Coal Mining Town on the Prairie and More History from Clark City, Tracy, Torino, and Campus* (Herscher, IL: Side Show Books, 2008), 287.

[5] Helen Stine Ullrich, *This is Grundy County: Its History from Beginning to 1968* (Dixon, IL: Rogers Printing Co., 1968), 173.

[6] Ibid., 186, 189.

[7] James MacFarlane, *The Coal Regions of America: Their Topography, Geology, and Development* (New York: D. Appleton and Company, 1875), 426.

[8] Richard Joyce, "Mines of the Prairie: Life and Labor in the Wilmington, Illinois, Coal Fields, 1866-1897" (Masters Thesis, Illinois State University, 1980) 15.

[9] Ibid.

targeting and disruption of the railroad and the transportation of coal was not only a way for miners to vent their frustration and be heard, it was a means to advance their bargaining power. Miners often sabotaged trains and railroad tracks in order to sever the Chicago market from its coal supply and create artificial shortages.[10] The *Kankakee Daily Republican* reported one such incident. The article reported that railroad ties had been discovered on the railroad track connecting Chicago and St. Louis near Cardiff. The article stated, "The last time there were fifteen ties piled upon the track and had the train hit them it undoubtedly would have been ditched." The article continued, "It is not known who placed the ties on the track, but it is thought they might have been placed there by Italian miners who have been out on a strike from the mines at Cardiff for some time. They have been unruly and have caused the officials in the vicinity considerable trouble recently."[11] There were likewise many instances of coal trains being attacked by miners in southern Illinois. The attacks were often prompted by the importation of coal from outside of the state during union strikes. The *Chicago Daily Tribune* reported that "A railroad official told a federal court jury today that bombings growing out of the southern Illinois mine union warfare were so frequent in 1935 that for three months a light locomotive was operated ahead of his road's passenger trains for safety purposes."[12] In another incident in Murphysboro, Illinois, striking miners forced train operators to sidetrack five cars of coal being moved for the use of the railroad, "it was found impossible to bring coal from nonunion fields." The article continued, "About twenty cars of coal from the nonunion fields of Alabama were sidetracked from two trains at the demands of miners at Percy, last week . . . the coal in about a dozen of the cars had been dumped on the track, and one wooden car, loaded with coal had been burned."[13] Coal miners and the railroad were intertwined. Illinois coal miners were dependent on the railroad, but over time Illinois railroad companies grew less dependent on Illinois coal. Conflict between miners and railroad companies, as well as conflict between miners and operators, grew as mining operations became more unionized.

The generation of mining unionism can be traced back to the exploitative nature of early coal mining. In response to work advertisements placed by mine operators, families from all parts of the globe traveled to the area in search of economic opportunities. Building off of ethnic differences within the mining communities, operators used

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[10] Richard Joyce, "Early Days of Coal Mining in Northern Illinois," Illinois Labor History Society, http://www.kentlaw.edu/ilhs/earlyday.htm (accessed 23 October 2009).

[11] *Kankakee Daily Republican* (Kankakee, IL), 12 August 1910.

[12] *Chicago Daily Tribune* (Chicago, IL), 18 November 1937.

[13] *Chicago Daily Tribune* (Chicago, IL), 17 August 1922.

additional methods to ensure division amongst the workforce and maintain hegemony over their employees. According to Richard Joyce, laborers were kept indebted to the mining companies. Mine operators virtually owned the towns surrounding the coal mines. Therefore, more often than not, miners found themselves having to rent housing directly from the mining companies.[14] In turn, if workers threatened work stoppages, they were threatened with eviction, as was the case in Ludlow, Colorado, in the winter of 1914 when families of striking miners were evicted from their homes, which were owned by the company.[15] Wages were often paid in company scrip, which forced miners to shop at company-owned stores where scrip was accepted. Companies were known to fire employees who refused to buy from company stores. Miners were also obligated to pay for their equipment and its maintenance.[16] Essentially, miners were kept in a form of debt slavery. The arrival of fresh supplies of foreign labor guaranteed ethnic, cultural, and linguistic divides among miners. Operators knowingly enticed an overabundance of labor to the mining communities, thereby, securing the continuation of low wages. Miners were easily replaced, yielding an expendable workforce. Besides being exploited on a daily basis by the mining companies, what these strangers to the land and to each other had in common was that they were regularly intimidated by law enforcement that extorted money from the miners and arrested them for various petty charges in order to "put pressure on the miners to remain employed...and to keep 'civil order.'"[17]

The injustices suffered by the coal miners bred a new, shared identity among them. Despite miners' differing backgrounds and the tactics used by operators to stifle empowerment in the workforce, miners banded together. Although they had a broad variety of identities upon arrival—Italian, Bohemian, Irish, Welsh, Scottish, Polish, German, etc.—once settled into the mining communities, their common identity of "coal miner" took to the forefront. As Carl Oblinger stated in *Divided Kingdom: Work, Community, and the Mining Wars in the Central Illinois Coal Fields during the Great Depression*, "Loyalty to each other was based on the understanding that theirs was a separate society and that economic security and basic civil rights were not available to them under the current system."[18] This unique sense of solidarity that developed within the mining towns was advantageous in many respects

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[14] Joyce, "Early Days of Coal Mining in Northern Illinois."

[15] McAlister Coleman, *Men and Coal* (New York: Farrar and Rinehart, 1943; reprint, New York: Arno Press, 1969), 137.

[16] Joyce, "Early Days of Coal Mining in Northern Illinois."

[17] Carl D. Oblinger, *Divided Kingdom: Work, Community, and the Mining Wars in the Central Illinois Coal Fields during the Great Depression* (Springfield, IL: Illinois State Historical Society, 1991), 27.

[18] Ibid.

during the earlier years. The supportive nature of mining communities saw to the well being of area miners. Community members had a vested interest in the welfare of coal miners: local businesses depended on miners' patronage, and many members of the community had family or friends who worked in the mines. Therefore, the townspeople usually stood behind the miners' cause. The communities and fellow miners aided one another throughout the slow mining season and during strikes. An example was during the Braidwood strike of 1874, when neighboring miners from Braceville provided relief funds for the families of striking miners.[19] Also, although they were not members of the union, women of the mining communities played a large supportive role. A Women's Auxiliary of the Progressive Miners organization was formed in which officers stressed a woman's power to become an active participant. Such sentiments "marked coal mining women's militancy and their belief that as the allies of their husbands, fathers, and brothers they could stand as partners, not just supporters."[20] Furthermore, as a result of rising solidarity within mining towns, local unions were formed, which enhanced miners' bargaining power, and increased the probability of strikes being successful. However, behaving like a unit in support of one another played a role in the miners' plight as technology progressed. While some mining states could successfully raise profits by lowering wages, the stronghold of unions in Illinois made wage cutting almost impossible. Illinois was exceptional in the degree that miners were organized. McAlister Coleman wrote, "The miners of the state organized to a man, in the van of every progressive movement in the union, have played the lone-wolf role time and again, coming out of negotiations with wage scales higher than those in other parts of the country."[21] Therefore, Illinois coal companies, unable to lower wages, instead resorted to laborsaving techniques—namely, mechanization. In other words, rather than all of the miners suffering a pay cut, the solidarity of Illinois coal miners and their ability to strike encouraged operators to introduce machinery, resulting in permanent unemployment for a large part of the work force. Although mechanization was inevitable, both resilient unions and the Great Depression accelerated the mechanization process in Illinois.[22]

As coal production rose in other areas with a more abundant coal supply, technology allowed the northern Illinois coal industry to stay competitive. New machinery permitted coal to be extracted cheaply and

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[19] R.G. Bluemer, *Black Diamond Mines* (Granville, IL: Grand Village Press, 2001), 142.

[20] Caroline Waldron Merithew, "We Were Not Ladies: Gender, Class, and a Women's Auxiliary's Battle for Mining Unionism," *Journal of Women's History* 18, no. 2 (Summer 2006): 73.

[21] Coleman, *Men and Cole*, 81.

[22] Malcolm Johnston Brown and John Nye Webb, *Seven Stranded Coal Towns: A Study of an American Depressed Area* (Washington D.C.: U.S. Government Printing Office, 1941), 64–65.

efficiently enough to make the industry feasible. However, the mechanization that kept production alive ensured a cut in the labor force. Machines were much more efficient than the pick, shovel, and mule. As machines were first being introduced to the mining industry, miners encountered multiple problems. The machinery was expensive and often required high maintenance.[23] Also, because conditions varied from mine to mine, it was difficult to create a machine that could perform universally.[24] However, the increase in production made possible by machinery was promising for mine owners. For example, haulage locomotives adopted by the Chicago, Wilmington & Vermillion No. 3 Mine in Streator could run thirty-seven pit cars in less than nine minutes and produce 600 tons per day—a task that normally required twenty mules and twenty drivers.[25] Needless to say, once machines evolved to become more efficient and less costly, they were increasingly brought into the mines, rapidly replacing workers. In the late 1920s, the work force of mines that brought in mechanized coal loaders was cut in half. The loading machines were characterized as "time-saving and man-hour eliminating" assets to the coal companies.[26] To the miners, though, these machines were a threat to their job security, and in some respects, to their lives as well. According to Oblinger, as more machinery was brought into the mines, accidents increased. Motorized haulage replaced mules, and new workers who were inexperienced in mining were hired to run the machinery. Mining proved increasingly dangerous as more men lacking experience filled the mines. However, coal companies discarded the idea that these new machine workers and their unfamiliarity with mining were to blame. Instead, they insistently blamed the miners for accidents, an attitude that was apparent in an investigative report from 1919 that declared a "large percentage of the fatal accidents may be attributed to carelessness on the part of the person killed." As competition increased, mine owners pushed for more productivity. This further endangered miners' lives because it hurried the work pace and increased mistakes. Increased mechanization worked in concert with increased competition. Owners not only needed to cut costs, they needed additional production and machinery to keep mines open.[27]

The same railroad lines that brought prosperity to the northern Illinois coal industry later connected other areas containing better sources of coal to the regional and national market. Therefore, increased

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[23] C. Chenoweth, Alan R. Myers, And Jennifer M. Obrad, *Photographic History of Coal Mining Practices in Illinois* (Champaign, IL: Illinois State Geological Survey, 2008) 53.

[24] Ibid.

[25] Ibid., 38.

[26] Oblinger, *Divided Kingdom*, 90.

[27] Ibid., 125-126.

competition from nonunion coalfields in other regions, which caused increased mechanization, hurt the mining industry throughout Illinois. The close proximity of the northern Illinois coal mines to Chicago became a less significant factor than the cheaper prices and higher quality coal that could be easily shipped in. Outside competition caused a marked increase in the mechanization of Illinois mining operations. Coleman said, "Between 1923 and 1925, in three Southern Illinois counties alone, 9,300 miners were thrown out of work, either by the abandonment of mines on the part of owners who could not meet nonunion competition or by the introduction of laborsaving machines."[28] According to the Illinois State Geological Survey, "In 1927, about four percent of the tonnage produced by shipping mines was mechanically loaded." Only three years later, this statistic rose to more than half, and by 1954 nearly ninety-nine percent of the coal produced by shipping mines was mechanically loaded. This figure is striking when one notes that between 1923 and 1950 the number of employees in shipping mines dropped by 60 percent—the equivalent of 70,000 workers.[29] It is also of interesting note that the closing of the last underground mine in the northern Illinois coalfield occurred in the year 1954. A South Wilmington newspaper recalled:

> The last [underground] mine, number 3 was abandoned in 1926, although it was acknowledged one of the richest veins in the state. Hundreds of South Wilmington men were out of work when the mines closed and many moved to the coalfields of southern Illinois. Many of the townspeople even predicted a quick death for the village. It was a trying time for the people. Employment was scarce and the depression ate into life savings. The populate [sic] of the town rapidly dwindled…. Two local men…reopened and operated the number three mine in 1927, providing some employment for village men until its final closing in 1954. It was the last operating shaft mine in this part of the state.[30]

Many underground mines in northern Illinois were closing in the 1920s. A decrease in government spending fueled a post-World War I economic slump.[31] The lack of industrial demand combined with the

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[28] Coleman, *Men and Coal*, 137.

[29] Chenoweth, Myers, and Obrad, *Photographic History of Coal Mining Practices in Illinois*, 28.

[30] Rick Alderson, "Short History of South Wilmington" *Gardner Chronicle South Wilmington Centennial Celebration Supplement*, July 29, 1999.

[31] Eric Jarvis, "Toward a New Deal for Coal?: The United States Coal Commission of 1922," *Journal of the Historical Society* 8, no. 3 (2008): 438.

resurgence of European coal production spelled hard times for Illinois coal producers. New machines, however, made strip mining feasible. "In 1924 it was generally thought that it would be unprofitable to strip a vein of less than four feet in thickness; in 1927 this estimate had been reduced to a foot and continued to drop as larger machines were developed."[32] In turn, the Northern Illinois Coal Company erected its first stripping shovel in 1927, and began strip-mining coal west of Wilmington in 1928.[33] When compared to southern Illinois, where the coal veins were much thicker, the increased interstate competition proved especially difficult for coal operations in northern Illinois because of the region's thin coal seam. The introduction of strip mining allowed northern Illinois mines to continue extracting coal, but the feasibility of mining in northern Illinois was growing evermore tenuous. Employment in the mining sector had dropped precipitously since the early days of underground mining. The growing insecurity amongst miners due to the decline of mining in Illinois fueled tensions between labor and capital. While the coal companies were concerned with sustaining profits in the future, the miners were focused on putting bread on the table in the present.

The unionization of the Illinois coalfields continued over the course of the early twentieth century. In the early days of coal mining, unionism consisted of area miners bonding together, and union activity existed mostly on the local level. Around the turn of the twentieth century mining unionism began to take shape on a more national scale. Under the leadership of Braidwood's John Mitchell—known as the "Father of the Miners' Union"—the United Mine Workers of America grew from 34,000 members in 1898 to over 263,000 members in 1908.[34] But, it was under the leadership of John L. Lewis that the mining union was forged into a truly national entity. Lewis focused on accomplishing union objectives on a national level—often to the chagrin of many local mining union organizations. Lewis sought to consolidate his hold over the nation's local coal mining unions; after all, union strength and bargaining power rested on combined numbers. Mining strikes were less successful when other miners continued coal production. Coordinated strikes increased union effectiveness. Lewis' determination to end local autonomy was evident when he collaborated with operators to end a local Illinois miners' strike in 1919. Lewis expelled twenty-four local Illinois UMW leaders and hired gunmen to dispel strikers.[35] The

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[32] Pete Kodat, *Goose Lake Township Centennial: September 1897-September 1997*, Coal City Public Library District, http://www.coalcity.lib.il.us/coalmining/pages/coalcity/gooselake.html (accessed 21 November 2009).

[33] Ibid.

[34] Donna, 61; Coleman, 79-80.

[35] Oblinger, *Divided Kingdom*, 6.

consequence of the growth of national unionism was that it subverted local union grievances to national labor and capital disputes. Local miners still rallied together in local mining disagreements, but they often had to go along with the agenda of the national union. The local union initiatives were often placed on the chopping block if it meant leverage in larger national mining issues.

The United Mine Workers of America was trying to help Illinois coal miners, but the concerns of northern Illinois coal miners were seen as less significant than the concerns of miners in areas of greater productive capacity like southern Illinois, Appalachia, and coalfields in the West. The UMWA's relegation of local concerns to broader concerns proved divisive. Lewis' heavy-handedness ultimately led to the formation of the Progressive Miners of America. In Illinois, Lewis worked under the supposition that some miners would have to be sacrificed in order for mining to remain viable. If miners obtained all of their demands, many mines would eventually be forced to close. He looked to long-term feasibility over short-term gains. This was partially the reason that Lewis embraced mining mechanization, much to the dismay of many Illinois miners. In an interview, Harry McDonald reckoned that the Progressive Miners of America ultimately failed because PMA members opposed increased mechanization; therefore, over time PMA mines were forced to close because they were unable to remain competitive. In regard to the PMA, McDonald said, "You can't go on under some old beat-up way of life and get anyplace; you have to go with progress."[36] Problem piled atop problem for Illinois mines in the 1920s, and as a result Illinois miners grew increasingly militant.

Grievances in the Illinois coalfields often escalated into violent armed conflicts—as was the case in Herrin, Illinois in 1922 when a mob of striking miners killed nineteen strikebreakers.[37] The bitter divide between the UMW and PMA resulted in numerous deadly clashes in the 1930s. The amount of violence throughout the Illinois coalfields during the interwar years hurt output. Undoubtedly, Illinois miners' militancy caused coal companies to seek business ventures in less chaotic areas outside of the state.

Likewise, as time progressed technology provided cost-effective alternative energy sources to coal. This was another considerable factor in the demise of coal production in northern Illinois. Oil and natural gas began to compete with coal as the primary source of energy. In the mid-1920s industries around the world were shifting away from coal and turning to oil and natural gas for energy resources. The coal industry in northern Illinois suffered greatly as Chicago followed this movement.

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[36] Oblinger, 171.

[37] Paul M. Angle, *Bloody Williamson: A Chapter in American Lawlessness* (New York : Alfred A. Knopf, 1952. Reprint, Urbana, IL: University of Illinois Press, 1992) 278.

Right when the coal industry was being pressured by competition from other sources of energy the Great Depression set in. Unsurprisingly, industrial demand for coal tumbled. By 1930, Illinois coal production had dropped from a usual seventy to seventy-five million tons per year to sixty million tons, and in 1931 that number plummeted yet further to fifty million tons. Illinois experienced a temporary increase in coal production during World War II, but again succumbed to the tough competition of oil and natural gas by the late 1940s. Making matters worse, railroads began replacing coal-fueled locomotives with diesel-electric locomotives.[38] By 1950, the effects of diesel, oil, and natural gas on the coal industry were undeniable. Attending a Midwest Power conference, Bertrand A. Landry, a fuel research supervisor, warned of massive declines in coal consumption in the near future. Landry "attributed coal's losses to its increasing price, the increased convenience of gas and oil for domestic and commercial heating, interruptions in supply caused by frequent coal strikes, and rising standards regarding air pollution."[39] Along with the developing external industrial competition and the internal setbacks that Illinois coal operators were all too familiar with, there was another more powerful obstacle that coal companies faced: the government.

In an attempt to stimulate the economy during the depression, President Roosevelt put forth government financed hydroelectric power projects. The completion of these projects would promise a decline in the demand for coal, and inevitably unemployment for miners. Roosevelt continued on with the program even after engineers advised him to favor coal. This new blow to the job security of miners could not be blamed solely on technology. As was aptly stated in a 1935 newspaper article, "The responsibility will rest with the Roosevelt administration, which with hundreds of millions of public funds is planning unemployment for coal miners."[40] Therefore, national economic recovery did not necessarily translate to recovery for the northern Illinois coal industry. Likewise, government action came into play when environmental legislation was introduced. As clean air regulations grew popular in Chicago, coal consumption was bound to take a hit. Upon growing awareness of health hazards relating to soot-polluted air, coal companies had to take steps to accommodate the desire for cleaner energy resources. In support of the anti-smoke campaign in Chicago, coal executives announced they would help "abate the nuisance by educating their customers to burn their coal smokelessly."[41]

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[38] Spencer Range, *Down But Not Out: The Rise and Fall of Illinois' Coal Industry*, Northern Illinois University Libraries, http://www.lib.niu.edu/2006/ih010613.html (accessed 21 November 2009).

[39] *Chicago Daily Tribune* (Chicago), 6 April 1950.

[40] *Chicago Daily Tribune* (Chicago), 30 July 1935.

[41] *Chicago Daily Tribune* (Chicago), 18 September 1926.

Unsurprisingly, these actions were not solely philanthropic. The coal industry was very aware of the demand for clean fires, and of the alternate energy sources that could provide them if they did not.

The last of the mining operations in northern Illinois had ceased production by the 1970s.[42] While coal mining continues to this day in southern Illinois—though at a much-reduced rate from the boom period—coal mining no longer exists in northern Illinois. The quality of northern Illinois coal, along with the thinness of the coal seams, ultimately rendered the downfall of northern Illinois coal industry. The railroads that had ushered in the northern Illinois coal boom, also played a part in its downfall as they eventually connected regional and national markets to cheaper sources of coal. Union growth enhanced the welfare of the average coal miner at the expense of operators' profits.[43] While this may have been feasible for mine operations that were healthy, it was not sustainable for the marginally profitable coal enterprises in northern Illinois. Technological advances proved to be only a crutch. Mechanization allowed northern Illinois mines to remain competitive, but only temporarily. Meanwhile, nonunion mines and mines in areas with thicker coal seams continued to produce. As mines in these areas further reduced production costs by implementing the same technological innovations as the mines in northern Illinois, northern Illinois coal production waned once more. The nation's shift toward alternative sources to fulfill its energy needs further compounded northern Illinois coal producers' problems. Over the course of the early twentieth century northern Illinois mine operations either simply closed shop, or went in search of new frontiers. The impact mining had on the towns scattered throughout the northern Illinois coalfield was striking.

Strip mining literally stripped the fertile topsoil away from areas of coal deposits, and left the flat land a bumpy countryside of holes and slag piles. The remaining prairie land was useless as far as agriculture was concerned, especially in northern Illinois. Although the land in southern Illinois had been ravaged also, the soil in the south was still capable of growing hay and pasture crops, as well as certain trees. But, as conservationists in the 1950s explained, the most difficult mining areas to reclaim were those in northern Illinois, where "the hard clay subsoil that has been turned up is much like concrete as far as plant life is concerned."[44] Northern Illinois land had suffered greatly from mining, and needed major restoration if any farming or building developments

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[42] *Chicago Tribune* (Chicago), 19 September 1974.

[43] William M. Boal and John Pencavel, "The Effects of Labor Unions on Employment, Wages, and Days of Operation: Coal Mining in West Virginia" *The Quarterly Journal of Economics* 109, no. 1 (February 1994): 295.

[44] *Chicago Daily Tribune* (Chicago), 11 December 1950.

were to be considered in these areas. In 1952 a project was started in which Braidwood became a test site for crawler tractors and other equipment belonging to the International Harvester company in hopes that "long sought answers as to the best manner of restoring worked over mining land may be found...."[45] Considering that coal mining companies originally neglected to level the land due to the fact that it was costly to do so, reclamation of all the abandoned mining land was improbable. Fortunately in many areas, land that was not reclaimed found its own purpose in the form of recreational beaches, lakes, and golf courses.[46]

Because mining operations were the nuclei of the communities that grew around them, when mines shut down and coal companies moved out of the areas, the residents—most of whom were families of miners—were often left no choice but to relocate to areas with active mines. As the coal industry in northern Illinois began to dissipate, entire villages and towns were abandoned. Newspaper headlines and advertisements that initially boasted of mining successes and population booms were being replaced by more somber news such as "[Mine] Closing Sounds Knell of Whole Town," and "A Whole Village for Sale."[47] It was a normal occurrence for company houses and buildings that had been left behind to be bought, dismantled, and shipped elsewhere to provide lumber for construction in another area. Sometimes, as was the case with the ghost town of Torino, the buildings were bought by coal mining companies in southern Illinois to supplement housing for their own employees. Individuals also took advantage of the houses that had decreased in value—some selling as cheaply as $400—by purchasing them and having them brought to Joliet, where construction costs were high.[48] Perhaps the site of Torino stands as a symbol of the coal industry's plight, as a cooling lake belonging to the Braidwood nuclear power plant now covers it.[49]

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[45] *Chicago Daily Tribune* (Chicago), 7 January 1952.

[46] *Chicago Tribune* (Chicago), 19 September 1974.

[47] Ridings, 204; Richard Joyce, "South Wilmington Mines," *Gardner Chronicle South Wilmington Centennial Celebration*, July 29, 1999.

[48] Ridings, 218.

[49] Ibid., 205.

Keeping Time: Institutionalizing Jazz in 1930s American Schools

Tim Aberle

In a 1933 article written for music educators, William Arms Fisher urged teachers to "let old walls crumble and obstructing fences fall flat, even though the clinging ivy and mass that hid their decay with a touch of beauty and sentiment fall with them."[1] Encouraging a reform in standard music curricula and teaching methods, Fisher reacted to a social controversy that affected American life in several fields, specifically focusing on music. Widening at an alarming rate throughout the 1920s, a gap had developed between the youth and the adults of America that was evident in the differing values held by each group. As American youths acted according to a sense of independence that was unprecedented in comparison to previous generations, adults reacted with shock while their children rejected traditional values, tastes, and customs. By the 1930s, the difference seemed to become an irreversible trend.

Jazz music, as a fresh, popular art form championed by the younger generation, provided a soundtrack to the decay of all customs that adults deemed proper, demanding the attention of alarmed educators throughout the nation. As a result, the 1930s saw a decade marked by impassioned discussion as writers offered suggestions and criticized others that were directed toward America's teachers, who stood on the front line in the conflict between generations. While some lamented jazz's influence and hoped for its decline, others recognized it as a part of America's heritage, acknowledging its legitimacy as a genuine art form while submitting to its irreparable presence. Collectively, teachers began to integrate the genre into their course materials despite reluctance led by a conservative spirit and initiated jazz into one of America's permanent institutions.

For the sake of simplicity, jazz music from the 1920s and 1930s must be understood as an umbrella term for a variety of different musical genres, because jazz itself is a complex form of music that is difficult to define. The arguments of 1930s educators took place at a time when the very definition of jazz was a matter of considerable dispute. In his history of bebop, a sub-genre of jazz, Scott Deveaux illustrates the problem by writing that defining jazz "has been a noisy process, characterized by bitter disputes pitting advocates of one vision

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[1] William Arms Fisher, "Music in a Changing World," *Music Supervisors' Journal* 19, no. 4 (March, 1933): 16.

of jazz against another."[2] Adding that "resemblances must take precedence over differences if jazz is to cohere as a whole,"[3] Deveaux acknowledges that the genre is most accurately defined as a composite of several different "visions" of jazz. This is worth noting because music educators at the time were not competing with one passing trend that had a concrete definition. Rather, the various new styles of music known collectively as "jazz" suggested that the elements of American music were changing. Instead of adhering to the classically-trained fundamentals that educators had been teaching, American musicians were taking music in a different direction. Also, due to the ambiguity of the term, voices in the discussion on jazz and education itself further expressed the confusion involved in forming a definition. One writer asked in frustration, "Do we know the difference between hot jazz and sweet jazz, or for that matter, the difference between jazz and swing?"[4] Exemplifying the versatility of the music form through her question, the author did not seem to know how to pinpoint an exact variation. She associated each form with the others instead. Another author, writing that "young people's tastes are now swinging over to 'swing' (whatever that is),"[5] further illustrated the problem of defining jazz, expressing confusion about the subtle differences among its various forms that made them difficult to identify. Because these authors could not easily identify variations of jazz, educators had a difficult time curtailing the genre's influence and focusing on the specific musical elements that made it unique. Instead of dealing with a few traits that defined jazz, they were dealing with a broad collection of different styles that they did not understand. As a result, when writing about the controversy of music in the 1930s, authors related several forms of new music to what was known as "jazz." Likewise, references to "swing," "modern music," "dance," "popular music," or any other names of new music from the time will be characterized as "jazz" in the context of the controversy.

Despite this ambiguity, jazz developed from a general origin and followed a path to popularity. Knitted together with a broad range of African- American and European musical influences, jazz first came to be when musicians combined those influences together to form a new, unique sound.[6] Commenting on the variety of musical influences that led to the creation of jazz in *Pioneers of Jazz: The Story of the Creole Band*,

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[2] Scott DeVeaux, *The Birth of Bebop: A Social and Musical History* (Los Angeles: University of California Press, 1997), 5.

[3] DeVeaux, 4.

[4] Lilla Belle Pitts, "Music and Modern Youth," *Music Educators Journal* 26, no. 2 (Oct., 1939): 18.

[5] Robert Clark, "Music Education vs. Radio and Dance-Hall Rhythm," *Music Educators Journal* 23, no. 6 (May, 1937): 34.

[6] Lawrence Gushee, *Pioneers of Jazz: The Story of the Creole Band* (New York: Oxford University Press, 2005), 4.

Lawrence Gushee further describes the genre as a derivative of heterogeneous parent influences, adding that "the beginnings of jazz are not so much the beginnings of a music but the beginnings of the use of a word."[7] Essentially, jazz was not necessarily a totally new style of music, but it was a way of combining the elements of different styles to form a new interpretation. Partly due to jazz's complex mixture of musical styles, historians have traced the development of jazz to various origins. However, many generally locate the birthplace of jazz in New Orleans, Louisiana, where professional bands first became popular for playing the genre.[8] From there, jazz steadily gained popularity and became a national phenomenon, especially among the youth.

Jazz gradually spread from New Orleans as musicians moved to cities throughout the country. Kathy Ogren, a professor and author of *The Jazz Revolution: Twenties America & the Meaning of Jazz*, an investigation of jazz music in the 1920s, attributes the migration to the exposure of jazz to mass audiences. Referring to the migrants, Ogren writes that they found "new performance environments and commercial markets for electrically and mechanically reproduced jazz that catapulted the vernacular into a national rage."[9] In the "new performance environments" of the cities, jazz artists were able to share their music with the public. Finding venues in "nightclub and entertainment venues that provided an escape from Prohibition," jazz greeted the ears of partygoers, developing an association with the "carnal pleasures" that accompanied such settings.[10] As a result, jazz attracted larger audiences while patrons sought the relaxation, fun, and leisure of the clubs. However, despite the following that jazz developed in the cities, other factors developed that spread jazz with an even greater effect. Mentioning "commercial markets for electrically and mechanically reproduced jazz," Ogren hints at the development of the radio and the phonograph, which were pivotal in propelling jazz to mainstream popularity. Although jazz developed a strong following in urban dance and club settings, it was the radio and the phonograph that relayed jazz to the more remote sections of the country. William Barlow, in his article about the radio in the Jazz Age, writes that "dance bands made up of professional musicians were prominently featured on live remote broadcasts from hotel ballrooms, dance halls, and nightclubs."[11] As the radio was mass produced and widely consumed,

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[7] Gushee, 14.

[8] Gushee, 14.

[9] Kathy J. Ogren, *The Jazz Revolution: Twenties America & the Meaning of Jazz* (New York: Oxford University Press, 1989), 8.

[10] Ogren, 5.

[11] William Barlow, "Black Music on Radio During the Jazz Age," *African American Review* 29, no. 2 (Summer, 1995): 326.

developing a distribution of "12,048,762 sets among slightly fewer than 30,000,000 families" in 1930,[12] those live broadcasts reached the smaller towns between the cities as well as the sitting rooms of popular fraternity houses. As a result, a much broader audience heard the music.

In addition, the successful broadcasts became "vulnerable to commercial exploitation" as "white entrepreneurs…tailored them to appeal to a white audience."[13] In attempts to capitalize on its radio popularity, entrepreneurial phonograph record manufacturers recorded jazz on what was referred to as "canned music," making it available to buy, store, and listen to at any time in any location.[14] One writer describes the development as having the effect of "broadening musical experience to a hitherto unprecedented extent."[15] With the availability of phonographic records, music lovers did not have to visit clubs or tune a radio in at a given time to hear jazz music. Instead, they could play a record whenever they wanted to. One writer, passionately supporting the record business, witnessed the intoxicating impact it had on listeners by writing that the average man no longer "needs opium nor the poet's soul to fill his waking hours with fantasy and passion."[16] He later testified to the contagious popularity of the recordings, writing that, "the neighbors hear weird sounds coming out of his open windows, and resolve fiercely to tell the janitor about it the next day."[17] In this way, jazz was able to claim a permanent presence in American popular culture, which was a powerful influence on children and young adults. As a result, jazz demanded the attention of music educators, who had to take into consideration the cultural conditions that affected their students.

Before examining the controversy of jazz music and education in the 1930s, one must first understand the conditions immediately preceding it. During the 1920s, American society experienced a transitional period in which new social customs, such as listening to the radio, developed. Also, more so than in previous decades, the 1920s saw the development of adolescence and young adulthood as independent stages of youth free from the influence of older generations. With their newfound autonomy, American youths experimented and introduced new customs to society that had only marginal influence before. Their freedom to experiment was a factor in jazz's rise to popularity.

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[12] I. Keith Tyler, "Radio in the High School," *Educational Research Bulletin* 14, no. 8 (Nov., 1935): 208.

[13] Barlow, 325.

[14] Garry Joel August, "In Defense of Canned Music," *The Musical Quarterly* 17, no. 1 (Jan., 1931): 138.

[15] Pitts, 18.

[16] August, 142.

[17] August, 145.

Specifically focusing on the youth of the decade, Paula S. Fass explained the youth culture's birth and significance in her 1977 book, *The Damned and the Beautiful: American Youth in the 1920s.* In the book, Fass asserts that the youth were both a "product of change and the agents of change" as they became a significant institution in American society.[18]

Fass emphasizes how factors such as economic restructuring, low birth rates, and increased parental attention toward children led to an increase in college attendance in the early twentieth century and, with it, a new and independent social group.[19] As more and more individuals entered college as opposed to the workforce, the college years became a standard stage in the lives of many American children. Finding themselves in the "self-contained social environments" of colleges,[20] youths developed a new culture based on their interactions with peers. Surrounded by other youths in the college environment while being separated from work and family influences, they developed a new institution in American society out of that insulated culture, which Fass describes as the peer group institution.[21]

The peer group developed as a result of a uniquely different childhood experience in America, and according to Fass, it became a new influence in the lives of youths across the country. Fass summarizes the effect of the peer group well in writing that it "permitted the individual to experiment without making him personally responsible for all his actions," adding that "devotion to the group and group enthusiasms…relieved him of personal responsibility for bad choices."[22] Essentially, because they were free from the influence of family and work life, the youth partaking in that institution had only the influence of each other.[23] Since they needed to gain approval of their peers only, they were free to deviate from traditional norms. Therefore, pressure to conform to values held by peers rather than adults significantly influenced the behavior of youths, encouraging them to adopt values that would please their peers and give them acceptance and success in the youth culture.[24]

As a result, many young Americans developed a set of values that were unique to that segment of society, disregarding whatever was not acceptable to their peers. That development facilitated the rise of new customs apart from those traditionally passed down from older

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[18] Paula S. Fass, *The Damned and the Beautiful: American Youth in the 1920s,* (New York: Oxford University Press, 1977), 6.

[19] Fass, 56.

[20] Fass, 133.

[21] Fass, 56.

[22] Fass, 372.

[23] Fass, 133.

[24] Fass, 57.

generations. In other words, if a fad developed at one college, then students spread news of it to friends at another, and the widespread influence of such fads created new social customs. At the same time, high school students imitated their older, college-aged peers, following their steps and sharing their tastes in anticipation of joining their ranks.[25] Consequently, a wide age group essentially separated itself from the rest of American society. In this way, the youth peer group developed and became a force of change within American society.

As the youth brought about change and developed social customs that were unique to their generation, they violated traditional values and customs held by the nation's older generations. As a result, older Americans reacted with hostility toward the products of the younger generation, rejecting the new customs due to their fear of change and distaste for disobedience. Reflecting that fear of change in an article that addressed youths' independence, Harold de Wolf Fuller discussed the youths' potential to either positively or negatively influence society. He represented the sentiment of the older generation well in writing that youths meant "to shape their lives not as their elders, but as knowledge" dictated.[26] Implying that his generation could no longer control its young and that youths would learn their own lessons instead of following their parents' examples, Fuller revealed the sense felt by the older generation that they had lost control over the future of their society. That loss of control provoked a defensive attitude in the minds of older Americans, whose traditionally authoritative role was in jeopardy.

Since the youth had become an independent population, older adults knew that they could not reverse the potentially negative social consequences of the youths' actions, such as encouraged debauchery, idleness, irresponsibility, and a host of other moral violations. With that in mind, they viewed as risks the changes brought about by youths, which they thought could have potentially threatened America's moral fiber. Therefore, most social fads, such as new styles in clothing, dance, language, and forms of music, carried a negative stigma in the eyes of adults, representing a rebellious and disobedient youth. As jazz became highly popular among college students, whom the *Ohio State Lantern* described as "jazz inebriates,"[27] the genre developed an association with mischief. Specifically referring to jazz, one college professor "called jazz degenerate because it 'expresses hysteria, incites idleness, revelry, dissipation, destruction, discord, and chaos.'"[28] One can infer then that

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[25] Fass, 217.

[26] Harold de Wolf Fuller, "The Myth of Modern Youth," *The North American Review* 227, no. 6 (June, 1929): 757.

[27] Fass, 304.

[28] Letter to the editor, *Daily Illini* (December 21 1920): quoted in Fass, 303.

jazz, included in the array of new, youthful customs, was a risk associated with the social ills that accompanied the younger generation's independence in the minds of traditionalist Americans, thus attracting negative attention and controversy.

With the rise of jazz occurring at the same time as the development of an increasingly independent generation, the stage was set for a conflict. Responding to the influence of their peers, youths fell in love with jazz, preferring it to traditional forms of music. They could not wait to go home, listen to the exciting new music, and forget about the dry music presented to them in schools. One student described the appeal, sharing that "swing on the radio distracts my attention from the things I don't want to remember."[29] At a time of widespread hardship caused by the Great Depression, that distraction may have enhanced the genre's appeal even more. It provided upbeat and exciting breaks in what could have been many stressful and discouraging days that youths had to endure. In addition, an educator declared that the radio had become "more powerful than the school."[30] As a result, traditionalist music educators began to witness the erosion of what they perceived as proper musical tastes in their students, which created a cause for concern. Like the conservative, older generation with its cautious attitude toward new social trends, educators were alarmed.

In a 1937 article written for *Music Educators Journal*, Robert Clark, a professor of Psychology and Education at a teaching college, reflected that alarm, reporting that students "honestly admit that their chief interest in instrumental music is to play in some dance orchestra" as opposed to a more classical environment.[31] As illustrated by Clark, music educators could no longer identify with the majority of their students. The material that they taught fell on deaf ears, leading one frustrated teacher to acknowledge that their "purified conception of music" means "little or nothing to most of the students."[32] In response to such a sentiment and others like it, music educators rallied together in the 1930s. Presenting in journals to be read by educators all over the country, they polled each other throughout the decade for ideas about how to preserve traditional music and combat the offending popularity of jazz. What would ultimately unfold would be an effort to bridge the gap between the polarized generations.

In the ensuing discussion, several educators addressed a common fear that formed the basic foundation of the issue in the first place. They were concerned with forever losing their rich, musical traditions in the wake of popular music. Thus, they treated their role as educators as one

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[29] Pitts, 19.

[30] Clark, 34.

[31] Clark, 34.

[32] Alton O'Steen, "Swing in the Classroom?," *Music Educators Journal* 25, no. 4 (Feb., 1939): 26.

with great gravity, taking upon themselves tremendous responsibility to reverse the trend. In *Music Educators Journal*, Lilla Belle Pitts demonstrated that sense of responsibility:

> Music education has given evidence of being potentially powerful enough to exercise a dominant influence in building the musical future of America. There is a risk, however, of falling short of maximum service unless we turn to advantage what happens to be, for us, the two most strategic negative factors in the present situation—one the vast, heterogeneous mass of secondary school students musically unprovided for; the other, the equally vast and heterogeneous body of entertainment music loosely classified as *popular*.[33]

As Pitts suggested, many educators experienced a self-imposed pressure to immediately act, feeling the need to reach students before jazz corrupted their musical tastes indefinitely. They felt that their pupils' experience would either perpetuate jazz's rise, which would ultimately destroy traditional music's influence, or slow it down to a manageable rate. Adding to the pressure, educators realized that their students would ultimately determine the future of music, depending on how they reacted to the educators' efforts. Illustrating the hopeful as well as fearful view through which educators perceived that generation of pupils, Fuller writes that "it is not inherent qualities, but conditions which they themselves have had no part in introducing, that make members of the present younger generation appear so spectacular."[34] Acknowledging the generation's independence as a different group than that which initially propelled jazz into popularity, Fuller implied that the future lay in his pupils' hands and would be determined by their decisions, therefore making them "spectacular." In other words, as quickly as one generation fell in love with jazz, the next could reverse the trend by rejecting the genre and driving it to the margins of American culture. John S. Ellsworth, Jr., who was a young man at the time, supported Fuller's point, declaring that his peers were not "the young men and women who came back from the War and started the jazz age" and that the "revolt" was accomplished before they came of age.[35] Instead, his peers held an independent status that enabled them to reject their older siblings' product or to accept it. Educators recognized

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[33] Pitts, 18.

[34] Fuller, 760.

[35] John S. Ellsworth, Jr., "The Depression Generation," *The North American Review* 234, no. 4 (Oct., 1932): 358.

that and saw an opportunity to influence the generation, reacting with its independence in mind.

Initially, educators acted by ignoring the cause of the problem. Alton O'Steen, another contributor to *Music Educators Journal*, described the motivation behind the method, sharing his colleagues' attitudes in writing, "These children are going to hear plenty of jazz at the movies, over the radio and at their dances. In school we have such a limited amount of time for music that we should use it to expose them only to the best."[36] Despite the outcome implied in O'Steen's comment, which would mean a successful student conversion, Robert Clark described the student reaction. He writes:

> Pity the children in the elementary grades whose teacher thinks they should learn 'classical' music. She plays selections from grand opera on the school phonograph, and then asks (in some cases perhaps honestly): 'Now don't you *too* love that?' And in chorus they loyally, dutifully answer: 'Yes m-a-a-a-m.' If this is typical of public school music instruction in appreciation; and if education is a gradual *development* not only of knowledge and intellect but also of appreciation—and we try to educate the children in the primary grades *up* to grand opera—then what will be left but jazz and topical songs for the high-school adolescent?[37]

As Clark observed, ignoring jazz and only studying classical music did not affect student preferences. They did not develop a taste for classical music, nor did they moderate their jazz listening habits. Instead, the method seemed to make the problem worse. Clark was not necessarily for or against jazz as entertainment, but he was arguing that teaching methods had to change if teachers were to promote an appreciation for classical music. As they came to similar conclusions, educators resorted to a different approach.

Realizing that their previous method of avoiding jazz and focusing solely on traditional music failed, educators then acted by acknowledging jazz's presence as well as the need to change. O'Steen complied, submissively acknowledging that the jazz "situation is deplorable but inevitable."[38] Likewise, Pitts admitted that "the field of popular music…is an area virtually unexplored and unexplained by music educators in general,"[39] adding that "young folk are making this

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[36] O'Steen, 25.

[37] Clark, 34.

[38] O'Steen, 25.

[39] Pitts, 18.

aspect of their environment important to us because it is important to them."[40] Understanding that what was familiar to students was foreign to instructors, Pitts asserted the importance of embracing jazz in order to effectively reach pupils.

Supporting Pitts's call to change, Fisher, who so artfully alluded to change in urging old walls to "crumble" along with their "clinging ivy,"[41] explained why the youth rejected traditional music, writing that "the mechanics of playing and its drudgery were given the first place and music itself and its joy but a lagging second place."[42] Fisher was essentially suggesting that if educators were to reverse the trend, then they had to create an appeal for their music by evoking joy, which students found in the elements of jazz. O'Steen, Pitts, and Fisher implied that educators had to relate to their students, which would mean adopting methods with which their students could identify. As a result, jazz entered the school.

Some educators attempted to relate to their students by stepping even further, which meant experimenting with popular influences such as the radio. Referring to the instrument that initially helped to unleash the jazz menace, I. Keith Tyler, a writer for the *Educational Research Bulletin*, writes, "The radio has assumed such a commanding place in the regime of modern life as to demand consideration by the school."[43] Tyler continued, reasoning that the youths' "standards of taste in humor and in music, likewise, often can be attributed to specific programs to which they are addicted."[44] Realizing the importance of the radio in socializing a student, Tyler implied that the instrument could be used as a learning tool. Hopeful that the new technology could establish a common ground where they could identify with their students, educators, led by Tyler and others with similar insight, took another step toward reform, involving the radio in the classroom along with jazz.

Although many adopted jazz and technology, educators strived toward different goals regarding the change. For example, many educators found in them an opportunity to gradually guide students away from degenerate jazz music. Those educators integrated jazz in order to dissuade students from devoting their attention to it. New technology served as a means to support that end. Agreeing with Tyler in implying that educators should pay attention to and use whatever demands the students' attention, Pitts writes, "The music educator's primary concern is, therefore, to study the character of this interest,

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[40] Pitts, 19.
[41] Fisher, 16.
[42] Fisher, 17.
[43] Tyler, 208.
[44] Tyler, 209.

then combine with co-workers in making a serious effort to provide musical experiences which will emancipate youth from dependence upon the immediate and the transitory."[45] By involving the radio in the classroom or by simply studying jazz, as she implied in her statement, Pitts realized that educators could balance the listening diet of their students. Once that could be accomplished, educators could then "build standards of taste with regard to radio listening" like they cultivated taste in literature through English courses, according to Tyler.[46] O'Steen summarized the ultimate goal, writing that "with swing music in the classroom, we can help our students to increase their discrimination with regard to it,"[47] which would be evident "in the hours of listening away from school."[48] Educators saw hope in integrating jazz, finding a way to possibly wean students off of the genre, the "immediate and transitory" influence, and reinvigorate an appreciation for classics.

At the other end of the spectrum, some educators completely supported the study of jazz, deeming it to be actually worthy of devotion. Despite his desire to see his students ease their obsession with jazz music, O'Steen did write that what educators "scorn today becomes tomorrow's accepted practice" and that what they "shudder at today becomes the subject of tomorrow's Ph. D."[49] Fisher added, "Standing on the threshold of the new era, and lifting our heads above the confused and noisy welter that for the moment disturbs us, it is for us to vision the coming day, especially to see the divine ministry of music as a vital, functional part of it."[50] Suggesting that educators, in their conservative stubbornness, may have been "overlooking the most important musical development" of their time,[51] O'Steen and Fisher acknowledged a quality to jazz that many overlooked.

In addition, Randall Thompson mentioned that jazz "may pass or gradually evolve into something else, but already it is part of our heritage."[52] He elaborated by writing, "In three hundred years we have developed musical dialects of our own. Jazz at once leaps to the mind."[53] Referring to the African and European-rooted "dialects" that influenced jazz, Thompson promoted the genre as a naturally American form of

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[45] Pitts, 68.

[46] Tyler, 210.

[47] O'Steen, 27.

[48] Tyler, 211.

[49] O'Steen, 26.

[50] Fisher, 16.

[51] O'Steen, 26.

[52] Randall Thompson, "The Contemporary Scene in American Music," *The Musical Quarterly* 18, no. 1 (Jan., 1932): 10.

[53] Thompson, 10.

music, asserting that it should be studied and mastered in order to honor and continue building America's musical legacy. Pressing traditionalists who viewed jazz negatively, Thompson tried to persuade them otherwise, suggesting that "jazz should be at least as useful a source of inspiration to us as many highly abbreviated Russian folk-songs were to Russia."[54] Pulling the prestigious and highly respected Russian products, which were judged as classics by educators, into the discussion, Thompson urged educators to change their attitude toward jazz and respect it.

As displayed in O'Steen, Fisher, and Thompson's articles, some educators looked beyond the problem and envisioned a time in which jazz would contribute to something great, or perhaps be considered great in itself. Therefore, they did not view the integration of jazz into music curricula as a way to counter its rise, but they saw integration as an imperative measure to follow the path that American music should have been taking. However, music educators generally wrote with a tone that likened jazz to an unwelcome guest, or a bump in the road. Even Thompson and Fisher did not blatantly refer to jazz as an art to be admired. Instead, they supported its study in order to accelerate toward an undefined creation in the future. With that considered, one can infer that music educators generally held an opinion that expressed ill favor toward jazz, varying between different extents. Although they conceded to including jazz in class materials, they viewed it as a necessary evil. Regardless of their motives, music educators did include jazz in their classes. In doing so, they effectively institutionalized the genre and created another milestone in jazz's journey from the streets of New Orleans to the ranks of America's most celebrated cultural creations.

To his fellow educators, Fisher stated that "the dynamic of this revolution leaves no one untouched" and that "no institution is above the wash of its current."[55] They acted accordingly. By the 1920s, the youth of America had led a revolution in values and music that would forever change American social dynamics. The older population was no longer in charge, and an independent youth quickly pulled American society in a different direction. Shocked and frustrated, music educators responded in an attempt to preserve the remnants of their vanishing musical treasures. Trying to stay above the rising tide, they turned to jazz, hoping to regain a lost connection with their students. Ultimately, they initiated jazz into a permanent position in American education, paving the way for a vast amount of musical developments. In doing so,

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[54] Thompson, 10.

[55] Fisher, 16.

they kept time, making sure that what was "fully half begun" anyway would "in the end be well done."[56]

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[56] Thompson, 17.

Growth of Mail-Order Marketing in Illinois

Katherine Payne

Mail-order marketing evolved into a successful business, growing rapidly from 1890 to 1910. Aaron Montgomery Ward, Richard Sears and Alvah Roebuck were three of the most influential men concerning the mail order marketing system of Illinois. Based out of Chicago their companies thrived under the robust industrial economy and fueled more unified goods being sold to both rural and urban communities. Mail order marketing was not a new business venture for the American people, but once it became centralized through advertising, clever innovators and technology, the improvements on the system boosted Illinois economy as a whole. According to Cecil Hoge department stores sold reasonably priced goods because of their ability to buy in large quantities and sell at low prices, giving the consumer of the city "unprecedented value."[1] After the Civil war, new technologies and attitudes enhanced the growing market economy in Illinois.

Mail-order marketing grew with the market economy in the years following the Civil War. Rapid changes in population growth, farming, technology, transportation, distribution systems, and communications[2] drove the expansion of the economy in general and the mail-order business in particular, with unifying effects on Illinois' rural and urban populations: as "city goods" became available to "country people," consumer culture's divide between urban and rural communities narrowed significantly. The United Postal Service played a large role in the expansion of the mail-order system and the new policy of "rural free delivery" began nationally in 1896.[3] With the new regulation in place those living in the "countryside" were able to have mail delivered to their homes directly instead of a local post office.[4] Ward, Sears and Roebuck took full advantage of this and began to send advertisements and catalogues to those in Chicago as well as rural communities.

The new postal system allowed mail-order marketing to reach a variety of consumers throughout Illinois. Catalogues created a high

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[1] Cecil Hoge, Jr., *The First Hundred Years are the Toughest: What we can learn from the century of competition between Sears and Ward,* (Berkley: The Robert L. May Company, 1988), 8.

[2] Ibid, 10-11.

[3] United States Postal Service website, *Postal History,* 22 March 2011, available from www.usps.com; Internet, accessed 22 March 2011.

[4] Dr. Charles Titus, HIS 3810 class notes.

demand for goods and offered everything from household wares, items of clothing, and even ready to assemble homes. Montgomery Ward created the original catalogue for his department store and his main idea was to cut out the "middle men" of trading.[5] By giving the customers access to both catalogues and a central store in the city, Ward was able to sell brands never originally available to those in rural districts. His idea was to "sell direct to country people by mail. With a mail order store…It would be in a big city where the storekeeper could easily get in touch with manufacturers…suppliers would be willing to cut their prices on large order and the mail orders store could pass on the savings to its customers."[6] Low prices, customer service, and reliability launched Ward and later Sears and Roebuck into a profitable business that drove the expansion of the economy.

Illinois saw an enormous amount of change because a population expansion in the mid nineteenth century. As Cecil Hoge explains, "Chicago's population had grown from 30,000 in 1850 to over 104,000 in 1860 and then over 200,000 in 1865."[7] Farming in Illinois was a main source of revenue for the economy, but as popularity and job opportunities increased within the city, rural communities began to suffer. To prevent imbalance when it came to farmer's rights, a corporation named "The National Grange"[8] was established. The National Grange was a third party corporation that focused on the needs of famers and acted as their eyes and ears in the government. As interest swayed away from the countryside, Montgomery Ward actually saw it as a profitable starting point for his business. Ward began small when he ran "the tiniest test possible…to a mailing list of 40 Grange members he sent out a one-page price list."[9] According to Hoge, the Grange supported Ward from the beginning and allowed him to use their name when he started his first company, calling it the "Original Grange Supply House."[10] Even as his company grew, Ward realized the benefits of keeping goods and supplies readily available for the farmers of Illinois. In later years, Richard Sears and Alvah Roebuck followed Aaron Ward's example by incorporating farming materials into their basic purchases.

Richard Sears did not originally begin his career as a mail-order businessman. He started by selling watches and after much success

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[5] Frank B. Lantham, *1872-1972 A Centruy of Serving Consumers: The Story of Montgomery Ward*, (Library of Congress, 1972), 3.

[6] Ibid, 3-4.

[7] Cecil Hoge, Jr., *The First Hundred Years are the Toughest: What we can learn from the century of competition between Sears and Ward*, (Berkley: The Robert L. May Company, 1988), 5.

[8] Ibid, 8.

[9] Ibid, 12.

[10] Ibid, 13.

hired Indiana watchmaker Alvah Roebuck to create a new niche in repairs.[11] By placing ads within the local papers, Sears realized the benefits of mail orders and quickly began selling and repairing watches for a large consumer base. After a few years Sears joined forces with Roebuck to create the Sears, Roebuck Company in 1893.[12] They relocated to Chicago where Sears began to follow in Montgomery Ward's footsteps by placing advertisements aimed towards both farm and city populations in catalogues and newspapers.[13] In the following years Sears, Roebuck and Company grew exponentially and eventually became a rival of Montgomery Ward.

Both companies became well known after the 1890s because of their timely deliveries and reasonable prices. This tradition continued in the 20th century as profits continued to rise because Ward and Sears they had "built up an immense business throughout the country, and enjoy[ed] a very enviable reputation for fair dealing."[14] Techniques for selling became increasingly important to these two marketers. Chicago's growing population supported the advancement of the railway system with their many connections located in the city it became easier to transport wares and catalogs to the people throughout Illinois and eventually the United States. It became cheaper and easier for the customer to communicate with the company and receive their purchased goods more quickly.

Department stores in Illinois became a hot bed for competition between Aaron Montgomery Ward and Richard Sears. Because of their innovations and dedication to the mail-order business, they revolutionized the way people lived. Low prices, fair trade, and use of improved transportation, Sears and Ward helped to push mail order marketing into the new industrial age of buying. The gap was narrowed between rural and urban consumers when products were created to appeal to a larger audience. Mail order marketing connected Illinois as never before and boosted the economy, which helped support the industrial movements within the cities.

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[11] Gordon L. Weil, *Sears, Roebuck, U.S.A.: The Great American Catalog Store and How it Grew,* (New York: Stein and Day, 1977), 7.

[12] Cecil Hoge, Jr., *The First Hundred Years are the Toughest: What we can learn from the century of competition between Sears and Ward,* (Berkley: The Robert L. May Company, 1988), 27.

[13] Gordon L. Weil, *Sears, Roebuck, U.S.A,* 11.

[14] *Christian Observer,* American Periodicals Series Online, 1904, accessed 15 October 2010, p. 14.

Diversity Among Hawaii's Children During World War II

Jarrod Taylor

"War! Oahu Bombed by Japanese Planes"[1] was the front-page headline found in newspapers from around the world on December 7th, 1941. Until the attack on Pearl Harbor, the United States had avoided direct involvement in World War II. As the country was thrust into war, home life for children began to change drastically. As the nation turned its focus to the war effort, many families began relocating to military towns and production centers all across the country. Men swarmed recruiting stations, while others were drafted into military service. As soldiers, sailors, and marines were moved around the country for training, their families often followed. Wives and mothers also went into the factories, taking jobs that had previously been held only by men. Children across the United States mainland were introduced to life on the homefront, while children living in Hawaii, more like children in Europe, experienced first hand the sights and sounds of a battlefield.

It is common knowledge that throughout the history of the United States, words like racism, segregation, discrimination, and prejudice have been at the leading edge of politics and internal conflict. Clearly the United States has moved a long way from the days of slavery, prior to the Civil War, but how does racism in Hawaii fit into the history of the Untied States? In *The First Strange Place: Race and Sex in World War II Hawaii*, Bailey and Farber quoted a war worker, who discussed how Portuguese people disliked Caucasians, or "howlies," and Filipinos did not like the Japanese, and the Japanese disliked Chinese people.[2] It is clear that there were racial differences in the Hawaiian Islands however; the severity of the tension between racial groups was far less extreme than on the mainland. It would even seem that much of the racism in Hawaii during the war was carried across the Pacific by service members and war workers from the mainland.

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[1] Headline, *Honolulu Star-Bulletin 1st Extra*, December 7, 1941, http://archives.starbulletin.com/2001/12/07/news/sb1207a.jpg (accessed April 18, 2010).

[2] Beth Bailey, and David Farber, *The First Strange Place: Race and Sex in World War II Hawaii*, Baltimore, MD: The Johns Hopkins University Press, 1994), 199.

In February 1942, in response to the Japanese attack, President Roosevelt issued Executive Order 9066.[3] This order called for people of Japanese ancestry, all across the United States to be placed in internment camps. Americans worried; that Japanese descendants, whether American citizens or immigrants, would be loyal to the Empire of Japan, and therefore act in support of the enemy. There were approximately 122,000 people of Japanese ancestry detained in the United States[4], and of those more than half were American citizens.[5] In contrast to the mass collection and detention taking place on the mainland, the military government in Hawaii detained only those who were deemed a threat to security. Less than one percent of the Japanese population in Hawaii was detained, and those who were detained had been placed on a suspect list prior to the attack on Pearl Harbor.[6] In addition, a small number of other suspected individuals of European descent were also detained. Many of the detainees were investigated, cleared, and released, while others were investigated and cleared without ever being detained.[7] One would expect that Hawaiians, having been the target in the attack, would have been eager to detain all people of Japanese descent; however this was not the case.

Looking further back into the history of racism and segregation in the United States, it becomes apparent that the Hawaiian Islands never adhered to the same social norms as the mainland states. The doctrine of "Separate but Equal" was a result of the Supreme Court case Plessy v. Ferguson in 1896. This doctrine allowed for separate facilities to be utilized by white people and African Americans, providing that the facilities could be considered equal.[8] "The Separate but Equal doctrine was quickly extended to cover many areas of public life, such as restaurants, theaters, restrooms and public schools."[9] It was not until 1954 that the Supreme Court removed Separate but Equal doctrine from the public school system.[10]

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[3] Our Documents, "Executive Order 9066 (1942)",

http://www.ourdocuments.gov/doc.php?flash=true&doc=74, (accessed May 5, 2010).

[4] Zlata Filipovic, and Melanie Challenger, *Stolen Voices: Young People's War Diaries, From World War I to Iraq*, (New York: Penguin Books, 2006), 136.

[5] Our Documents, "Executive Order 9066."

[6] Gwynfread Allen, *Hawaii's War Years 1941-1945*, (Honolulu: University of Hawaii Press, 1950), 134.

[7] Allen, Hawaii's War Years, 134.

[8] Plessy v. Ferguson, 163 U.S. 537 (US Supreme Court 1896).

[9] Street Law and the Supreme Court Historical Society, "Plessy v. Ferguson (1896): The Impact of the Case: "Separate but Equal," http://www.landmarkcases.org/plessy/impact_ eparate _equal.html (accessed April 19, 2010).

[10] Find Law for Legal Professionals, "US Supreme Court: Brown v. Board of Education, 347 U.S. 483 (1954)" http://laws.findlaw.com/us/347/483.html (accessed April 19, 2010).

In contrast to the United States racial policies in the early 20th Century, Hawaii was a much more diverse community. Prior to being annexed as a territory by the United States in 1898, laborers had immigrated to the islands to work the sugar and pineapple plantations. These laborers came from Asia, Pacific islands, and even Europe. Many either married locally, or sent for their families after establishing themselves in the islands. "By 1920 there were large numbers of plantation families with children."[11] Because children living in Hawaii at the time came from so many racial and ethnic backgrounds, public schooling became an issue. Students in the public school system in 1919 included children from Hawaiian, American, British, German, Portuguese, Japanese, Chinese, Puerto Rican, Korean, Spanish, Russian, Filipino, and some listed as "other foreigners."[12] On the mainland, public schools became legally segregated by race. In Hawaii, "compulsory education had been in effect since 1835, and educators were proud of their record of universal education."[13]

There were some instances of separation taking place in the school system of the Hawaiian Islands; however, the differences were not set by racial inequalities, but by ability groups with regards to language skills. Parents of English speaking students were concerned that their children's education would be hindered by students who lacked the English vocabulary to allow them to participate effectively in the classroom. In 1920, a petition was circulated among parents, requesting that an English language school be established.[14] The petition included a stipulation that students acceptance to the English school would be judged solely on the results of an oral and/or written English test, and was in no way related to race or ethnicity.[15] At the same time, other language schools were started as after school programs. Immigrant parents chose to send their children to these schools which taught their native language and customs, so that their children learned about the heritage and culture of their ancestral homes.

It is a reasonable argument to suggest that the English standard schools which were opened for English speaking students likely provided higher quality education than did the standard district schools. It is also a reasonable argument, that while these schools were not separated by race or ethnicity, a person's first language is typically a reflection of his race or ethnicity. The difference is found when comparing the enrollment practices at mainland schools versus

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[11] Judith R. Hughes, "The Demise of the English Standard School System in Hawai'i", *The Hawaiian Journal of History 27*, (1993): 67.

[12] Ibid., 68.

[13] Ibid., 67.

[14] Ibid., 69.

[15] Ibid.

Hawaiian schools. There were no African Americans enrolled at white schools in the United States. In 1920, the San Francisco, California school system established oriental schools for students of Japanese descent.[16] In Hawaii however; students of Asian or other descent were enrolled in English standard schools, providing he or she managed to successfully complete an oral and sometimes written English entrance exam. It was not uncommon to find second-generation students of Japanese, Chinese, or other nationalities enrolled in English standard schools.

By the end of World War II, the English standard school system was being questioned by parents of non-English speaking students. At that point, English speaking parents were not interested in fighting for the standard schools, and the system was easily phased out of existence. English standard schools were completely gone from Hawaii around the same time that black and white segregation in public schools stopped on the mainland.[17] The public education system in the Hawaiian Islands leading up to and during World War II was segregated linguistically, but in contrast to the rest of the United States, the student bodies remained interracial.

Following the attack on Pearl Harbor, a rush of nationalism surged over the country, and everyone did his or her part to support the war effort. Children planted victory gardens, and collected scrap materials, such as rubber and metal, to help supply the armed forces.[18] Immediately after the attack in Hawaii, Boy Scouts helped to extinguish fires that resulted from the attack, transported supplies and messages, went door to door informing residents of the blackout policy, and even stood as sentries on roadways.[19] A photograph included in Nicholson's, *Pearl Harbor Child*, shows Hawaii Boy Scouts collecting rubber materials. The three boys come from three different racial groups, but are working together to support the war effort.[20] This kind of interracial interaction among children was uncommon on the mainland, but was the norm in the Hawaiian Islands.

Day-to-day life for American children during World War II, whether on the mainland or in the Hawaiian Islands, did have some similarities. Children were scared, they felt the excitement of adventure, and developed a strong sense of American pride. In *"Daddy's Gone to War:" The Second World War in the Lives of American Children*, William

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[16] Roger Daniels, *The Politics of Prejudice: The Anti-Japanese Movement in California and the Struggle for Japanese Exclusion* (New York: Atheneum, 1970), 35.

[17] Hughes, "The Demise of the English Standard Schools" 77-80.

[18] Dorinda Makanaonalani Stagner Nicholson, *Pearl Harbor Child: A Child's Eyewitness View-From Attack to Peace*, (1993, repr Kansas City, MO: Woodson House Publishing, 2009), 43-46.

[19] Allen, Hawaii's War Years, 7, 34, 43.

[20] Nicholson, Pearl Harbor Child, 43.

Tuttle discusses the stories of several children who lived through World War II on the mainland. They shared with him the stories of their nightmares and the fears that came with the news of the Japanese attack. There were some adjustments to daily life as materials were rationed and air raid sirens, drills, and blackouts became normal activities.

In Hawaii precautions were taken a step further. Along with the blackout order, homes, schools, and businesses were directed to prepare bomb shelters. In addition to the bomb shelters, everyone was issued a protective gas mask, in case the Japanese elected to use chemical weapons against the islands. Students in Hawaii were trained in the use of their masks, and conducted drills where an Army officer would fill a classroom with tear gas and have the students walk through to be sure their masks were functioning properly.[21] Children on the mainland feared bombing attacks, and even invasion by Japanese troops. In Hawaii, further attacks and an invasion by Japanese troops were not only feared, but expected. Because of Hawaii's close proximity to the Pacific theater of operations, most military dependents were evacuated from the islands back to the mainland, as well as "10,000 Island women and children."[22] Children living in both Hawaii and in the mainland states were all American children, and their lives were connected through their sense of American prideand wartime experiences.

Homefront life varied from place to place, and there were also many differences between childhood experiences on the mainland in the United States, and in the Hawaiian Islands. Hawaii was placed under martial law almost immediately, and remained so until late in the war. Every citizen over the age of six years was fingerprinted, registered, and issued an identification card.[23] Curfews and blackout policies were enforced across the entire territory, and radio silence was observed for a short period after the attacks as well. In the islands, many schools were temporarily closed because of damages, while others were taken over by the Army to be used as hospitals and shelters. As the United States entered World War II, the gap that already separated the American childhood experience for those children living in the Hawaiian Islands from those living on the mainland, grew even wider. Children living in Hawaii during the Second World War grew up surrounded by racial and ethnic diversity, which was further defined by the closeness of combat, and a feeling of nationalism that developed across the country in the face of world war.

For those remaining on the islands, there were many changes. Because the islands were so isolated, shipping and receiving supplies

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[21] Tuttle, "Daddy's Gone to War", 8.
[22] Allen, Hawaii's War Years, 107.
[23] Ibid., 120.

and even mail became a logistical nightmare. The Pacific Ocean was patrolled by the Japanese Navy, and what supplies did reach the islands were of military necessity. Personnel transportation between the islands and the mainland was also stopped. Only those needed to fill positions in the islands were allowed to travel. The islands began to be flooded with military personnel and war workers. With this sudden increase in mainlanders arriving, social norms in the islands began to be questioned by the newly arriving visitors.

As Hawaii was home to a diverse population well before the outbreak of World War II, it would seem that the complications and conflicts between different ethnic groups were perhaps imported with the sudden dramatic increase in servicemen and war workers arriving from the mainland. Bailey and Farber state that, "Many of the mainland war workers were self-consciously and blatantly racist."[24] Censors often found negative comments about race in war worker correspondence with the mainland. There were complaints about the, "black, brown, and yellow man" and how he stood on equal footing with the Caucasian war workers.[25] According to Bailey and Farber, "Hawaii had no 'Negro Problem' before World War II."[26]

Another area that racial lines could be contrasted with those of the mainland was at United Service Organization, or USO functions. The USO was responsible for several facilities in the islands which hosted dances and social functions in order to provide entertainment to the troops who were based in Hawaii. Mabel Thomas was responsible for one of these clubs, called the Muluhia.[27] While these clubs were frequented by service members, there was a great shortage of women in the islands. Thomas enlisted the help of female college students from the University of Hawaii to dance with the servicemen, and provide them with a temporary companion. In the fall of 1943, Thomas held a formal dance, and concluded the event with a grand march. She was hoping to impress "General Richardson, and the top ranking staffs of Army and Navy."[28] With the grand march successfully completed, General Richardson congratulated Thomas and inquired about the national origins of the young ladies who participated in the dance. "Thomas identified them for him: 'Hawaiians, Japanese, Chinese, Filipino, Portuguese, Puerto Ricans, Spanish, Javanese, Malayans, French, Danish, Germans, Jewish, and Hungarians…the Chinese-

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[24] Bailey, and Farber, *The First Strange Place*, 35.

[25] Ibid.

[26] Ibid., 139.

[27] Ibid., 52.

[28] Ibid.

Hawaiians and half Whites."[29] The diversity among young female volunteers who helped Mabel Thomas entertain the troops at the Muluhia's formal dance again demonstrated the feeling of pride and nationalism that swept over the nation, and remained throughout the war. Clearly racism, prejudice, and discrimination were of little concern in the islands at that time.

Finally, there are debates over the state or racial affairs in Hawaii. In her article, "Disrupting the 'Melting Pot': Racial Discourse in Hawai'i and the Naturalization of Haole," Judy Rohrer discusses both sides of this debate. There are those who use the word, "harmony," to explain the interracial relationships in the Hawaiian Islands.[30]

I would argue that Robert Ezra Park's "discourse of racial harmony" is perhaps not a perfectly accurate description of the social interaction in the Hawaiian Islands during World War II.[31] Racial and ethnic tension did exist between certain groups, and the haole elite did maintain power from the time before annexation, and then relinquished the power to the United States government. The idea of racial harmony could be used to describe the territory of Hawaii much more than it could the mainland of the United States.

Others would say that Hawaii was illegally annexed by the United States, and that "colonization and racialization go hand in hand."[32] The culture in Hawaii today is certainly much different from that found in the territory of Hawaii during the Second World War. Less focus is placed on race, ethnicity, and nationality, while the dividing lines are set between "Kanaka Maoli (Native Hawaiians); locals; and haoles" (white people).[33] This dividing line is set even less between locals and whites, but more between locals and newcomers. Even Caucasians who have lived in the islands for an extended period of time may be considered a local. I would assert that these are certainly cultural differences, but not necessarily racial conflicts. People of any race or ethnic background may eventually find themselves on the side of the locals, provided they are willing to adapt to the island way of life. One could argue that in World War II Hawaii, the idea of racial harmony on the islands was much closer to reality than was a scene of racial conflict and superiority.

As the American war effort picked up momentum, the Hawaiian Islands were flooded with war workers, and military servicemen. When these groups landed in Hawaii, they brought with them, their own racial

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[29] Bailey, and Farber, The First Strange Place, 52-53.

[30] Judy Rohrer, "Disrupting the 'Melting Pot': Racial Discourse in Hawai'I and the Naturalization of Haole", *Ethnic and Racial Studies 31*, No. 6 (2008), 1113.

[31] Ibid., 1112.

[32] Ibid., 1111.

[33] Ibid.

ideals from the mainland. While the United States maintained "separate but equal" facilities for African Americans and Caucasians, Hawaii continued to function with minimal racial conflict or discrimination.

In Hawaii, the reaction to the attack was much more personal. On the mainland, many people were not familiar with the actual location of Pearl Harbor. The nationalist movement that swept across the country affected those living in Hawaii just as deeply, if not more so, than those living on the mainland. This could be said for adults and children alike. Because Hawaii was already such a racially and culturally diverse community, the sudden attack strengthened the community more so that weakened it. As mainlanders continued to struggle over racial issues; those living in Hawaii continued to look beyond racial boundaries.

The divide that separated the lives of children in Hawaii and the rest of the United States grew wider through the war years. Hawaii's children experienced events that were more closely related to the experiences of children living in Europe during the war. The separation of public schools by spoken language is much less racially motivated than the separate but equal policy adopted on the mainland. The use of oral and written English entrance exams allowed for students to be judged on their individual language skills as opposed to their skin color, or ethnicity. It was certainly those students from different races and ethnicities who were left out of the English standard school system, but not on a basis of color. When a child who was unsuccessful on his entrance exam became proficient at English, he or she would be accepted into the English standard system.

Another way that the war separated the culture of racism in Hawaii from that on the mainland was the way that young women from the University of Hawaii volunteered their time in order to entertain the troops. These women came from all different races, and nationalities, but still volunteered to support the American cause.

Finally, racial viewpoints in Hawaii differed for adults as well as children. As a community, Hawaii reacted to the disastrous blow that Japan landed on the Navy's Pacific Fleet. The people of Hawaii came together in order to promote the defense of the islands and of the nation. Children, who learn from parents and elders, were there to witness what was taking place. Being raised in a community which already enjoyed the benefits of acceptance and diversity, these children continued to live together with minimal conflict. As the United States of America was thrust into World War II, racism continued to be a serious cause for concern at all levels of society on the mainland. In Hawaii, racial differences became less of a concern for adults and children alike, as national pride and patriotism were placed at the focal point of the Hawaiian culture.

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The Architecture and Development of the Mary J. Booth Library

Stephanie Lee Martin

The Booth Library Dedication Program proclaimed, "Generations of students who will use the Mary Josephine Booth Library Building will meet the spirit of Joseph Francis Booton as expressed in Gothic arch and in cathedral glass, and will silently call him blessed."[1]

Mary Josephine Booth was a librarian at Eastern from 1904 until 1945 and was a champion for improving the library facilities and services throughout her career. Many changes were taking place in the world and architecture while Eastern developed its new library. The long debates between librarians and architects set up an understanding of library design in the twentieth century. Architect Joseph Booton's background in designing in historic styles was a part of what led him to use Gothic for Booth Library. While it was praised by people in the area, contemporary writers of library planning and architects found Gothic architecture to be out of date. Nevertheless, Gothic motifs continued to be used in collegiate architecture. Between the time Booth Library was proposed and the time it was completed, major shifts occurred in architecture and library amenities in America. Booth Library, completed in 1950, but in development since Mary Booth proposed a new library in 1928, combined traditional collegiate library aesthetics and had some of the contemporary amenities, but did not meet all expectations of a modern library.

Booth Library Building

Completed in 1950, the architectural style of the Booth Library is modified Gothic. The main body of the building was approximately square, measuring 150' x 154'. It had two main service floors, and a partial third. The building, which faced north, had a split level entrance, with one set of stairs leading to the ground floor (about four feet below grade level at the northeast corner) which led to the Frank Andrews Memorial Music Room, the Paul Turner Sargent Art Gallery, Audio-Visual and Library Science departments' quarters, faculty-student lounge, and a lecture room. The other stairs led to a two story entrance

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[1] *Booth Library, Eastern Illinois State College, Charleston, Illinois, Dedication,* 1950.

hall which continued south through the foyer to a cross hall which contained the main service desk and card catalogs. The reference room was on the east side of the main floor and the reserve room was on the west side of the main floor. The main floor also accommodated a browsing room, publisher's exhibit room, typing rooms, and microfilm rooms. The second floor included two seminar rooms, librarians' quarters, and the Lincoln Room.[2] The stacks were located on the basement, first, and second floors. The exterior walls of the library were built of buff tapestry brick, with Joliet limestone trim. Most of the south exterior wall was of limestone, cut to produce a textured effect. Colored Ohio sandstone and Joliet limestone were used for the interior walls of the entrance and of the stairs.[3]

Booth Library was considered modified Gothic, an adapted style from the medieval Gothic architecture of cathedrals. There were features that invoked the Gothic on the interior and exterior of Booth Library. Similar to Gothic cathedral entrances, the patron would ascend the grand stairs of Booth Library then be channeled into a narrow lobby leading into the awe inspiring catalogue room with the higher ceiling and windows forcing the eye skyward in an attempt to invoke the spiritual and other Gothic ideas such as knowledge.[4] Also in the catalogue room, there were niches that look like they could hold statutes as in churches with statues of saints. In the door moldings there were carved figures of a little boy and a little girl reading books. The large pointed arches of the north entrance and windows at the ends of the cross section, the finials on the ends of the cross section exterior, the diamond pane windows, and the non-symmetrical exterior were characteristics of Gothic architecture. Booth Library may have been considered "modified" Gothic because it was not as elaborate as Victorian Gothic and the windows on the west side of the building had round arches which invoked the Romanesque. Also, the windows on the north side of the building (other than the entrance) were not arched.

Development of Booth Library

A new library on campus had been discussed for many years before the completion of Booth Library in 1950. In the early 1920s when Eastern became a teachers college, President Lord began a campaign for a library building which he pursued for the rest of his career at Eastern until his death in 1933. In 1928, the article "New Library Building Would Be an Economical Investment," appeared in Eastern's newspaper the *Teachers College News* making an appeal to the state legislators that

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[2] Stanley Elam, ed. "Alumni Day, Library Dedication Date Set," *The Eastern Alumnus* 3, no. 4 (1950): 5.

[3] *Booth Library, Dedication*

[4] Dr. Allen Lanham, interview by author, March 17, 2010.

the state and entire academic program at Eastern would benefit from a better library and the current facility hindered learning.[5] Head librarian Miss Booth made appeals for new library facilities in the 1930 *Warbler* and a 1934 newspaper article.[6] As college enrollment increased, President Buzzard continued the campaign for a new library.[7] During the 1899-1900 school year Eastern's first librarian began to build the collection in Old Main, the library's original home.[8] Although the library expanded in Old Main, there was still a space shortage for books and people. The library's collection grew from 2,500 in 1900 to 33,700 in 1930, while the student population grew from 812 in 1904 to 3,325 in 1940-1941.[9] In 1941, a bill for a new library building at Eastern was proposed in the Illinois legislature.[10] The building of the library was postponed due to the outbreak of war.[11] When Governor Green announced the twenty-five year Post-War Building Plan in 1943, Eastern's President Buzzard placed the library at the top of his priority list.[12] Eastern was permitted to have plans drawn up and the data Miss Booth had been compiling for years was surveyed.[13] There was another reason why there was a push for better library facilities at Eastern. Some people believed that when in 1944 Illinois State Normal University and Southern Illinois Normal University were able to introduce masters degrees in education and Eastern did not, it was because Eastern lacked adequate library facilities.[14] In March 1944, the Division of Plans of the State Architectural Board submitted the first study of plans for the new library. President Buzzard and Miss Booth inspected and criticized the drawings and went to Chicago to meet with

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[5] "New Library Building Would Be an Economical Investment," *Teachers College News*, May 14, 1928.

[6] Mary J. Booth, "Teachers' College Library," *The Warbler* 1930, (Eastern Illinois State Teachers' College, 1930), 25. ; Mary J. Booth, "College Has Outgrown Facilities of Present Library, Say Mary J. Booth," *Teachers College News*, May 22, 1934.

[7] "Eastern Realizes Miss Booth's Dream May 27," *The Charleston Daily Courier*, May 26, 1950.

[8] Richard William Lawson, "Mary Josephine Booth: A Lifetime of Service, 1904-1945" (PhD Diss., Indiana University, 1975), 61.

[9] Ibid., 63.

[10] "Illinois Legislators Consider Grant of $475000 for Library," *Eastern Teachers News*, May 21, 1941.

[11] Charles H. Coleman, *Eastern Illinois State College Fifty Years of Public Service.* Eastern State College Bulletin No. 189 January 1950, 182.

[12] Coleman, 182. ; "Eastern Realizes Miss Booth's Dream May 27," *The Charleston Daily Courier*, May 26, 1950.

[13] "Eastern Realizes Miss Booth's Dream May 27," *The Charleston Daily Courier*, May 26, 1950.

[14] Lawson, "Mary Josephine Booth," 65.

the architect.[15] In April 1944 Illinois approved plans for the library.[16] In October 1947 the contracts were awarded for the construction of the library.[17] On February 2, 1948 the first shovel of dirt was turned and later that year on October 25, 1948 Miss Booth laid the cornerstone. After years of petitioning and planning, the Mary J. Booth Library was finally dedicated on May 27, 1950 and opened for service in September 1950.[18]

A new library was not the only change that the growing student population demanded. In 1948, along with a new library, a new laundry facility and a new football field and track were being added to the campus. New trees and parking changes were in the plans. Eastern also decided to keep the war surplus temporary buildings that were on campus and add to them in order to relieve the housing shortage due to the return of veterans.[19] There were many changes around campus at Eastern Illinois State College when the library was being built.

The Librarian and the Architect

As professionals, librarians and architects had different views on library buildings. With the founding of the American Library Association in 1876, librarians became more professionalized and gained a forum to reject the physical layouts of libraries designed by architects.[20] In 1891 the *Library Journals* said, "it is far better that a library should be plain or even ugly, than that it should be inconvenient."[21] James Bertram, public library philanthropist Andrew Carnegie's personal secretary who attempted to persuade him to support librarians in their struggles with architects, called for the precedence of the practical over the artistic.[22] Abigail Van Slyck, author of *Free to All: Carnegie Libraries & American Culture 1890-1920*, cited the division between librarians and architects after the Civil War as the result of the struggle of both groups to become professionals which turned to jealously over who could claim expertise in library planning.[23] She continued that by the late 1890s they began to have a similar

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[15] "Buzzard Announces Building Plans," *Eastern Teachers News*, March 22, 1944.

[16] Lawson, "Mary Josephine Booth," 66.

[17] "Eastern Realizes Miss Booth's Dream May 27," *The Charleston Daily Courier*, May 26, 1950.

[18] "Ibid.; R. F. Schaupp, "New Approach to Building a Colorful College Library," *The Pioneer* 16, no. 1 (1953): 4.

[19] "Spring Brings Surprise as Eastern's Campus Changes," *Eastern State News*, May 26, 1948.

[20] Abigail A. Van Slyck, *Free to All: Carnegie Libraries & American Culture 1890-1920*. (Chicago: The University of Chicago Press, 1995), 5.

[21] Ibid., 37.

[22] Ibid.

[23] Ibid., 45.

outlook due to increased professionalization and embrace of efficiency as the standard to measure competence.[24] The debate was still not over as could be seen in the literature of the mid-twentieth century advising on the relationship of the librarian and the architect for example, "The Librarian and The Architect," in John E. Burchard et al, eds., *Planning the University Library Building: A Summary of Discussions by Librarians, Architects, and Engineers* (1945) and "The Architect and the Library Building" by architect Alfred Morton Githens in *Library Buildings for Library Service: Papers Presented Before the Library Institute at the University of Chicago August 5-10, 1946* (1947). In his paper Githens gave advice for improving the relationship between the librarian, the architect, and the building committee when planning a library. [25]

Architect Joseph Booton's background is important in understanding his work. Born in Urbana, Illinois in 1897, Booton moved to Chicago and graduated from high school there in 1915. While in Chicago he gained practical experience by working at multiple architecture firms. During World War I, Booton served in the Navy. He gained technical skills and studied architectural history at the University of Pennsylvania, receiving his certificate in 1924. Barbara Burlison Mooney, author of "Lincoln's New Salem: Or the Trigonometric Theorem of Vernacular Restoration," argues "If Booton had been introduced to a modern stylistic idiom during his years at the University of Pennsylvania, these new ideas would have been situated within a Beaux Arts context of the appreciation of multiple historical styles. This instruction led to Booton's love of system and effortless design flexibility." [26] After Booton studied in Europe, he went to work for an architect in Chicago who also, according to Mooney had "his own historicizing inclination."[27] Although Mooney wrote about Booton and Lincoln's New Salem, her observations are still valuable to understanding Booton's work later in his career. Mooney argues, "Under Hammond's supervision, Booton adroitly shifted from style to style to meet the requirements of the state's architectural needs by utilizing the systematic approach to solving design problems that he had learned at University of Pennsylvania."[28] It would have been

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[24] Ibid., 46.

[25] Alfred Morton Githens, "The Architect and the Library Building," in *Library Buildings for Library Service: Papers Presented Before the Library Institute at the University of Chicago August 5-10, 1946,* ed. Herman H. Fussler (Chicago: American Library Association, 1947), 94-95.

[26] Barbara Burlison Mooney, "Lincoln's New Salem: Or the Trigonometric Theorem of Vernacular Restoration," *Perspectives in Vernacular Architecture* 11 (2004): 30.

[27] Ibid.

[28] Ibid., 31.

impractical for him to stick with one design philosophy in the state office because of the variety of projects that he undertook. According to Mooney, "On the contrary, the appearance of rationalized, efficient output was valued more than aesthetic or historical values," especially by C. Herrick Hammond, the supervising architect at the Illinois Division of the Architecture and Engineering.[29]

Booton had been the chief of design at the Division of Architecture and Engineering for twenty-five years before this project, working on a variety of projects and historical styles. According to the Booth Library Dedication program:

> The Illinois Host Building for the Century of Progress in Chicago, and the Illinois Building at the Golden Gate Exposition in San Francisco…attested to his feeling for the modern. The Natural Resources building University of Illinois, Milner Library Illinois State Normal University…indicate his grasp of educational requirements. The restoration of Lincoln's New Salem, Cahokia courthouse…evidence of his interest in things historical. The Archives Building near the State Capitol and the Northwest Armory in Chicago illustrate his feeling for classical design. The lodge at Starved Rock…exhibit his ability to create in harmony with Nature.[30]

Booton was not a stranger to adapting a historical architectural form to invoke the cultural and social needs of the building and its environment.

Local Reaction to Booth Library

Eastern's newspaper, the library dedication program, and the dedication speaker praised both the Gothic architecture and the modern functional features of Booth Library. Even before the structure was built, people approved of the use of Gothic architecture. A 1946 article in the *Eastern Teachers News* announced, "Now the student-faculty dreams of long standing may soon become a reality, when an impressive new building of modified or collegiate Gothic design will be added to the campus…"[31]According to the *Eastern State News*, during his speech at the Booth Library dedication ceremony May 27, 1950, Robert B. Downs, director of the University of Illinois Library School, conveyed

[29] Ibid.
[30] *Booth Library, Dedication.*
[31] Josh Brannah, "Dream Library Rises Out of Immediate Future," *Eastern Teachers News,* August 20, 1946.

his feeling that Booth Library appeared to be in harmony with modern architectural trends. He said, "Unlike some purely functional structures…it combines proper attention to aesthetic consideration, with the result that the architects have produced something beautiful and artistically successful, as well as highly functional."[32] A *Charleston Daily Courier* article from May 18, 1950, claimed, "The new library has been called the finest building to be constructed by the State of Illinois since the end of the war. The most modern concepts of library construction have been incorporated in the structure by Joseph F. Booton, chief of design, Illinois Division of Architecture and Engineering."[33] Although the library was planned multiple years before it was constructed, these local people saw the architecture of the library as aesthetically pleasing and functional.

Although there was some praise for Booth Library, it also provides an example of the tensions between librarians and architects. Since she began her push for a new library, Booth gathered information about library planning and execution at other libraries. She corresponded with other librarians around the country concerning what they liked and disliked about their buildings and spent her vacation time visiting libraries.[34] When planning a library, Githens recommended a meeting of the librarians, architect, and the building committee early in the process.[35] After the first study of the plans for the new library, submitted by the Division of Plans of the State Architectural Board, were inspected and criticized by Dr. Buzzard and Miss Booth they went to Chicago to discuss them with the chief architect.[36] Although the architect and Miss Booth had been communicating, her successor criticized the architecture of the building four days before the blueprints were signed by Booton. In a letter to a librarian at Western Illinois State Teachers College, Eastern's head librarian R. F. Schaupp complained, "I feel that there are faults with the building as planned. First, a large part of the construction cost will go into embellishment— the building will look much like a cathedral, and gothic windows run into money. We might have a library sooner if the general style had been less pretentious. But I am assured that the State has plenty of money, and that we need at least one beautiful building on the campus." He also thought that the lobby had too much space and the office space was too small, but was looking forward to a new building because the

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[32] "'Library basis of all study' says dedicatory assembly speaker," *Eastern State News*, May 31, 1950.

[33] "Eastern's Library Dedication Set For Saturday, May 27," *The Charleston Daily Courier*, May 18, 1950.

[34] Robert V. Hillman, interview by author, April 9, 2010.

[35] Githens, "The Architect and the Library Building," 94–95.

[36] "Buzzard Announces Building Plans." *Eastern Teachers News*, March 22, 1944.

present library was inadequate.[37] Schaupp's complaints may have come from the large increase in the cost of the building due to the war- the final sum was over two million dollars.[38] The views of different librarians, changing circumstances, and the disagreement with the architect's layout of Booth Library caused another debate between librarians and architects.

Gothic Architecture in America

Gothic motifs went in and out of popularity for collegiate architecture. Architectural historian Paul Turner has written that American higher education was based in the European tradition, but that the curriculum and architecture were shaped in an American way.[39] According to David Kaser, author of *The Evolution of the American Academic Library Building*, two exterior styles for academic libraries in America appeared in 1840: Classical Revival in the South and Gothic Revival in New England. Turner argues that by 1850 in addition to piety, American colleges increasingly favored Gothic Revival architecture because they were looking for the appearance of age and permanence.[40] By mid-century, the transition to Gothic was almost entirely complete for academic library buildings and in the following twenty years almost all employed Gothic exteriors.[41] Beginning in the 1870s, architect Henry Hobson Richardson popularized the Romanesque in public libraries. He believed that it was appropriate because of libraries' predecessors in medieval monasteries and because the style was flexible and could express the variety of functions of the interior on the exterior.[42] In the 1890s, Romanesque and Renaissance became popular for collegiate architecture, but collegiate Gothic rose again in popularity.[43] According to Roy Lowe author of "Anglo-Americanism and the Planning of Universities in the United States," there was a belief that architecture could be used to inspire, cultivate culture and intelligence, and refine taste in the students.[44] At the turn of the twentieth century, builders and patrons viewed the medieval forms

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[37] R. F. Schaupp to Lyndol Swofford, 23 September 1946. Library Services, Mary J. Booth Library, Eastern Illinois University.

[38] Schaupp, "New Approach," 7.

[39] Paul V. Turner, *Campus: An American Planning Tradition.* Cambridge, MA: The MIT Press, 1995), 3.

[40] Ibid., 116.

[41] David Kaser, *The Evolution of the American Academic Library.* (Lanham, MD: The Scarecrow

Press, Inc., 1997), 10-11.

[42] Van Slyck, *Free to All*, 3-4.

[43] Kaser, *The Evolution of the American Academic Library*, 55.

[44] Roy Lowe, "Anglo-Americanism and the Planning of Universities in the United States." *History of Education* 15 (1986): 248.

as representing democratic ideals and sound morals which were appropriate for a teachers college. They also invoked the ideas of Christianity and were meant to counter the urbanism which was increasing in the United States at the turn of the twentieth century.[45] Eastern Illinois State Normal School opened its doors in 1899 during this preference for Gothic motifs. Glenn Patton attributed the popularity of the Gothic motifs in collegiate architecture at the turn of the twentieth century to the reaction to immigration and other social changes and claimed that by using the Gothic, builders attempted to cling to America's Anglo-Saxon heritage.[46] He also attributed the popularity of the Gothic during this time in academic settings partly to its flexibility of being able to tie together a variety of buildings and adaptability for expansion due to its irregularity which strict classicism could not do.[47] In the 1930 *Warbler*, Miss Booth proposed that the new library building be built of limestone to keep in harmony with Old Main and Pemberton Hall.[48] Carter Alexander, author of *Tomorrow's Libraries for Teachers Colleges: A Check List to Aid in Securing Library Plant and Equipment Equal to the Expected Demands on These Institutions* (1944), emphasized that the building needed to fit in with the rest of the structures on campus.[49] Old Main, constructed in 1899, was Castellated Gothic, Pemberton Hall (1909) and Blair Hall (1913) were Jacobean Gothic, and the Practical Arts Building (1929) was also collegiate Gothic.[50] Including Booth Library, Eastern's campus was an example of this idea. Princeton University also demonstrated this proposal in that it embraced Gothic Revival architecture between 1836 and 1880 and in 1948 completed a Gothic library.[51] Until the International Style in the mid-twentieth century, it seems that architects found a variety of styles from the past useful for collegiate architecture. Although Collegiate

[45] Nora Pat Small, "A Building for the Ages: The History and Architecture of Old Main," The Architecture of Eastern's Old Main: Aesthetics, Education and Politics. ([Charleston, Ill.] [Eastern Illinois University], [1999]),
24, 29.
[46] Glenn Patton, "American Collegiate Gothic: A Phase of University Architectural Development," *Journal of Higher Education* 38, no. 1 (1967), 8.
[47] Ibid., 5.
[48] Mary J. Booth, "Teachers' College Library," *The Warbler* 1930, (Eastern Illinois State Teachers' College, 1930), 25.
[49] Carter Alexander, *Tomorrow's Libraries for Teachers Colleges: A Check List to Aid in Securing Library Plant and Equipment Equal to the Expected Demands on These Institutions.* (Oneonta, NY: American Association of Teachers Colleges, 1944), 56.
[50] Small, "A Building for the Ages," 24.
[51] Montgomery Schuyler, "Architecture of American Colleges-Princeton." *The Architectural Record* 27 (1910), 146.; Kaser, *The Evolution of the American Academic Library*, 130.

Gothic was still used into the second half of the twentieth century, for architects, architecture critics, and library planners it fell out of favor.

Contemporary writing on library planning rejected and did not advise the use of Gothic architecture for collegiate buildings. In 1946, Gilbert Underwood, architect and author of "Modern Building Design," in *Library Buildings for Library Service: Papers Presented Before the Library Institute at the University of Chicago August 5-10, 1946* argued "there is no more reason to attach the Gothic style to a present-day library than there is to use the Baths of Caracalla as the motif for the Pennsylvania Railroad Station; on the other hand, there is certainly no reason for either the station or the library to be a stark, unlovely structure in the name of functionalism."[52] Underwood was trained in Arts and Crafts and later supported the International Style; he was best known for his work for National Park lodges.[53] He admitted that he did not know anything about libraries, and while lobbying against the Gothic he did not recommend what style would be appropriate. Instead, he said "I would not hang a style on it; I would create the style out of function and materials."[54] This approach was not new. In 1896, the influential modern architect Louis Sullivan wrote in "The Tall Building Artistically Considered" that the law of all things is "that form ever follows function" and so it should be in architecture.[55]

John E. Burchard in the chapter "The Librarian and The Architect," in *Planning the University Library Building: A Summary of Discussions by Librarians, Architects, and Engineers* in 1949 makes a plea not necessarily for "modern" architecture, but for "contemporary" architecture.[56] To Burchard, an author and editor of multiple works on architecture and society, Gothic was no longer appropriate for collegiate libraries because, "we do not even attempt to utilize the brilliant stone structure of the Gothic because structural steel is more effective for our purpose...."[57] American Gothic did not invoke the same kind of nobility as it had in Europe because he claimed that it lacked iconography since

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[52] Gilbert Stanley Underwood, "Modern Building Design," in *Library Buildings for Library Service: Papers Presented Before the Library Institute at the University of Chicago August 5-10, 1946*, ed. Herman H. Fussler (Chicago: American Library Association, 1947), 180.

[53] Rodd L. Wheaton, "Gilbert Stanley Underwood 1890-1960," *Biographical Vignettes, National Park Service: The First 75 Years*, http://www.nps.gov/history/history/online_books/sontag/underwood.htm.

[54] Underwood, "Modern Library Design," 180.

[55] Louis Sullivan, "The Tall Building Artistically Considered," *The Western Architect* 31, no. 1 (1922): 11.

[56] John E. Burchard et al, eds."The Librarian and The Architect," *Planning the University Library Building: A Summary of Discussions by Librarians, Architects, and Engineers.* (Princeton: Princeton University Press, 1949),115

[57] Ibid., 116.

it could not have meant the same to literate Americans as it had to illiterate Europeans in the Middle Ages. He also said that Georgian architecture was more flexible to contemporary library needs than the Gothic.[58]

During the development of Booth Library there were shifts in architectural tastes in America. According to William Morgan, author of *Collegiate Gothic: Architecture of Rhodes College,* when the International Style arrived in America in the 1930s and dominated architecture until the 1970s, it was so widespread that architects who used historical styles, including Gothic and Classical, were generally put down or ignored.[59] Turner argues that most colleges and universities were slower than other fields at adopting modern design because they were inherently conservative. In 1931, *Architectural Forum,* which was an early medium for the modernists, printed an article by a Yale student condemning the "heavily Gothic, or deadly Classical" architecture of American colleges and favoring Walter Gropius's Bauhaus buildings.[60] Walter Gropius, the founder of the German Bauhaus and later the chairman of the architecture department at Harvard, was a strong proponent of European modernism which was motivated by functional analysis and structural efficiency.[61] Chester Nagel, a student at Harvard under Walter Gropius, described the mission of European modernism that was brought to the United States, "Architecture was no longer going to be merely decorative. We are trying to separate ourselves from the bombast of the past. We were looking for the essence, and we found it."[62] According to Turner, the debate if colleges should 'go modern' continued after World War II. In 1949, Walter Gropius wrote an article in the *New York Times* entitled "Not Gothic But Modern For Our Colleges."[63] Kaser argued that due to modular planning on the interior in the post-World War II period, any kind of exterior that was appropriate for the surroundings could be used for the building as long it was basically rectangular.[64] Although he claimed this argument was true, he also noted the shift in the late 1940s and early 1950s to the

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[58] Ibid., 116.

[59] William Morgan, *Collegiate Gothic: Architecture of Rhodes College.* (Columbia: University of Missouri Press, 1989), 2-3.

[60] Turner, *Campus,* 251.

[61] Leland M. Roth, *American Architecture: A History.* (Boulder, CO: Westview Press, 2001), 411.; Carter Wiseman, *Shaping a Nation: Twentieth-century American Architecture and Its Makers* (New York: W.W. Norton & Company, Inc., 1998), 150.; Turner, *Campus,* 251.

[62] Ibid., 149.

[63] Turner, *Campus,* 251.

[64] Kaser, *The Evolution of the American Academic Library,*130.

"International" style which rejected historical and traditional motifs.[65] Modernist architects believed that their architecture could solve social problems and favored efficiency and function.[66] In 1950, Ludwig Mies van de Rohe, an influential modernist architect and proponent of efficiency and function in architecture, explained his view on technology and architecture in "Address to the Illinois Institute of Technology," saying that technology was rooted in the past and architecture depended on its time calling it "the crystallization of its inner structure, the slow unfolding of its form." He concluded, "Our real hope is that they grow together, that someday the one be the expression of the other. Only then will we have an architecture worthy of its name: Architecture as a true symbol of our time."[67]Although the latter seemed to be a rejection of the former, by using the Gothic, Modern, and International styles, architects were attempting to use architecture to make a statement about the present. The Gothic invoked the past, democracy, spirituality, and culture and the Modern was seen as embracing the current preference for the present, efficiency, and function.

Although architects were writing in favor of other styles over Gothic, there were other collegiate libraries in America being built at the same time and later than Booth Library that used Gothic motifs. The libraries at Princeton (1948), Virginia Polytechnic (1955), Saint Thomas College in Minnesota (1959), the University of the South (1964), and Scarritt College (1966) were built in Gothic Revival.[68] Also the library built at Northern Illinois used the same plans as Booth Library so it was also modified Gothic.[69]

Not only was Gothic architecture appropriate for Booth Library because of the ideals it invoked, it was also appropriate for the campus in 1950 because of a push for the library to fit in with other architecture on campus, and it did. Booth Library's modified Gothic architecture and limestone fit in with the architecture of Eastern's campus.

Amenities

Booth Library had many of the modern library amenities, but it lacked others when it was completed in 1950. In *Tomorrow's Libraries for Teachers Colleges,* Alexander addressed exhibit space in libraries saying that modern libraries were expected to house their own exhibits

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[65] Ibid.

[66]Roth, *American Architecture*, 411.

[67] Ludwig Mies van der Rohe, "Address to the Illinois Institute of Technology," in *America Builds: Source Documents in American Architecture and Planning*, Leland Roth, ed. (New York: Harper & Row, 1983), 507-508.

[68] Kaser, *The Evolution of the American Academic Library*, 130.

[69] Robert V. Hillman, interview by author, April 9, 2010.

and those produced by college departments or other agencies. He recommended, "If the library is to serve as a cultural center for the local community, the exhibit room may be preferable" to merely having display cases in the library corridors which would be more geared toward the student population.[70] He also said that the exhibit room should be located in an area where people could access it when the library was not open. The Paul Turner Sargent Gallery was located in the basement floor of the Booth Library when it opened. It was for the students and the community and could be accessed when the library was not open.[71] Booth Library had a lecture room in the basement that was also accessible when the library was not open. Alexander said that only very large libraries needed a large lecture room, especially if nowhere else on campus had such a facility. If a lecture room was necessary, he said that it needed a library and an outside entrance.[72] Booth Library also had music listening rooms and areas for viewing films. In the Orange Conference of the Cooperative Committee on Library Building Plans in the 1940s, fluorescent lighting was discussed as an innovation.[73] Booth Library had fluorescent lighting when it opened. The planners attempted to incorporate modern library amenities into Booth Library, for the comfort and educational benefit of the students, faculty, and community.

Booth Library did not have air conditioning when it opened. Air conditioning was first used in an academic library at Southern Methodist University in 1940. The attendees of the Orange Conference also discussed the subject, which increased the professional awareness of it.[74] Air conditioning also increasingly became a necessity in modular libraries developing in the post-war years, because of the low ceilings.[75] In 1950, an article in *The Eastern Alumnus* about Booth Library argued "While air conditioning is not built into the library, it will be a very comfortable building in summer. A complex system of air cooling will be used."[76] In a 1950 *Library Journal* article, R. F. Schaupp noted Booth Library had a ventilation system with forced air to cool the building and the insulation would also keep the building cool in the warm weather.[77]

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[70] Alexander, *Tomorrow's Libraries for Teachers Colleges*, 51.

[71] Hillman

[72] Alexander, *Tomorrow's Libraries for Teachers Colleges*, 51-52.

[73] Kaser, *The Evolution of the American Academic Library*,113.

[74] Ibid.

[75] Howard Rovelstad, "College and University Library Buildings," in *Contemporary Library Design* ed. Wayne S. Yenawine (Syracuse, NY: Syracuse University Press, 1958), 24.

[76] Pratt, *The Eastern Alumnus*, 1950, 4.

[77] R. F. Schaupp, "Eastern Illinois State College to Open New Building Soon," *Library Journal* 75, issue 4 (1950): 576.

The Illinois Division of Architecture and Engineering's 1947 "Specifications for the Metal Library Equipment & Bookstacks, Eastern Illinois State Teachers College," reads "The bookstack contractor shall provide and install finished metal insulating enclosures, …for housing all vertical air conditioning ducts which extend the book stack ranges in the multitier bookstack in the Main stackroom."[78] This document may have been referring to the ventilation system. According to Eastern's University Archivist, Robert Hillman, the Booth Library was not air conditioned, and not long after its opening the patrons began to complain about the difficult conditions in the library. The lack of air conditioning was not conducive to studying. The first portion of the library to be air conditioned was the reference room on the east side of the building when it was equipped with window units in the late summer of 1953. It seems this room in the library was the only air-conditioned room on campus students had access to in 1953.[79] Possibly Booth Library was not originally air conditioned because of its high ceilings and the planners' belief that the ventilation and insulation systems would be satisfactory.

Stacks

During the nineteenth and twentieth centuries two changes occurred in library planning dealing with space and access. Andrew Carnegie's public libraries changed people's views on access to stacks. Traditionally, libraries were understood as treasure houses protecting the books from unworthy patrons and theft. As library professionalism increased, connecting readers and books became a part of the modern library idea.[80] The open stacks debate increased in the 1890s and large urban libraries experimented with open stacks resulting in higher circulation.[81] John Cotton Dana of Newark, New Jersey, believed that readers enjoyed touching the books and access made better readers. He viewed the modern library as a "book laboratory" and rejected traditional library architecture.[82] While Eastern's library was still being developed, librarian James Thayer Gerould advocated against closed stacks in *The College Library Building: Its Planning and Equipment* (1932)

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[78] Division of Architecture and Engineering, Illinois Department of Public Works and Buildings, "Specification for the Metal Library Equipment & Bookstacks, Eastern Illinois State Teachers College," *Bidding Documents 1946-1947*, Booth Library, Eastern Illinois University, 118.

[79] Robert Hillman, email to author, December 13, 2010.

[80] Van Slyck, *Free to All*, 25.

[81] Ibid., 26.

[82] Ibid., 27.

because it slowed service.[83] According to Charles Dober, author of *Campus Planning*, a major development around 1945 in library service was the shift in the philosophy about the relationship between the readers and the books. Previously, libraries had closed stacks in which patrons browsed card catalogs and then staff would retrieve the books.[84] When it opened, Booth Library had a browsing room and a reference room, but the main stacks and reserves were closed. For the main stacks patrons used the card catalogue, filled out a call slip, and took their request to the main desk where the librarian used a pneumatic tube system to send the call slip to a student worker waiting in the stacks who pulled the book and sent it through a book lift.[85] There were 38 carrels in the stacks for faculty members and graduate students, allowing them open access to the stacks.[86] In an attempt to reduce congestion Miss Booth instituted closed stacks in the library in Old Main in 1933, which dropped circulation.[87] In the new library, although the stacks were closed head librarian R.F. Schaupp boasted about the browsing room where the newly purchased books were kept temporarily, giving all of the students access to them.[88]

　　According to the director of library services R. F. Schaupp in a 1965 *Eastern News* article, there were three main reasons Booth Library did not have open stacks. First, the architecture of the library did not allow open stacks, the article states, "It was designed so that the most books could be crowded into the smallest space. To have open stacks, the minimum width of the aisle must be 36 to 40 inches; here they are less than the minimum." Secondly, Schaupp believed because many of the students used the library between classes, it was faster for a student worker to retrieve a book than for the students to look for the books themselves. Although given a lesser role, theft was cited as the third reason why Booth Library had closed stacks. Schaupp was quoted in the article saying, "Any loss deprives users from having access to needed material." Continuing the emphasis on the problem of theft, the article also notes, "Many books are old and therefore irreplaceable."[89]

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[83] James Thayer Gerould, *The College Library Building: Its Planning and Equipment.* (New York: Scribner's Sons, 1932), 61.

[84] Richard Dober, *Campus Planning*. ([New York]: Reinhold Publishing Corporation, 1963), 86-87.

[85] Hillman, interview by author, April 9, 2010.; Elam, "Alumni Day, Library Dedication Date Set,", 4.

[86] *Booth Library, Eastern Illinois State College, Charleston, Illinois, Dedication*, 1950. Elam, "Alumni Day, Library Dedication Date Set,", 4.

[87] Lawson, 64.

[88] Schaupp, New Approach, 4.

[89] "Booth Annex to Have Open Stacks," *Eastern News*, March 19, 1965.

Although there was preference for open stacks at other college and public libraries, Booth Library may have had closed stacks for the additional reasons- the library in Old Main had closed stacks, the browsing room allowed all students access to new books, and the faculty and graduate students had access to the books.

Another change in library planning occurred during the time Booth Library was in development. The multi-tier structural stack which was rigid and built for compact book storage was developed in the 1840s and remained the dominant stack for one hundred years.[90] This stack plan was inflexible because the stack posts were fixed and part of the building's structural support system. According to Kaser, vertical posts were placed three feet in one direction and four to six inches in the other direction.[91] The intermixing of books and patrons was not library practice when the multi-tier stacks were developed and their narrow aisles and low ceilings were not conducive to the idea.[92]

In the 1930s and 1940s new stack and construction plans were introduced in libraries. Architect and stack manufacturer Angus Macdonald was the pioneer who saw the need of libraries to have flexible spaces for people or books and introduced modular planning to libraries.[93] He worked with librarian Ralph Ellsworth to make his plan practical for libraries.[94] New construction materials and technology developed in the late 1930s allowing this alternative to multi-tier stacks to be created.[95] Although Macdonald had been writing about modular libraries since 1933, the Second World War suspended all civil construction, delaying its implementation, which allowed a period of critique before execution.[96] In October 1945, Macdonald presented a full-scale mock up of the modular unit to the Orange Conference of the Cooperative Committee on Library Building Plans, including architects and fifteen university librarians who were planning new libraries in the post war years.[97] This meeting introduced architects and librarians to the possibilities of modular library construction.

The modular plan was different than the multi-tier plan in that the stack posts no longer supported the floors above them, rather larger steel columns spaced farther a part carried the weight. This difference

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[90] Kaser, *The Evolution of the American Academic Library*, 107.

[91] Ibid., 116.

[92] Ibid., 67-68, 116.; Merritt, 107-108.

[93] Dober, *Campus Planning*, 87.

[94] Kaser, *The Evolution of the American Academic Library*, 112.

[95] Ibid., 111.

[96] Dober, *Campus Planning*, 87.; Kaser, *The Evolution of the American Academic Library*, 112.

[97] Dober, *Campus Planning*, 87.; Kaser, *The Evolution of the American Academic Library*, 112.

was important in that the free-standing shelves could be moved anywhere at anytime without endangering the structure of the building. Since the columns were placed further a part, the libraries could use the large open areas for readers' areas or book shelves and the two areas could intermix.[98] Modular buildings usually had uniform ceiling heights.[99] According to Kaser, the modular plan lent itself to the library profession's post Second World War ideas on open access, improving efficiency of librarians and library patrons, and flexibility.[100]

In 1947, Hardin-Simmons College's library was the first library building to use the modular plan. The libraries at Princeton in 1948, Bradley, Washington State, and North Dakota State in 1950, and the University of Iowa in 1951 were also modular.[101] Leroy Charles Merritt wrote in his paper "The Book Stock" presented before the Library Institute at the University of Chicago in 1946 and published in 1947, about the limits of multi-tier stacks and the use of the modular plan in libraries and said that most libraries being planned at the time were based at least in part on the modular design.[102] The familiarity with the modular plan increased when architect John W. Maloney wrote about it in the *Architectural Record* in 1948.[103] Kaser argues that within a decade of the construction of the Hardin-Simmons College library in 1947, the modular plan totally replaced the fixed function plan.[104]

In Booth Library there were stacks on the basement, first, and second floors. They were separated by floors and were not continual.[105] The planners made provisions for expanding the stacks horizontally and vertically.[106] Although the type of stacks used in Booth Library was not explicitly stated in post-construction literature, the "Specifications for the Metal Library Equipment & Bookstacks, Eastern Illinois State Teachers College" from 1947 called for multi-tier stacks.[107]

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[98] Kaser, *The Evolution of the American Academic Library*, 112, 115.

[99] Ibid., 129.

[100] Ibid.

[101] Ibid., 114.

[102] Leroy Charles Merritt, "The Book Stock," in *Library Buildings for Library Service: Papers Presented Before the Library Institute at the University of Chicago August 5-10, 1946*, ed. Herman H. Fussler (Chicago: American Library Association, 1947), 67-69.

[103] Kaser, *The Evolution of the American Academic Library*, 114.

[104] Ibid., 129.

[105] Hillman

[106] Schaupp, *New Approach*, 7

[107] Division of Architecture and Engineering, Illinois Department of Public Works and Buildings, "Specification for the Metal Library Equipment & Bookstacks, Eastern Illinois State Teachers College," *Bidding Documents 1946-1947*, Booth Library, Eastern Illinois University, 101.

The Specifications read,

> The construction for all levels of the main stackroom shall
> be arranged for the removal of book stack ranges located
> midway between fixed stack column shelf supports,
> portions of ranges located between fixed stack supporting
> columns, removable carrels and carrels attached to fixed
> supporting columns. The removal of the portions
> mentioned shall make spaces 9' x 9' and 10-3 ¾" on
> centers, or a series of such adjacent spaces for work spaces,
> spaces for facilities for housing reproductions of book
> collections or other special purposes at desired locations
> on all stack levels. The design of the fixed portion of the
> bookstacks and the removable parts shall be such as to
> permit installation of the removable parts in their correct
> locations without involving structural changes of the fixed
> portions of the bookstack construction. The removable
> parts of the bookstack ranges shall be interchangeable and
> the removable parts of the carrels shall be
> interchangeable.[108]

These specifications, although not directly mentioning the
modular concept, describe aspects of it such as removable stacks and
open spaces, and reveal the stacks were not fully modular. Dr. Schaupp
argues that the library's architecture prevented open access and the
specifications suggest that at least some of the flexible concepts were
incorporated in the construction which could lend itself to open access.
Fixed stack posts were not part of the modular plan, limiting flexibility.
The knowledge of if Booth Library's stacks were built with modular
concepts would help reveal if it incorporated the increasingly popular
construction methods of its time. The ceiling heights in the stacks were
seven feet, but the ceiling heights in the reserve, reference, and
catalogue room were much higher, not characteristic of modular
libraries.[109] A possible reason for not using the modular plan in the
entire library was that the building did not have air conditioning. The
uniform ceiling heights and air conditioning with artificial lighting
worked together to make each other more efficient. The fixed stack
posts, which were becoming out of date, may have also been a reason for
the closed stacks.

By possibly having some aspects of the modular concept such as
flexibility, although limited, in the stacks, Booth Library was

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[108] Division of Architecture and Engineering, 106-107.
[109] Elam, "Alumni Day, Library Dedication Date Set,", 4.

incorporating some contemporary ideas, but was not fully flexible and modular, embracing the whole concept. Library construction was moving away from the multi-tier stack. When Macdonald introduced modular planning to the Orange Conference Booth Library was in the early stages of blueprint development. As the modular concept was increasing in popularity, Booton signed the blueprints in 1946 with subsequent revisions. The State of Illinois created Booth Library's bookstack specifications in the same year the first modular library was completed. *Architectural Record* published Maloney's article in the same year Miss Booth laid the cornerstone at the library. Although modular plans were becoming increasing popular in libraries, Booth Library was built during the transition phase and did not embrace the modular plan for the whole building.

Conclusion

Booth Library's Gothic style can be attributed to a number of factors. Miss Booth's interest in having the library be harmonious with the other buildings on campus when it was planned may have led to the initial concept for the library to employ the Gothic style. Architect Booton's interest and background in historical styles further made Gothic architecture a reality for Booth Library. The tradition of using Gothic motifs for collegiate buildings also lent weight to the design scheme. The Gothic architecture of Booth Library was not out of place on the campus in 1950, nor in the larger context of academic libraries across the nation. Having closed stacks was out of date when the library opened in 1950. Booth Library did not fully embrace the newest concepts in library construction that were becoming popular when it was constructed. Although the parties strived to communicate, long debates between librarians and architects continued at Booth Library. A sign that the architect and the librarians were working together was Booton's boasting that a person could stand at the desk and see students at the reference and reserve desks, creating control with less staff.[110] Not having visual control over the library was one complaint that librarians had about architects' designs back when the American Library Association was founded. Although Gothic architecture was not what library planners were recommending in 1950 and other architects were rejecting historical motifs, most of the people at Eastern and in the surrounding area enjoyed the aesthetics and function of the Mary J. Booth Library, something that they had been waiting a long time for; they were not disappointed.

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[110] Schaupp, *New Approach*, 6.

Stephanie Martin of Streator, Illinois, wrote this essay for Dr. Small's HIS 5050 History of American Architecture course in Spring 2010. She completed her BA in American Studies at Knox College in 2009. A Phi Alpha Theta member, Stephanie earned her MA in History with the Historical Administration option from Eastern Illinois University in May 2011.

Not Without Hope: The Our Lady of the Angels Fire and School Safety Reform in Late 1950s America

Geoffrey A. Zokal

On the afternoon of December 1, 1958 one of the worst school fires in the history of the United States destroyed the Our Lady of the Angels Catholic Grade School in Chicago. This tragic event, which led to the untimely deaths of ninety-two children and three nuns, shocked not just the local community, but the entire nation as a whole. The enormity of the tragedy made it evident there were serious problems with school fire codes and major reforms and changes were needed. The day after the fire, Mayor Richard Daley declared that, "A tragedy of this magnitude should not go without hope that we can somehow improve the protection of our children."[1] Although the impact of the fire is well documented in terms of its effects on Chicago, what is missing is an adequate exploration of the fire's impact on the country as a whole. It is the intention of this study to demonstrate what went wrong during the fire and to show how the tragedy served as a turning point in the history of school safety regulations across America.

The Our Lady of the Angels School was a Roman Catholic parochial school located on Chicago's West Side.[2] Originally built in 1910 with several additions added up until 1953, the school was a typical structure of its day.[3] When the school was constructed, it was common to use wood and plaster for the inside as opposed to the concrete and steel materials now used today. The two-and-a-half story school, which consisted of two buildings connected by an annex,[4] was made of ordinary brick and timber joist construction. The building also featured a wooden trim throughout.[5] While cheaper and more economical, these materials were flammable and much more prone to

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[1] David Cowan and John Kuenster, *To Sleep with the Angels: The Story of a Fire* (Chicago: Ivan R. Dee, 1996), 138.

[2] Suellen Hoy, "Stunned with Sorrow: The sisters of the Blessed Virgin Mary were among both the victims and the heroes of the horrific 1958 Our Lady of the Angels school fire," *Chicago History Magazine*, (Summer 2004), http://gapersblock.com/detour/a_tragic_day_in_chicago/Stunned_with_Sorrow.pdf [accessed April 10, 2010]: 1.

[3] Chester L. Babcock and Rexford Wilson, "The Chicago School Fire," *The Quarterly: National Fire Protection Association* (January 1959), http://www.nfpa.org/assets/files/pdf/research/ladyofangels.pdf (accessed April 8, 2010) 155; Cowan and Kuenster, *To Sleep with the Angels*, 3.

[4] Babcock and Wilson, "The Chicago School Fire," 155.

[5] Cowan and Kuenster, *To Sleep with the Angels*, 12.

fire than the steel and concrete materials used in modern schools. In addition, the design of the building itself was problematic to fire safety. In an investigation conducted by the National Fire Protection Association one month after the fire occurred, the school building was described as a "one fire area" or in laymen's terms a "chimney" because of the open stairways and the lack of adequate fire resistant doors on the upper level rooms.[6] There was nothing in the school's construction, in other words, to prevent a fire from spreading rapidly. Further, the school had six exits, and only one fire escape, located at the rear of the school's annex and accessible only from the second story corridor of the annex. The school had twenty-four classrooms with high ceilings and electric globe lights. The doors to the rooms were six and a half feet high and were topped by eighteen-inch inward-opening glass transoms.[7] Inside were 1,668 students, approximately fifty to sixty pupils per classroom.[8]

The school successfully passed a Chicago Fire Department examination just two months before the fire occurred.[9] The 1949 municipal code stated that all new buildings had to be made of noncombustible materials and also had to contain enclosed stairways, sprinkler systems, and fire-resistant doors. It also regulated the number of people that could safely occupy a room. Unfortunately, the code was not retroactive and it did not affect existing buildings. Thus, the building was allowed to remain a hazard. Historian Suellen Hoy wrote, "In hindsight, the old brick building, with a wood interior and without up-to-date features, such as smoke detectors, sprinklers, an automatic fire alarm, and fire-safe doors, was an accident waiting to happen."[10] These factors set the stage for the tragic fire that was to occur at Our Lady of the Angels. Examining the events that occurred during the fire in classrooms and outside the building is crucial to analyzing the event. By doing this, we have a better understanding of how updated safety reforms could have prevented or at the very least lessened the severity of the fire.

The fire originated sometime between 2:00 and 2:25 p.m. at the bottom of the school's north wing rear stairway. Investigators believed that the fire likely smoldered undetected for about twenty minutes before finally expanding and moving up the stairs. The fire alarms did not sound and no early warning was given to teachers or students.[11]

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[6] Babcock and Wilson, "The Chicago School Fire," 167.

[7] Cowan and Kuenster, *To Sleep with the Angels*, 12.

[8] Ibid; Babcock and Wilson, "The Chicago School Fire," 157.

[9] Hoy, "Stunned With Sorrow," 2; Cowan and Kuenster, *To Sleep with the Angels*, 12.

[10] Hoy, "Stunned With Sorrow," 2.

[11] Cowan and Kuenster, *To Sleep with the Angels*, 43; Thomas M. Cunningham, "Our Lady of the Angels: A Historic Perspective on School Fires," 'With the Command'-Emergency

The fire was discovered at 2:25 p.m., after it had been burning for approximately twenty-five minutes and had filled the stairwell and second floor hallway with thick, black smoke.[12] The smoke was so intense that one nun later described it as looking like, "huge rolls of black cotton."[13] The teacher in room 206, Miss Tristano, noticed the smoke in the hallway and immediately ran to a nearby room to ask what she should do.[14] The other teacher told Tristano to stay there while she ran to find the school's Mother Superior. At the time there was a rule that stated only the Mother Superior could ring the fire alarm.[15] Unfortunately, the Mother Superior was substituting for a sick teacher and could not be found. Eventually, Tristano and the other teacher evacuated their students from the building and then rang the fire alarm.[16] By evacuating the students, the teachers had in fact broken another rule. No evacuations were to take place unless the fire alarm had already been rung by the Mother Superior.[17]

These two rules caused many teachers to hesitate evacuating their students from the school, even though they felt the heat of the fire and smelled the smoke. Precious time was lost because of this hesitation and confusion. One nun even turned to her students and said, "We can't go until we're told."[18] Even when the fire alarm did begin to ring it could do little good as the thick smoke and terrible heat had begun to encircle the second-floor classrooms. To make matters worse, the fire alarm only rang in the building. There was no outside line connecting the alarm to the fire department. The Chicago Fire Department did not receive word of the fire until 2:42, approximately forty minutes after it began.[19] The school' custodian, James Raymond, had been walking in the alley in between the parish house and the school and noticed smoke near the rear of the school by the stairwell. He immediately ran to the boiler room and saw the growing blaze.. After telling two boys who were emptying some trash to get out and call the fire department, he left the boiler room and headed toward the church rectory. There he told the housekeeper to call the fire department. The housekeeper's call

Services Information, http://www.withthecommand.com/09-Sept/MD-Ourlady-0904. html [accessed April 1, 2010].

[12] Babcock and Wilson, "The Chicago School Fire," 157;

[13] Hoy, "Stunned With Sorrow," 3.

[14] Babcock and Wilson, "The Chicago School Fire," 158; Cowan and Kuenster 34; "Our Lady of the Angels School Fire," Archdiocese of Chicago's Joseph Cardinal Bernardin Archives & Records Center, http://archives.archchicago.org/OLAfire.htm [accessed March 30, 2010].

[15] Cowan and Kuenster 34; Cunningham, "Our Lady of the Angels."

[16] Babcock and Wilson, "The Chicago School Fire," 158

[17] Cowan and Kuenster, *To Sleep with the Angels*, 55-56; Cunningham, "Our Lady of the Angels."

[18] Cowan and Kuenster, *To Sleep with the Angels*, 56.

[19] Hoy, "Stunned With Sorrow," 2; Babcock and Wilson, "The Chicago School Fire," 159 .

was the first emergency notification received by the Chicago Fire Department concerning the situation at Our Lady of the Angels.[20]

By the time the first fire truck reached the school, the situation was very serious. Many children had already jumped out of the second story windows due to the heat and smoke leaving them seriously injured or dead. Instead of focusing on extinguishing the fire, firefighters focused mainly on getting as many children out as they could while attempting to keep the fire under control.[21] The heroic efforts of the rescue crews that day were estimated to have saved 160 lives.[22] Nevertheless, it was during this crucial time of rescue that some of the most horrific events of the day occurred. One firefighter recalled reaching out to grab a child through a second story window when the entire room exploded and the child before him vanished into the flames.[23] Another was shocked at the sight of the fire exploding into a classroom, killing the students before him instantly and causing them to fall to the ground "like a house of cards."[24] The sheer enormity of the destruction caused by the fire would haunt many witnesses and rescuers for the rest of their lives. When the fire was finally out and the grim task of searching for bodies was over, shock turned to anger. As news spread of the tragedy, The nation responded to make sure that such a fire never happened again.

Discussion and planning for school fire safety reforms began the day after the tragedy. As investigators and reporters studied the ruins of the school, disturbing facts began to come out, facts which had for far too long been ignored. The lack of a sprinkler system had allowed the fire to grow uncontested and the lack of proper smoke detectors led to students and faculty alike being warned far too late about the fire.[25] As sobering as this was, a national *Newsweek* report soon after the fire warned that the conditions at Our Lady of the Angels were not unusual and that many schools had the same problems. The United States Office of Education conducted a nationwide survey shortly after the tragedy in which they found that, "nearly one school building in five [was] a potential fire trap [and that] another one in five [was] on the borderline."[26] A nationwide crackdown on fire safety violations was taking place. On the first day after the fire, December 2, a meeting was held in Chicago of the Central Conference of the National Congress of Parents and Teachers. The topic of discussion was how to prevent

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[20] Babcock and Wilson, "The Chicago School Fire," 159; Cowan and Kuenster, *To Sleep with the Angels*, 68.
[21] Babcock and Wilson, "The Chicago School Fire," 166.
[22] Ibid.
[23] Cowan and Kuenster, *To Sleep with the Angels*, 84.
[24] Ibid., 80-81.
[25] Ibid., 43.
[26] Hoy, "Stunned With Sorrow," 2.

another such fire from ever happening again. The National Education Association was also present and urged the PTA to take action.[27] On that same day, Mayor Daley announced that "all the facilities of the city" would be used to find out how and why the fire started and to decide on how best to prevent another such occurrence.[28] Less than two weeks following the fire, a city-wide inspection of schools was carried out and 368 schools were inspected for code violations.[29] Thirteen days after the tragedy, it was reported that officials in Philadelphia had conducted their own city-wide inspection of schools using a fifty man inspection team. Four of the schools inspected were found to be in such gross violation of the fire code that they were threatened with closure unless they immediately updated their safety standards. All four schools complied.[30] In New York City, Edward Cavanagh, the city's fire commissioner, ordered a full inspection of the more than 1,500 schools under his jurisdiction. Of these schools, eighteen were closed within a week after the tragedy due to serious safety violations.[31]

Los Angeles, California's city officials responded particularly strongly to the disaster at Our Lady of the Angels. In 1959, the Los Angeles Fire Department was motivated by the fire in Chicago to perform a series of tests and training exercises in order to better prepare their crews for an event like Our Lady of the Angels fire. The first series of tests were named *Operation School Burning*, and the tragic fire of December 1 was mentioned in the very first paragraph of the report.[32] During the tests, which lasted from April to June, 1959, a systematic analysis of fire prevention methods for open stairwells in schools was conducted. Tests included, "The effectiveness of automatic sprinklers (both partial and complete sprinkler systems), fire curtains, and roof vents in preventing the spread of flames and other products of combustion during fires." Automatic smoke and heat detectors were also tested. In addition to this, over 100 live fires were set in a controlled setting in order to discover the effectiveness of various forms of fire safety materials available to schools. The fire department determined that only the full sprinkler system would be able to actually halt the

[27] "PTA Leaders Begin Study to Prevent Fires", *Chicago Daily Tribune*, December 3, 1958.

[28] "Army Experts on Burns Join Fire Doctors: City Acts to Avert New Tragedy," *Chicago Daily Tribune*, December 4, 1958.

[29] "Find Violation of Fire Code in More Schools", *Chicago Daily Tribune*, December 11, 1958.

[30] "Find School Fire Danger in Philadelphia," *Chicago Daily Tribune*, December 14, 1958.

[31] Adam Groves, "Our Lady of the Angels School Fire: 50 Years Later," *Fire Engineering Magazine*, December 1, 2008, http://www.fireengineering.com/index/ articles/display/ 347475/ articles/fire- engineering/volume-161/issue-12/features/our-lady-of-the-angels-school-fire-50-years-later.html [Accessed April 16, 2010].

[32] Groves, "Our Lady of the Angels School Fire" and "Los Angeles Fire Department, Operation School Burning," *National Fire Protection Association*, Boston, 1959: 5.

progress of the fire, and that the heat sensors had to be placed very close to the stairwell for it to go off in time.[33]

Also addressed by the LAFD was the need to find adequate ways to control the smoke in school hallways during a fire, since smoke at Our Lady of the Angels had been a critical factor preventing many children from escaping.. The smoke was described by the LAFD as the "principle hazard" during such an event.[34] In light of these discoveries made by the LAFD, the National Fire Protection Association (NFPA) revised the Life Safety Code to better handle inadequacies in school fires. The NFPA also conducted a nationwide poll of fire departments in 1960 to better measure the improvements that had occurred in regard to fire department readiness for school fires and other similar events. The poll found that, in most communities, new fire safety procedures and precautions had been implemented for area schools within the previous twelve months. Some of the new precautions being implemented in many schools nationwide included more numerous inspections by the fire department and more frequent fire drills.[35] In total, it was estimated that over 16,500 school buildings in the United States had undergone major life safety reforms in 1959 alone. Changes in fire prevention by schools and fire departments have obviously been beneficial. In fact, since 1958, "no school fire in the United States has killed more than ten people."[36]

In 1959, the Illinois General Assembly created a steering committee that produced a large set of safety regulations for schools covering everything from the "brightness of exit signs to the proper installation of furnaces."[37] The next year the General Assembly went a step further by passing the "Life Safety Code of 1960" which codified the safety regulations.[38] There were obstacles on the road to reform however in Chicago. As important as the safety codes were, there was little to no oversight. Many school districts used the money given to them by the state for "life safety" to buy such "critical" things as baseball gloves, pianos and desks. One school even used $44,000 in life safety money to resurface a running track.[39] The Chicago City Council had set December 31, 1963, as the final date for compliance in terms of updated safety features in Chicago schools. However, due to the heavy cost of adding such features and a lack of determination by some schools to see

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[33] Groves, "Our Lady of the Angels School Fire."
[34] Ibid., "Los Angeles Fire Department, Operation School Burning," *National Fire Protection Association*, Boston, 1959: 5.
[35] Groves, "Our Lady of the Angels School Fire."
[36] Ibid.
[37] Cowan and Kuenster, 243.
[38] Ibid.
[39] Ibid., 244.

the reforms put into place, the date was pushed forward to a year later and by that time most schools were in compliance.[40]

After considering the evidence presented so far concerning safety reforms in American schools one very important question still remains: What is the legacy of the Our Lady of the Angels School fire? Have the reforms that were so urgently called for after the fire stayed in place or have they fallen to the wayside to a certain degree? While these questions are no doubt debatable, it is possible to distinguish certain consequences of the fire that can still be observed today.

One obvious example is that both the International Code Council (ICC) and the National Fire Protection Association (NFPA) require that fire alarm switches be placed throughout the school and not in just one location as was the case with Our Lady of the Angels. Another clear example is that the ICC's *International Fire Code* (IFC) and the NFPA's *Life Safety Code* (LSC) now requires that in all new school buildings larger than 20,000 square feet, there must be automatic sprinkler systems in place in every part of the building that is below the exit door at the ground level.[41] Had such sprinkler systems been in place during the fire at Our Lady of the Angels, it is highly likely that the fire would have been either extinguished or greatly reduced in its intensity. However, it should be noted that the same old problem of a regulations not being retroactive is still clearly seen. Older buildings today that were originally constructed without automatic sprinklers need only fire-resistant doors on their below ground levels and if these rooms have windows to the outside then neither sprinklers nor fire-resistant doors are required. This is an unfortunate reality as fire investigators, even those around as far back as when the fire occurred in 1958, believed that had a sprinkler system been in place where the fire originated the tragedy would almost certainly have been averted. This theory was later backed up by the tests and exercises conducted by the Los Angeles Fire Department.[42]

Yet another example of the legacy of the Our Lady of the Angels Fire is the requirement by the ICC and NFPA that all new school buildings be constructed of materials that are regarded as "fire-resistant," such as non-flammable interior wall and ceiling finishes, unlike the highly flammable finishes that were present at Our Lady of the Angels. An even more direct influence of the fire on school building construction is that all major hallways in schools are required by the ICC and NFPA codes to be partially enclosed.. It should be recalled that during the fire, escape by the hallway and down the stairs as was the

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[40] Ibid.
[41] Groves, "Our Lady of the Angels School Fire", 2006 International Fire Code, Chapters 7 and 10, and NFPA 101, and Life Safety Code, 2006 Edition, Chapters 7, 14, and 15.
[42] Groves, "Our Lady of the Angels School Fire."

procedure set forth by the school and which was practiced during previous fire drills was impossible due to the blinding and suffocating smoke. The *International Fire Code* now states that all stairways that connect two or more stories together must be enclosed with some kind of fire resistant door. The *Life Safety Code* expanded this law by declaring that all vertical openings in new schools must be enclosed. While these are obvious improvements in school safety, the same problem of regulations not applying to older buildings is once again before us. Many exceptions to stairway enclosures are still present in these older buildings.[43]

Finally, both the *International Fire Code* and the *Life Safety Code* addressed the problem of classroom overcrowding obvious at Our Lady of the Angels by mandating that in every classroom, new or old, there must be at least twenty square feet per occupant in said classroom. *The International Fire Code*, dictated that every room that had only one exit must be limited to no more than forty-nine people. This decision was influenced by the 1959 fire and the accounts of students' inability to escape due to overcrowding and panic. Again, this rule applied and still applies to all schools, both new or old.[44]

Adam Groves, the archivist and metadata librarian at the Illinois Fire Service Institute located in the State Fire Academy at the University of Illinois at Urbana-Champaign[45] wrote in 2008 that the Our Lady of the Angels Fire, "contributed to a major overhaul of fire safety codes and standards for schools [nationwide]." In addition, he stated, "while this single fire truly made U.S. schools safer, it should also serve as a spur for further reform."[46] He was right. The evidence presented in this study demonstrates that while the Our Lady of the Angels Fire is a story of "good coming out of evil," the task of ensuring safety in American schools is not yet done. Older school buildings should be held to the same standards as newer ones and monthly fire drills and inspections should never be missed. By remembering the tragic lessons learned from the catastrophe of December 1, 1958, and by constantly striving to improve our schools where the most precious of our citizens attend--our children, we will fulfill Mayor Richard Daley's prediction that "we can somehow improve the protection of our

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[43] Ibid., 2006 International Fire Code.
[44] Groves, "Our Lady of the Angels School Fire."
[45] "Staff Directory Information: Adam Groves," Illinois Fire Service Institute, http://www.fsi.illinois.edu/content/information/staffDirectory/detail.cfm?people_id=92407, [Accessed April 18, 2010].
[46] Groves, "Our Lady of the Angels School Fire."

children"[47] and ensure that a fire like the one at Our Lady of the Angels "never happens again."[48]

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[47] Cowan and Kuenster, *To Sleep with the Angels*, 138.
[48] "Army Experts on Burns Join Fire Doctors: City Acts to Avert New Tragedy," *Chicago Daily Tribune*, December 4, 1958.

Pentagon Papers: National Security and Prior Restraint

Tom Kiely

The recent arrest of Bradley Manning and the subsequent political condemnation of Julian Assange's whistleblower website Wikileaks for releasing classified diplomatic cables have invoked comparisons with Daniel Ellsberg and *New York Times v. United States*, more commonly known as the Pentagon Papers case. Both of these cases represent episodes in an ongoing battle between the government's claim of national security and the public's right to know. Consequently, the significance of the Pentagon Papers and the First Amendment battle that ensued needs to be re-explored. The Supreme Court ruling in the case of the Pentagon Papers provides a precedent on which to judge the government's ability to impose prior restraint under a national security umbrella. Following initial publications, the United States government, for the first time in its history, sought to enjoin the *New York Times* with prior restraint, which amounts to a government action restricting speech or publication before expression. The government contended that further publication of highly classified material would cause immediate and irreparable harm to national defense and security. Similar rhetoric continues to be employed in regard to the release of diplomatic cables by Wikileaks. Therefore, this paper will explore the issue of prior restraint and its viability under the First Amendment in matters of national security while arguing that the Pentagon Papers case serves as the most significant Supreme Court decision concerning the government's ability to abridge civil liberties through the employment of prior restraint. The Pentagon Papers provides the foundation by which to judge future contests between the government's national security claims and the public's right to know.

The Pentagon Papers

What were the Pentagon Papers and why did they inspire a landmark First Amendment decision? The Pentagon Papers were a top-secret United States Department of Defense study chronicling American military and political involvement in Indochina from the end of World War II to May 1968. The study was commissioned in 1967 by Secretary of Defense Robert S. McNamara, whose exact motives continue to be a subject of debate. McNamara's prime motivation, however, is generally linked to a series of tough questions raised during a visit to the Kennedy Institute of Politics at Harvard University in November 1966. The study was an attempt to answer those questions

and explain why the administration's Vietnam policy had failed up to that point.[1] McNamara has insisted that he authorized the study to preserve government documents that chronicled the key decisions resulting in the United States involvement in an Asian land war.[2] Nonetheless, once authorized, McNamara had nothing to do with the construction of the study. The project mushroomed from its original scope and finally encompassed forty-seven volumes and thirty-six analysts.[3] "Analysts were drawn from mid-level ranks of the Pentagon, State Department, and military services; from think tanks such as the RAND Corporation and the institute for Defense Analysis."[4] Daniel Ellsberg was one of the analysts employed at RAND. The project was completed on January 15, 1969 only five days before Richard Nixon took the presidential oath. Overall, the Pentagon Papers represented a massive and authoritative study of how the Vietnam War was conducted by the United States."[5] The U.S. government deemed them so sensitive that "protecting them justified a major abridgement of the rights protected by the First Amendment to the Constitution of the United States."[6]

Daniel Ellsberg

"There would have been no Pentagon Papers but for Robert McNamara, and there would have been no leak of the papers but for Daniel Ellsberg."[7] In order to understand the motive, you must understand the man. Daniel Ellsberg was born in 1931 in Chicago. He graduated in 1952 from Harvard University with a BA in Economics. He came of age in a nation politically defined by the tension of the Cold War. In his memoirs Ellsberg labels himself, during this period in his life, as a liberal cold warrior deeply committed to American postwar foreign policy.[8] He was able to avoid the Korean conflict by receiving a deferment until he completed college. A further deferment was granted when he won a Woodrow Wilson fellowship for a year of graduate study at Cambridge University.[9] Despite these deferments, he felt

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[1] David Rudenstine, *The Day the Presses Stopped: A History of the Pentagon Papers Case* (Los Angeles: University of California Press, 1996), 19.

[2] Ibid., 20.

[3] John Prados and Margaret Pratt Porter, ed., *Inside The Pentagon Papers* (United States: University Press of Kansas, 2004), 18.

[4] Rudenstine, *The Day the Presses Stopped*, 26.

[5] Prados and Porter, *Inside the Pentagon Papers*, 147.

[6] Ibid.

[7] Rudenstine, *The Day the Presses Stopped*, 33.

[8] Daniel Ellsberg, *Secrets: A Memoir of Vietnam and The Pentagon Papers Case* (United States: Penguin Books, 2002), 25.

[9] Ibid.

obligated to fulfill his patriotic duty and applied for the officer candidate's course in the Marines upon his return from Cambridge in the summer of 1953.

In 1959, Ellsberg became a strategic analyst at the RAND Corporation and consultant to the Defense Department and the White House, specializing in problems of the command and control of nuclear weapons, nuclear war plans, and decision making. In addition, he worked on the crisis-management team staffing ExComm (Executive Committee of the NSC) during the Cuban missile crisis in 1962.[10] In July 1964, he became Special Assistant to Assistant Secretary of Defense John McNaughton on Vietnam.[11] Ellsberg wanted to better appraise the current policy in Vietnam so he volunteered to serve as a special liaison officer under retired Major General Edward G. Lansdale, who was returning as a member of the State Department.[12] Ellsberg's time in Vietnam had a profound effect on his cold warrior mindset. When he arrived in 1965, he believed the war's tactics were "morally justified on the assumption that the war itself was necessary."[13] However, his experience led him to believe that war in Vietnam could not be won if the United States continued to adhere to current policy. When he returned to the U.S. he went back to work for RAND while simultaneously attempting to alert various government officials to the pitfalls of the current policy in Vietnam, however, his claims failed to elicit support. Ellsberg's return from Vietnam marked the beginning of his disillusionment with both the war and the system supporting it. In his memoirs he summarizes his dismay:

> What I saw as a major "lesson of Vietnam" was the impact on policy failures of internal practices of lying to superiors, tacitly encouraged by those superiors, but resulting in a cognitive failure at the presidential level to recognize realities. This was part of a broader cognitive failure of the bureaucracy I had come to suspect. There were situations-Vietnam was an example-in which the U.S. government, starting ignorant, did not, would not learn.[14]

"This was Daniel Ellsberg's frame of mind when, in the late summer of 1967, he was asked to join the staff of the Pentagon Papers project."[15]

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[10] Ellsberg, *Secrets*, 33.

[11] Rudenstine, *The Day the Presses Stopped*, 34–35.

[12] Ellsberg, *Secrets*, 102-126.

[13] Rudenstine, *The Day the Presses Stopped*, 36.

[14] Ellsberg, *Secrets*, 185.

[15] Rudenstine, *The Day the Presses Stopped*, 37.

Ellsberg chose to study the Kennedy administration's 1961 policy in Vietnam because it was a period "of which he knew little and wanted to know more."[16]

For Ellsberg, as well as most Americans, the events of 1968 deepened the growing disillusionment with the Vietnam War. In January, thousands of North Vietnamese soldiers launched the Tet offensive on South Vietnamese urban centers. The attack shocked an American public who largely believed that the war was going well. In April, Ellsberg attended a conference entitled "America in a Revolutionary World" at Princeton University, which led to his first encounter with civil rights and antiwar activists.[17] Two nights prior, the nation had watched Lyndon B. Johnson announce that he would not run for re-election. At the conference, Ellsberg met a young Indian woman named Janaki, who was a follower of Gandhi. She urged him to read Martin Luther King's *Stride Toward Freedom* and introduced him to oppositional sentiment toward Vietnam. They stayed together and continued to talk through the next day. At the end of that day, April 4, 1968, they learned that Martin Luther King had been assassinated. Two months later, while in Chicago, Ellsberg turned on the television to news that Robert Kennedy had been shot following a speech at the Ambassador Hotel.

The death of Robert Kennedy caused Ellsberg to believe that both America and the situation in Vietnam would never change. Ellsberg comments,

> I knew now as I wept, though I hadn't thought about it before, that I loved Bobby. He was the only politician I ever felt that way about. I realized at this moment that all my hopes had been on him. Not just for Vietnam, but for my country. I had a sudden vision that the war wasn't going to end. I was thinking: Maybe there's no way, no way, to change this country.[18]

On November 5, 1968 Richard Nixon defeated Herbert Humphrey on the promise to end the war in Vietnam "with honor."[19] On March 4, 1969 Ellsberg walked out of the RAND Washington office with two large briefcases containing an entire version of the McNamara study.[20]

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[16] Ellsberg, *Secrets*, 186-187.
[17] Ibid., 209.
[18] Ibid., 220.
[19] Ibid., 225.
[20] Ibid., 244.

Releasing the Papers

Ellsberg's six-month study of the Pentagon Papers led him to the revelation that American involvement in Vietnam had never had a sense of legitimacy, and that the war had continued due to acts of aggression by successive American presidents.[21] Later that year, Ellsberg attended a conference at Haverford College, near Philadelphia. One of the speakers, a young man named Randy Kehler, set in motion a chain of events that led to the Supreme Court. Kehler, like Ellsberg, had graduated from Harvard. Kehler, during the latter part of his speech, announced his imminent imprisonment for draft resistance. Upon hearing this, Ellsberg began to cry and had to leave. After a few minutes in a nearby men's room Ellsberg came to the realization that he had to do something to help bring an end to the war. More importantly, he decided that he was willing to go to prison in order to accomplish such a goal. He came to the realization that "the only way to change the president's course was to bring pressure on him from outside, from congress and the public."[22]

Ellsberg began sneaking various parts of the McNamara study out of RAND and photocopying them at a friend's advertising agency during the late hours of the night. Considering the level of technology at the time, this was an exhausting process. Ellsberg attempted to deliver the study publicly through congressional channels but these attempts failed. Ellsberg met with both Senator J. William Fulbright, chairman of the Foreign Relations Committee and Senator George McGovern, but their political positions prevented them from serving as the desired outlet. In February, 1970 Ellsberg contacted Neal Sheehan, a reporter for the *New York Times*, who he knew from his time in Vietnam, to inquire about the publishing the study.

The *New York Times*

On June 13, 1971 the *New York Times* front page carried the first installment of the McNamara study, which following its release became known as the Pentagon Papers. Second and third installments followed. On June 15th, however, the *Times* received a telegram from the Department of Justice ordering the paper to cease further publication.

The telegram reached the *Times* after most of the senior executives and editors had gone home for the evening. Robert C. Mardian, the assistant attorney general for internal security, telephoned Harding Bancroft, executive vice president of the *Times* in order to relay the demands of the Justice Department. Bancroft indicated to Mardian that he would have to consult with other *Times* officials before he could

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[21] Ibid., 250.

[22] Ibid., 276.

provide an answer. The debate over whether or not to continue to publication took place on the fourteenth floor of the *Times* building. Bancroft, James Goodale, the *Times* in-house counsel, Abe Rosenthal, managing editor, and Sydney Gruson, executive assistant to the publisher, convened to weigh the legality of continuing publication. The executive absent was Arthur Ochs Sulzberger who was visiting London. However, the group was able to reach him through London correspondent Anthony Lewis.[23] On the advice of Goodale, Sulzberger approved continued publication. Bancroft called Mardian and informed him that the *Times* "were respectfully declining to comply with the government's request that it voluntarily cease publication of its Pentagon Papers series."[24] A formal telegram was also sent stating that "the *Times* believed that the threatened legal action was properly a matter for the courts to decide, that the *Times* would oppose any request for an injunction, and that the *Times* would of course abide by the final decision of the court."[25]

The *Times* search for legal counsel began when they were informed that Lord, Day and Lord could not represent them. Bancroft preferred Herbert Wechsler, a Columbia Law Professor, who had represented the *Times* before the Supreme Court in *New York Times v. Sullivan*, a landmark case in which the court concluded that the First Amendment provided qualified protection against libel claims.[26] Wechsler, however, was unable to grant the request because of a teaching commitment in Europe.[27] Goodale suggested Alexander Bickel, a Yale law professor, and Floyd Abrams, a young partner at a Wall Street law firm.

Prior to the telegram, Mardian asked William H. Rehnquist, then the assistant general in charge of the Justice Department's Office of Legal Counsel, "to examine the possibility of forcing the *Times* to stop publishing articles based on the Pentagon Papers by obtaining a legal injunction, or court order."[28] Rehnquist immediately went to the 1931 Supreme Court ruling in *Near v. Minnesota*, which had established that prior restraints are suspect under the First Amendment.[29]

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[23] Prados and Porter, *Inside the Pentagon* Papers, 120.

[24] Rudenstine, *The Day the Presses Stopped*, 100.

[25] Ibid.

[26] Ibid., 101.

[27] Ibid.

[28] Geoffrey A. Campbell, *The Pentagon Papers: National Security Versus the Public's Rights to Know* (United States: Lucent Books, 2000), 26-27.

[29] Anthony Lewis, *Make No Law: The Sullivan Case and the First Amendment* (New York: Vintage Books, 1991), 90-93.

Near v. Minnesota

It is impossible to talk about the Pentagon Papers without discussing the prior restraint decision handed down in *Near v. Minnesota.* Anthony Lewis has labeled the 1931 First Amendment case as "the Court's first great press case."[30] Jay M. Near was a muckraking journalist who started a weekly newspaper in Minneapolis entitled *The Saturday Press.* In his paper, Near often voiced corruption allegations against Floyd B. Olsen, who at the time was the county attorney of Henepin County, which included Minneapolis.[31] Olsen invoked a state statute called the Public Nuisance Law, which allowed judges to enjoin publications if they fit the criteria of a public nuisance. A judge granted Olsen's request and *The Saturday Press* was quickly put out of business. Near appealed to the Minnesota Supreme Court, but his claim was rejected. Near was out of options considering his financial situation. However, the American Civil Liberties Union and Robert "Colonel" McCormick rallied to his cause.

The Supreme Court heard arguments in January of 1931. Chief Justice Hughes delivered the opinion of the court, which held that protection against prior restraint was at the heart of the First Amendment. One particular paragraph in the majority opinion, however, acknowledged that prior restraint might be applicable in certain situations. Chief Justice Hughes wrote:

> the protection even as to previous restraint is not absolutely unlimited…. When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no court could regard them as protected by any constitutional right…no one would question but that a government might prevent actual obstruction to its recruiting service or the publication of the sailing dates of transports or the number and location of troops.[32]

"After reviewing the Court's *Near* decision, Rehnquist advised that, because of the ongoing Vietnam War, the government had a reasonable chance of getting an injunction against the *Times.*"[33] Fred W. Friendly comments that "*Near's* ultimate legacy was finally realized forty years

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[30] Lewis, *Make No Law,* 90.

[31] Ibid., 91.

[32] Fred W Friendly, *Minnesota Rag: The Dramatic Story of the Landmark Supreme Court Case That Gave New Meaning to Freedom of the Press* (United States: Vintage Books, 1981), 152.

[33] Campbell, *The Pentagon Papers,* 26.

later, almost to the day, in the clash between the power of the presidency of the United States and the *New York Times*."[34]

It is also important to consider the contextual developments in the forty years between the *Near* decision and the Pentagon Papers case. America, in the time between these two cases, witnessed World War II, the development of nuclear weapons, the rise of a national security state, the establishment of the Department of Defense and the Central Intelligence Agency, the advent of television and the growth of mass media, and the Korean and Vietnam Wars. Furthermore, Justices Black and Douglas held an expansive view of protections implicit in the First Amendment.[35] Within this context, the United States pursued its case against the *New York Times*.

Lower Courts

On June 15, both parties entered Judge Murray I. Gurfein's courtroom in the federal courthouse in Manhattan. Judge Gurfein was a graduate from Harvard Law School and had served in Army Intelligence during World War II. He was later an assistant to Robert H. Jackson, the United States Chief Counsel, at the Nuremberg war crimes trials.[36] Judge Gurfein had been appointed to the district court by Nixon and had taken office just a few days prior to the government's suit against the *Times*. The Pentagon Papers case was his first. The U.S. position was argued by Michael D. Hess, who headed the civil division within the U.S. Attorney's office. During the morning Bickel and Abrams had met with *Times* officials and decided to "concede that the First Amendment to the constitution permitted the government to obtain a prior restraint in narrowly defined circumstances, but insist that those circumstances were not present in this case."[37] Bickel also stressed an inherent authority argument contending that the executive branch could not sue without a congressional statute. This argument, however, was largely defeated after Justice Black reminded him, during oral argument before the Supreme Court, that "congress shall make no law." Hess's main argument surrounded the top secret nature of the documents in question, and that further publication could "result in exceptionally grave injury to the national defense."[38] Judge Gurfein granted the government a temporary restraint, which effectively enjoined the times from further publication. However, he did not order the *Times* to return the documents in their possession and scheduled another hearing for Friday. Judge Gurfein granted the order believing

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[34] Friendly, *Minnesota* Rage, 175.

[35] Campbell, *The Pentagon Papers*, 68.

[36] Rudenstine, *The Day the Presses Stopped*, 105.

[37] Ibid., 103.

[38] Ibid., 105.

that "any temporary harm may result from not publishing is far outweighed by the irreparable harm that could be done to the interest of the United States Government."[39]

A significant development took place between the two hearings. Ben H. Bagdikian, assistant managing editor for national affairs at the *Washington Post*, obtained four thousand pages of the Pentagon Papers from Daniel Ellsberg. Internally, the debate surrounding publication proceeded in a fashion similar to that of *Times*, which is noted above. However, it is important to consider the position and motives behind the *Post's* publication. Benjamin C. Bradlee, who became executive editor in 1968, had set his sights on transforming the *Post* into one of the nation's great newspapers.[40] He wanted the *Washington Post* to be mentioned in the same breath as the *New York Times.* [41] The Pentagon Papers and the subsequent injunction provided the *Post* with the opportunity to do just that. Publication by the *Post* also provided Bickel with an argument against any penalties that might be levied against the *Times* in the Friday hearing.[42] Also, a complete set of the Pentagon Papers was delivered to Judge Gurfein's chambers without any security attachment, which puzzled Gurfein considering its supposed highly volatile nature.

Throughout the Friday hearing Bickel contended the main point of the government's defense in light of the publication by the *Post*. Bickel commented,

> Publication by the Post demonstrated the ineffectiveness of using a prior restraint to protect the national security in this case, and the *Post* was now in a scoop the entire Pentagon Papers story while the *Times* was forced to remain idle. The government has claimed that grave danger to the national security would occur if another installment of a story that Times had were published. Another installment of that story had been published. The republic stands and it stood for the first three days.[43]

Bickel was clearly arguing against the Government's claim that the publication of the Pentagon Papers would have disastrous effects on national security. Nonetheless, the point of the Friday hearing was to determine whether the temporary order should be lifted or whether the government would be granted a further injunction. Judge Gurfein

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[39] Ibid., 107.

[40] Ibid., 125.

[41] Ibid.

[42] Prados and Porter, *Inside the Pentagon Papers*, 121.

[43] Rudenstine, *The Day the Presses* Stopped, 143.

delivered his decision on Saturday, which stated that the temporary injunction was to be dissolved only after the government had an opportunity to seek a stay from the Second Circuit Court of Appeals.[44] Gurfein's decision claimed that "this case did not present a sharp clash between vital security interests and the right of the *Times* to publish the disputed material, because no cogent reasons were advanced as to why these documents except in the general framework of embarrassment would vitally affect the security of the nation."[45] Also, Gurfein indicated in his decision that he was guided by the majority opinion of Chief Justice Hughes in *Near v. Minnesota*.[46] Appeals Judge Irving R. Kaufman was in his office that Saturday afternoon, on the request of Judge Gurfein, awaiting the government's inevitable appeal. "Kaufman was nationally known for sentencing Ethel and Julius Rosenberg to death in 1951."[47] Kaufman continued the injunction because he did not want to be solely responsible for awarding victory to the *Times*. Consequently, the injunction was extended until Monday, June 21.

On June 23, the appellate court reversed Gurfein's order and sent the matter back to the lower court in order to determine whether items in the Pentagon Papers presented a grave and immediate danger to the United States.[48] Also, at this time, the *Washington Post* was making similar arguments in the U.S. District Court for the District of Columbia. After a short hearing, the court ruled in favor of the *Post*. The government immediately appealed to the appellate court, which reversed the ruling of the lower court and temporarily enjoined the paper from further publication. On Friday, June 25, the nine Supreme Court justices voted five to four to continue the stays, and set June 26 as the day it would hear arguments in the two cases.[49]

The Supreme Court

The *Times* lawyers notified Solicitor General Erwin Griswold that they intended to appeal to the Supreme Court. They filed a twenty-page petition for a writ of certiorari providing the reasoning for the Supreme Court to review the case. The petition set forth five arguments for granting immediate review. "It was only with its third argument, however, that the *Times* petition finally got to the heart of the case and its basic reason for immediate review."[50] "For the first time in American History, a newspaper has been enjoined from publishing news, and the

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[44] Ibid., 169-171.

[45] Ibid., 171.

[46] Ibid., 174.

[47] Ibid., 181.

[48] Campbell, *The Pentagon Papers*, 36.

[49] Ibid., 37.

[50] Rudenstine, *The Day the Presses Stopped*, 261.

continuation of the prior restraint imposes an unstoppable burden on a free press."[51] This was the *Times* most powerful claim and would serve as the constitutional issue debated in the court. In the lower courts, the government had failed to prove that further publication would threaten national security; however, the *Times* was still under injunction. The petition seeking review was submitted on Thursday, June 24. "By Friday, Chief Justice Burger, Justices Harlan, White, and Blackmun favored restraining the both papers until the fall."[52] Justices Black, Douglas, Brennan, and Marshall, on the other hand, opposed any continuation. Justice Stewart broke the tie and the Court agreed to review both cases immediately. Consequently, the lawyers of both sides only had about twenty hours to prepare their briefs and oral arguments.

Solicitor General Griswold's briefs laid out eleven items he felt had the best chance of convincing the court that further publication would cause irreparable harm to U.S. national security.[53] The eleven points stressed how further publication would prove harmful to national security and hinder future attempts to successfully resolve the conflict.[54] "The sealed brief concluded by emphasizing the government's view that the First Amendment is not absolute, meaning there are instances in which the right of the press to publish material must be weighed against the government's right to conduct negotiations and wage war."[55]

The *Times* briefs merely reiterated the position that had been taken and maintained in the lower courts, which argued that the government had failed to justify prior restraint. Bickel and the *Times* continued to concede the fact that the First Amendment did not absolutely prohibit prior restraints on the press. This concession is arguably the most significant development throughout the cases' litigation. The oral arguments proceeded along these basic claims. Both lawyers were peppered by a number of questions from one justice or another. Justice Stewart, however, was the most vocal throughout in his attempt to break the case down to the issue at hand. One of Justice Stewart's questions embodies the issue of prior restraint and its permissibility under the First Amendment as laid out by Chief Justice Hughes in the *Near* decision. Justice Stewart asked,

> Solicitor Griswold, your case depends upon the claim, as I understand it, that the disclosure of this information would

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[51] Ibid., 261.

[52] Ibid., 263.

[53] Univeristy of Southern California Annenberg Center for Communication Leadership, "Top Secret: The Battle for The Pentagon Papers," http://www.topsecretplay.org (accessed Dec 2, 2010).

[54] Rudenstine, *The Day the Presses Stopped,* 269-271.

[55] Campbell, *The Pentagon* Papers, 41.

result in an immediate grave threat to the security of the
United States of America, and basically this case comes
down to a fact case, and that the issues here are factual
issues?[56]

Solicitor Griswold conceded the point, but throughout the remainder of
his argument continued to define the threat of future publication in
vague rhetoric. William R. Glendon, arguing for the *Post*, commented
during his argument that "this case has been about broad claims and
narrow proof."[57] This question also aluded to the argument which
Bickel and the *Times* had been making throughout, which contended
that the government had failed to provide the factual evidence justifying
prior restraint. Bickel's oral argument, consequently, was consistent
with the position that he had maintained throughout the legal process.

The Decision

John Prados comments that "in the Pentagon Papers case the
Supreme Court had to decide very quickly whether, notwithstanding the
First Amendment, the government was entitled to an injunction to stop
newspapers from publishing secrets about the ongoing war."[58] The
Court announced its decision in *New York Times Co. v. United States* on
June 30, 1971. In a six-to-three decision, the Court held that the
government had failed to provide adequate evidence justifying prior
restraint. The three-paragraph per curiam (no written majority opinion)
decision was accompanied by nine separate opinions.[59] "The short
decision held that there was a heavy presumption against the
constitutional validity of prior restraints of expression and that the
government had not met its "heavy burden" of showing justifications for
a prior restraint of the press."[60] The *Times* and *Post*, therefore, were free
to continue publication. The long-term significance of the decision,
however, was that it left room for the justification of prior restraints in
matters concerning national security. Justices Black, Douglas, Brennan,
Stewart, White, and Marshall concurred while Chief Justice Burger,
Justices Harlan and Blackmun dissented. The opinion of Justice Black,
which was joined by Justice Douglas, stands out above the others due to
his absolutist views concerning the First Amendment. In his concurring
opinion Justice Black commented that "every moment's continuance of

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[56]The Oyez Project, *New York Times v. United States*, 403 U.S. 713 (1971) available at:
http://oyez.org/cases/1970-1979/1970/1970_1873 (accessed, November 25, 2010).

[57] Ibid.

[58] Prados and Porter, *Inside the Pentagon Papers*, 198.

[59] Ibid., 198.

[60] Ibid.

the injunctions against these newspapers amounts to a flagrant, indefensible violation of the First Amendment."[61]

Justices Stewart and White stated that "a prior restraint could only be issued when the government proved that disclosure would cause direct, immediate, and irreparable damage to the nation."[62] Justice Stewart stated that the President had enormous power in the area of defense and international relations and the only effective restraint may lie in an enlightened citizenry.[63] Justices Brennan and Marshall's opinions were not joined but they concurred along similar lines as Justices Stewart and White. The dissenting opinions of Justices Harlan, Burger, and Blackmun focused on the haste in which the litigation was conducted. However, they did claim "that courts should defer to the executive branch on national security matters."[64]

Michael J. Gaffney notes "that since there was no written majority opinion and the nine opinions do not reflect a consensus on how a court should determine whether the government has met its "heavy burden," the decision leaves room for future courts to maneuver."[65]

Subsequent developments in an ongoing battle

The decision handed down by the Supreme Court did not effectively end the battle between the government's national security claims and the public's right to know. Anthony Lewis notes that in the subsequent years following the Pentagon Papers, the Supreme Court became increasingly deferential to the executive branch of the government whenever it claimed national security was at risk.[66] Therefore, the Pentagon Papers case "did not eradicate the government's interest in prior restraints on publication of classified information and did not diminish the national security state's addiction to classified information."[67] The government's continued desire to conceal and manipulate information has resulted in massive over-classification and broad national security claims.

One such broad claim took place in 1979 when the government was able to enjoin *The Progressive Magazine* from publishing an article entitled "The H-Bomb Secret: How We Got it and Why We're Telling It."[68] The government "insisted that the article presented an immediate,

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[61] Ibid., 199.

[62] Rudnestine, *The Day the Presses Stopped*, 313.

[63] Ibid., 309.

[64] Ibid., 320.

[65] Prados and Porter, *Inside the Pentagon Papers*, 200.

[66] Anthony Lewis, *Make No Law*, 241.

[67] Prados and Porter, *Inside the Pentagon Papers*, 202.

[68] Ibid., 205.

direct, and irreparable harm to the interests of the United States because the article's synthesis of the information gave it a new and different character than it otherwise had."[69] The broad national security rhetoric is nearly identical to that employed against the *Times* in the Pentagon Papers case. The evidence before the court even included assertions from both the secretary of defense and the secretary of state claiming that the article's publication would irreparably impair the national security of the United States.[70] A federal district judge in Washington asserted that "the article could possibly provide sufficient information to allow a medium-size nation to move faster in developing a hydrogen weapon, and that a ruling against the United States could pave the way for thermonuclear annihilation for us all."[71] While the appeal was pending, the government was forced to drop the litigation once it became apparent that the alleged secret was already in the public domain. Nonetheless, the government was able to effectively enjoin the publication for six months with broad national security claims. Further government employment of prior restraint against the press, however, has been, and is likely to continue to be rare.[72] Prior restraint claims since the Pentagon Papers have largely focused on individuals and the violation of secrecy agreements.

Snepp v. United States

During the late 1970s and 1980s there were several instances where the government invoked prior restraint in order to prevent former CIA employees from publishing knowledge ascertained during the course of their careers. The most famous of these was the case of Frank Snepp. "When Snepp went to work for the CIA in 1968, he signed a secrecy agreement promising that he would not publish any information or material relating to the Agency, its activities or intelligence activities generally, either during or after term of employment without specific prior approval by the agency."[73] However, in 1977 Snepp wrote a book entitled *Decent Interval*, which was critical of the American evacuation of South Vietnam. The government sued Snepp for violating his secrecy agreement and not seeking a prepublication review and demanded that he turn over all profits derived from publication. Both the district and appellate courts sided with the government. "Sneep sought Supreme Court review, but the composition of the Court had changed in the several years since the

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[69] Rudenstine, *The Day the Presses* Stopped, 353.

[70] Prados and Porter, *Inside the Pentagon Papers,* 206.

[71] Ibid.

[72] Ibid., 216.

[73] Ibid., 207.

Pentagon Papers case."[74] William Rehnquist, who had encouraged the government to pursue an injunction against the *Times*, was now a Supreme Court Justice. Snepp's petition argued that his secrecy agreement was unenforceable because it was a prior restraint on speech protected by the First Amendment.[75] However, in a per curiam opinion the court dismissed Snepp's First Amendment claims and affirmed the decision of the lower courts. "Justice Steven's dissent warned that a drastic new remedy has been fashioned to enforce a species of prior restraint on a citizen's right to criticize his government."[76]

Bradley Manning and Wikileaks

A recent disclosure of highly sensitive classified material will perhaps one day eclipse the scope of the *Times* release. In the forty years between the two cases there have been significant developments in the national security contextual framework. For example, the attacks on September 11, and the subsequent "War on Terror" has led to the expansion of executive power and secrecy.[77] Furthermore, the government has created the Department of Homeland Security while Congress has passed multiple Intelligence Authorization Acts, which provide substantial protections against the disclosure of classified information.[78]

Bradley Manning is a twenty-two year old intelligence analyst in the United States Army, who in the summer of 2010 released around 260,000 diplomatic cables to the whistleblower website Wikileaks. Manning was arrested on July 29, 2010 and transferred to a military prison in Virginia. His case is still pending a military tribunal. Public and political attention, therefore, has shifted from Manning to Julian Assange, the founder of Wikileaks, who began releasing the cables in November. His actions have sparked condemnation from the both the State Department and the Obama administration. Daniel Ellsberg, on the other hand, has expressed praise for both Assange and Manning during several public media appearances. The governments national security claims, prior to the document release, were remarkably similar to those alleged during the Pentagon Papers case. The United States, through foreign and corporate cooperation, has targeted the financial capacity of the website in an attempt to prevent further publication. However, the documents have been in the public domain for some time, and as Alexander Bickel so eloquently noted: "The republic still stands."

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[74] Ibid.

[75] Ibid., 208.

[76] Frank Snepp, *Irreparable Harm: A Firsthand Account of How One Agent Took on the CIA in An Epic Battle Over Free Speech* (United States: University of Kansas Press, 1999), 343-344.

[77] Prados and Porter, *Inside the Pentagon Papers*, 214.

[78] Ibid., 215.

So, what is the lasting significance of the Pentagon Papers in regard to civil liberties? The historical significance of the decision is that it continues to provide the precedent by which to determine the validity of prior restraint under the First Amendment when it is employed by the government in the name of national security. The Court held that there was a heavy presumption against the constitutional validity of prior restraints on expression and that the government had failed to meet its heavy burden. However, the decision left room for future Courts to maneuver. "Excessive secrecy in the name of national security can undermine constitutional rights and civil liberties."[79] Justice Stewart was correct when he noted "that the only effective restraint may lie in an enlightened citizenry." The only way to maintain such balance is with a free and informed press, which thanks to the Pentagon Papers case is free from prior restraint.

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[79] Ibid., 217.

The History of Satan

Jeremy Hostetler

Since the very dawn of civilization, the battle between good and evil has been part of the mythology and interconnected philosophies of human beings. From the *Epic of Gilgamesh* to the battles between Egyptian Gods, to the words of the Koran and the Bible, conceptions of the battle of good and evil abound in popular, philosophical, legal, and religious literature. Many theologians and scholars have tried to argue the creation of evil. They question if God created it or if man and his perversion of good created the absence of "goodness," and therefore the necessity of evil. Added to this the human capacity for a sliding scale of evil (e.g. deception, lust, greed) and we have an epitome of the human condition.

In fact, one of the most predominant symbols in many world religions is that of a man and a woman, created in the image of God, bound to the teachings of that God, with the directive to mate and populate the earth. Symbolically, this is the way most cultures understood the way that humans came to live upon the earth. Within the context of the Qur'an and Genesis, the basic story tells of Adam (which in Hebrew can be translated to man, mankind, or soil) being created by God, and Eve (living one) being created from a part of Adam to live on earth as the first man and woman, in an idyllic place called "The Garden of Eden." Representing evil or Satan, a serpent invades this holy garden tempting Eve, and thus is brought the concept of evil into the world.

Adam and Eve have two sons, Cain and Abel. By allowing evil (original sin, etc.) into the world, Cain, through jealousy, kills Abel giving an explanation for the manner in which humanity is flawed. There are however, some very basic differences between the explanation and interpretation of the Adam and Eve story between Judaism, Christianity, and Islam. In brief, Adam and Eve (representing mankind) were created on Earth in a place made for them by God called The Garden of Eden (Genesis 2:8).[1] For Islam, Man was created in Janna (Paradise) and then banished to earth later (Qur'an 2:35).[2] Genesis tells that God took six days to create the world, and each day had a specific

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[1] *The New Oxford Annotated Bible with the Apocrypha*, ed. Michael David Coogan (New York: Oxford UP, 2010), 14.
[2] *The Qur'an*, trans. Tarif Khalidi (New York: Penguin, 2009), 7.

creation hierarchy, similar to the story in the Qur'an. In the Bible, mankind was created to live in harmony with the "beasts" (Genesis 1:29-30),[3] but in the Qur'an man was to devour cattle and survive by predation (Qur'an 6:142, 16:5).[4] All of which is designed to form the basic structure for the manner in which humanity exists and why there is a place called Earth. This leads to why there is evil (sin) on earth. In Genesis, mankind has access to the entire garden (earth) with the exception of the "Tree of Knowledge," usually thought to represent the idea of good and evil, and the explanation for the dichotomy between the two.

And the Lord God commanded the man, "You may freely eat of every tree in the garden; but of the tree of the knowledge of good and evil you shall not eat, for in the day you eat of it you shall die" (Genesis 2:16-17).[5] In Islam there is not a "Tree of Knowledge," but rather something similar to the "Tree of Life" (Genesis 3:22).[6] Islam has a "Tree of Eternity" which gives not only knowledge but eternal life (Qur'an 7:20, 20:120),[7] and the Qur'an does not symbolize the tempter as a serpent, but uses Satan himself.

To explain original sin, Genesis indicates that the Serpent tempted Eve and enticed her, denying she would die. "You will not die; for God knows that when you eat of it your eyes will be opened, and you will be like God, knowing good and evil" (Genesis 3:4-5).[8] In the Qur'an it was Satan directly who enticed Adam and his wife. "But Satan whispered to him and said: 'O Adam, shall I indicate to you the Tree of Eternity and kingship that grows not old?'" (Qur'an 20:120).[9] Again in verse 7:19-20,[10] "And Satan whispered to them to open their eyes to what had been concealed from them of their shame. He said: 'Your Lord forbade you to approach this tree only because you would become angels or turn immortal.'"

After disobeying God's orders both texts indicate that there is just punishment from God. This "just punishment" explains a hierarchy. It also explains why humans must toil, why sickness exists, and the quintessential question – why is there evil in the world? For, after the fall, Adam and Eve are banished from Eden, set to work the fields and toil and forever be part of the Earth that would not support life (Genesis

[3] *New Oxford Annotated Bible*, Coogan, ed.,13.
[4] *The Qur'an*, Khalidi, 114, 210.
[5] *New Oxford Annotated Bible*, Coogan, ed.,14.
[6] Ibid., 16.
[7] *The Qur'an*, Khalidi, 119, 255.
[8] *New Oxford Annotated Bible*, Coogan, ed.,15.
[9] *The Qur'an*, Khalidi, 255.
[10] Ibid, 119.

3:14-19, & 23-24).[11] The Qur'an does not say banishment, but rather Satan drove them from garden (Qur'an 7:27).[12] While the Bible says that as descendants of Adam, all are born with a sinful nature because of the events in the garden (Psalms 51:5),[13] the Muslim view is that man is born innocent and the Qur'an refers to sin as "earned." God forgave Adam of his sins (Qur'an 2:37),[14] and the only sin a man can have is the sin he has earned himself (Qur'an 6:163).[15]

It is with the basic concept of humanity, though, that a most interesting comparison exists. In Judaic tradition, Adam is sometimes thought to have been created as both man & woman (at least spiritually, but in older traditions a hermaphrodite as well). Adam, however, was lonely; so God created Eve from him removing the female and symbolically linking the two genders together forever. Never does the concept of original sin appear.[16] What appears clear is that for humans, there needed to be a clear explanation. An explanation for creation and the "things" on earth (beasts, weather, natural resources, etc). Also needed was a believable "story" to support the idea of people spreading from the original source (Eden), speaking different languages, and while having free will; but still being able to have the conceptualization of evil in the world.

Origins of the Concept of Satan

The word Satan derives from the original Hebrew term *Ha-Satan*, which means "the accuser" or "adversary.'" In Arabic the original term was *Shaitan* and means the "adversary" or sometimes the "enemy." Looking at the words for both, the term itself is really an antagonism from the basis of Abrahamic religions. If there is an ultimate good, then there must be an adversary or opposite of the right. Over the centuries the term has been embellished. It has taken on new meanings; some of which have moved from the adversarial religious symbol or opposing view, to the embodiment of pure evil. The conception of an evil one as the Devil, also has roots in similar theology and concepts. In Ancient Greek the term *diabolos* meant 'slanderer' or "accuser." This is one of the more common views of the Devil—a personification of evil and enemy of God and humanity. The Devil can be seen as the absence of good— the nature of the "anti." The Devil is typically associated with all manner of infidels, heretics, and unbelievers—and psychologically has

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[11] *New Oxford Annotated Bible*, Coogan, ed.,15-16.

[12] *The Qur'an*, Khalidi, 120.

[13] *New Oxford Annotated Bible*, Coogan, ed., 815.

[14] *The Qur'an*, Khalidi, 7.

[15] Ibid, 117.

[16] What Jews Believe, Jews Believe in The Satan, and Not in the Devil, March 2003, available from http://whatjewsbelieve. org/explanation7.html; Internet; accessed 14 November 2010

been a way to conceptualize an enemy so that the humanity of the individual is snatched away. Some beliefs see the Devil as a manifestation of evil spirits, or of all that can go wrong on the natural earth. It has even been an allegory that represents a crisis of belief, or turning from the path of tradition; and even at times used as a label for those who simply disagree with the status quo. This personification of evil is as old as societies—and continues on into the contemporary mythos as the archetype of evil. Ironically, the term is bandied about in politics to gain support. We have the "Axis of Evil," former President Reagan calling the Ayatollah Khomeni the "Devil," and in turn, the Ayatollah referring to Reagan as "The Great Satan."[17]

The idea of the Devil or evil incarnate, is like good, it is a system. It is at once part of human tradition and culture. It provides a way to explain certain events, as well as allowing for there to be a side for temptation. Evil can be a distortion in moral and philosophical thought. Something as tangible as the deeds of the Nazi party; or simply as a way to explain further genocide, the way humans can even conceive something so vast and horrible that the only possible way it could exist within the human psyche is for some outside force to hold control.[18]

The concept of evil as the antithesis of good comes to us between 3000 and 5000 years BCE with the Sumerian civilization of Mesopotamia. In *The Epic of Gilgamesh* we find the explanation for evil. The fact that the Gods had the power of good and evil over humans, along with the power to punish shown in their Great Flood story. But what is interesting about the evolution of not only this mythos, but the conception of the Devil, is that we can trace archaeologically a movement from numerous Gods (upwards of 600) and no individual one truly evil; through the gradual build-up of civilization and urbanization, the lessening of the number of Gods with a juxtaposition of good and evil as light and dark—opposites in the battle for humanity. These Gods subjugated humans in a way that never happened in other primitive river valley cultures, yet seemed to change and follow a political will as the concept evolved. This finally culminates in the marriage between the God of Above, Nergal, lord of Summer, Growth and Heat; and the Goodness of the Below, Ereshkigal, queen of the underworld, Winter, the Cold, and of Death. We now have opposites, attracted, and yet polarized in deed, action, and even interpretation.[19]

This conception then seems to flow mythologically out of the Middle East into other cultures; we have the trickster, the shadow, the

[17]Sam Keen, *Faces of the Enemy: Reflections of the Hostile Imagination* (New York: Harper Collins, 1991), ch. one.
[18]Robert Muchembled, *A History of the Devil: from the Middle Ages to the Present* (Cambridge, UK: Polity, 2003), ch six.
[19]Gerald Messadie, *A History of the Devil* (New York: Kodansha, 2006), 90-97.

evil one, and even the unknown. Considering the geographical location of the Abrahamic religions, it is logical that there would be a cross-over from the archetype that would manifest itself within these religious traditions. Abram followed God out of Ur west to Canaan. Moses led the Hebrews, who lived in Egypt for generations, to freedom. Hebrews had a captivity in Babylon whose religion was Zoroastrian and had a strong belief in duality; during which the Torah began to written. Again and again, the Hebrews were in constant contact with and lived among, other cultures of the region. Whether it was Mesopotamian, Egyptian, Canaan, Greek, or Persian; the influences of 'adversaries' or the obstacles of opposites in these religions was obviously apparent to them.

Satan in Judaism

In traditional Judaic thought, there is no conception of the Devil in the same way as in Christianity or Islam. The Torahnic tradition holds that it is the adversary, the obstacle, or the prosecutor, that embodies not the antithesis of God; but another player in the large role of a Universe with God as the ultimate Judge. This tradition appears as "ha-satan" in Numbers 22 and Job 1 & 2.[20] Satan does not perform independent evil for evil's sake; but is a member of the heavenly court of God and acts only with his permission and at his behest.

Thus, for Judaism, there is a difference between an evil one and part of the duality of God. Judaic tradition rejects any idea that conflicts with the one true God (indivisible) because anything else precludes a total monotheistic viewpoint. Some of the cultures in the Ancient World contemporaneous with the early Jews; held that there was a God in heaven above who continually battled with a God of the underworld, or hell, for humanity and the promulgation of good versus evil (e. g. the Greek Zeus/Hades paradigm).

One way to understand this major difference is in the way the Hebrew language refers to God, and the way there is a complexity of terminology. For most of the Bible, God is referred to as *Elohim*, generally used as a plural. It is often shown as *El-Ohim* to mean The God(s). It is used to also mean God, Gods, godlike, or idol god. When this was translated, though, the meaning is not as ambiguous:

> Then God spoke all these words: I am the Lord your God, who brought you out of the land of Egypt, out of the house of slavery, you shall have no other gods before me (Exodus 20:1-3).[21]

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[20] *New Oxford Annotated Bible*, Coogan, ed., 223-224, 727-728.
[21] Ibid., 110.

Now, if we simply replace the translations with the Hebraic word *Elohim*, we find something a bit different:

> Then Elohim spoke all these words: I am the Lord your Elohim, who brought you out of the land of Egypt, out of the house of slavery, you shall have no other Elohim before me. (Exodus 20:1-3)[22]

This complexity about God (gods, idols, et cetera) is central to the view that there is no duality; no yin/yang, no upper or lower. This, to the Jews, is not monotheism. Ha-Satan is, in essence, is a being (not a Fallen Angel) who acts like a prosecuting attorney in God's Court. This Prosecutor, as far back as Genesis, is a tempter, but in a way that is not evil, but that points out to God the many flaws of humanity. Ha-Satan has no power or authority; he may cajole, tempt, or influence; but no real power without God's will. This is obvious in the story of Job and the way Ha-Satan psychologically plays the drama so that humans appear to be weak and wanting.[23]

Note, for instance, the dialog between Ha-Satan and God – in which Satan must ask for permission to conduct a drama against Job to prove a point:

> Then Satan answered the Lord, "Does Job fear God for nothing? Have you not put a fence around him and his house and all that he has, on every side? You have blessed the work of his hands, and his possessions have increased in the land. But stretch out your hand now, and touch all that he has, and he will curse you to your face. " The Lord said to Satan, "Very well, all that he has is in your power; only do not stretch out your hand against!" So Satan went out from the presence of the Lord. (Job 1: 9-12)[24]

And again a reinforcement of the Ha- Satan and God conversation in the following chapter of Job:

> The Lord said to Satan, "Have you considered my servant Job? There is no one like him on the earth, a blameless and upright man who fears God and turns away from evil. He still persists in his integrity, although you incited me against him, to destroy him for no reason." Then Satan answered the Lord, "Skin for skin! All that people have

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[22]Ibid, 110.

[23]T.J Wray and Gregory Mobley, *The Birth of Satan: Tracing the Devil's Biblical Roots* (New York: Palgrave Macmillan, 2005), 51-73.

[24]*New Oxford Annotated Bible*, Coogan, ed., 727.

they will give to save their lives. But stretch out your hand
now and touch his bone and his flesh, and he will curse you
to your face. The Lord said to Satan, "Very well, he is in
your power; only spare his life. " (Job 2:3-6)[25]

However, in a greater contextual framework, we can see that
there might be not only a religious, but a moral problem with this
viewpoint. If Elohim controls all things, for instance:

so that they may know, from the rising of the sun and
from the west, that there is no one besides me;
I am the Lord and there is no other.
I form light and create darkness, I make weal and create
woe;
I the Lord do all these things (Isaiah 45: 6-7)[26]

And again solidified in statements like those in the book of Amos:

Is a trumpet blown in a city,
and the people are not afraid?
Does a disaster befall a city,
unless the Lord has done it? (Amos 3:6)[27]

Where does evil come from then? Why do bad things happen? If
there is but one God who controls everything, then traditionally we
have a conundrum. Also, within the Old Testament, there are other
Gods mentioned (Baal, Astartek and Molech), all of whom later become
synonymous with Satan. Indeed, when one analyzes the Ha-Satan in the
Old Testament; one finds that it is predominantly after the Babylonian
Exile and after the triumph of monotheism, that Ha-Satan begins to
appear with regularity (Job, 1 Chronicles & Zechariah). He appears not
as the arch opponent of God, or the embodiment of evil, but as a cosmic
Adversary—the great skeptic, if you will. One who is not responsible for
human suffering, but revels in the ability to "prove" that humankind is
weak and wanting.[28] In no way does this change the ultimate hierarchy
of the power of God, it simply adds another player that has a role to
play in the cosmic drama.
        As a sort of transitory set of texts the Hebrew *Apocrypha*, while
not necessarily accepted as scripture by much of Judaism, gives a new

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[25]Ibid, 728.

[26]Ibid, 1029.

[27]*New Oxford Annotated Bible*, Coogan, ed.,1287.

[28]T.J Wray and Gregory Mobley, *The Birth of Satan: Tracing the Devil's Biblical Roots* (New York:
Palgrave Macmillan, 2005), 39.

interpretation of Satan. Represented here as the one who brought death into the world ("but through the devil's envy death entered the world" Wisdom of Solomon 2:24)[29]. Other parts of the *Apocrypha* contain references to a being cast out of heaven and a being who knew the difference between right and wrong and choose that which was sinful:

> And I threw him out from the height with his angels, and he was flying in the air continuously above the bottomless (2 Enoch 29:4).[30]
> The devil is the evil spirit of the lower places, as a fugitive he made Sotona from the heavens as his name was Stanail (Satan), thus he became different from the angels, but his nature did not change his intelligence as far as his understanding of righteousness and sinful things (2 Enoch 31:4).[31]

The *Apocrypha* was regularly used by the Hassid Jews of the seventeenth and nineteenth centuries, particularly in Europe. There, Satan was *Baal Davar,* a name that goes back to Babylonia, and he was an angel cast out of heaven for refusing to obey the will of God.[32] For most of all Judaic tradition though, Ha-Satan remains part of the cosmic court, part of the natural order of things; he rules nothing, he has no power, he simply is, and any temptations humans may face are not the result of Satanic influence, but of human fallibility and choice.[33]

Satan in Christianity

The Christian concept of Satan is multidimensional, and not really a single paradigm, but an amalgamation of a number of different traditions, mostly taken from the Jewish tradition and the pagan cultures of the Mediterranean, then combined with literary extrapolations from the Middle Ages. For mainstream Christianity, the Devil or Lucifer, is Satan. He is a part of Heaven, a fallen angel who rebelled against God, was embodied in the "serpent" in the Book of Genesis and caused original sin. This therefore played a part in the need for Christ's coming and eventual redemption. Christians see Lucifer as

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[29] *New Oxford Annotated Bible,* Coogan, ed.,1431.

[30] pseudepigrapha,The Book of the Secrets of Enoch, 2002, available from http://www.pseudepigrapha.com/pseudepigrapha/enochs2.htm#Ch29; Internet; accessed 14 November 2010.

[31] pseudepigrapha,The Book of the Secrets of Enoch, 2002, available from http://www.pseudepigrapha.com/pseudepigrapha/enochs2.htm#Ch31; Internet; accessed 14 November 2010.

[32] Gustav Davidson, *A Dictionary of Angels including the Fallen Angels,* (New York: Free, 1967), 67.

[33] Henry Kelly, *Satan: A Biography,* (Cambridge: Cambridge University Press, 2006), 20-24.

the embodiment of evil. This is where the idea of Satan in Christianity becomes ambiguous, for some Satan is literal, for others more metaphorical. In fact, most of the history of the Christian Satan over the last millennium is a combination of a Medieval and post-Medieval reading of the scriptures combined with popular mythology and embellishment for literary and cultural purposes.[34] This view may also be based on pieces of the Book of Revelations, which refers to "The great dragon was thrown down, that ancient serpent, who is called the Devil and Satan, the deceiver of the whole world." (Revelation: 12:9)[35] and again in 20:2,[36] "that ancient serpent, who is the Devil and Satan."

There is somewhat of a progression in the Christian Bible that helped the tradition of the evil one progress through the ages. We know there is an allusion in Genesis, God rebukes the serpent casting him out of paradise, "I will put enmity between you and the woman, and between your offspring and hers; he will strike your head and you will strike his heel" (Genesis 3:15).[37] Yet, somehow, Christianity holds this same adversarial serpent could challenge God in tempting Job, and is capable of taking souls for all eternity. Comparing the two seems a little incomparable.

In the New Testament, Luke (10:18)[38] sees "Satan fall from heaven like a flash of lightning." And in opposition to the goodness of God, Matthew (13:19)[39] notes "The evil one comes and snatches away what is sown in the heart." The idea of Satan is less one of pure evil, and more symbolic of taking the path against God. Another point of interest are the numerous incidents of demonic possession in the New Testament. Jesus throughout casts out demons or evil, one example is seen Mark 5:1-20,[40] and Luke says Satan even entered Judas before Judas' betrayal of Christ (Luke 22:3).[41]

However, for most fundamentalist religions, or conservative bents, it is the Satan of Revelations that epitomizes the modern concept of good versus evil. According to Christian teaching, Satan will wage a final war against Jesus, the final battle between good and evil. Some see Satan as triumphing as the Anti-Christ, ruling for 1,000 years at which time the Earth will be cleansed of all evil and sin will be no more (Revelations 21:1-4).[42]

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[34]Jeffery Burtin Russell, *Lucifer, the Devil in the Middle Ages*, (Ithaca, NY: Cornell UP, 1984), ch six.

[35]*New Oxford Annotated Bible*, Coogan, ed., 2168.

[36]Ibid, 2177.

[37]Ibid, 15.

[38]Ibid, 1850.

[39]Ibid, 1766.

[40]Ibid, 1799-1801.

[41]*New Oxford Annotated Bible*, Coogan, ed.,1871.

[42]Ibid, 2178.

This may be seen more as symbolic since philosophically there must be opposition for balance to occur. This occurs in numerous cultures; yin/yang, light/dark, good/evil, day/night and is consistent with Ancient cosmology as well as seasons, human emotions (happiness/anger or sadness, etc). Philosophers have debated for centuries if indeed it was possible to have one without the other, and it appears that Christian teachings buttress the argument that it is not.

However, it is really not the Lucifer of the New Testament that is the devil as we know it in Western popular culture. To understand this development we must first understand that the Middle Ages were far more than the transitory period between Roman times and the Renaissance. Instead, after about 1000 C. E., the growth of literacy led to a huge shift in cultural attitudes, including a burgeoning growth of both self-consciousness and critical awareness of a more intellectual approach to the universe. Of course, theology was the basis for all thought, philosophy and law; but scholasticism developed as monasteries became the seats of learning and the more it was investigated, the more the approach to the philosophical problems of Christianity ensued. This added yet a third tradition to thinking about evil. We had always had scripture and tradition, but now there was reason, or a scrutinized analysis of scripture.

Scholars believe that this new emphasis on reason actually changed the way the Devil was viewed. Instead of relying of pure mysticism and hearsay, the new scholars, in their quest to understand the power of the universe; constructed "elaborate rational superstructures upon weak epistemological bases – upon inexact observations of nature…. Resulting with a detailed, but insecure, diabology."[43] Certainly, this tradition paved the way to the next major view of evil, and of Hell, namely that of Dante's *Divine Comedy*.

Besides being a treatise on the sociopolitical climate of the time, Dante used the concept of Hell and Satan to explain human imperfection and a way to see another organization within the temporal world. Dante parodies the Trinity in the three parts of Satan, but also paints a mythology that became truth for many, and certainly part and parcel of modern popular culture. Satan in Dante's work is quite familiar to the modern individual: demonic, able to possess a human's free will, lizard like but able to pretend, a liar, thief of souls, and the archenemy of God and all that is good in the universe.[44]

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43 Jeffrey Burton Russell, *Lucifer, the Devil in the Middle Ages,* (Ithaca, NY: Cornell UP, 1984), 160.
44 William Anderson, *Dante the Maker,* (New York: Crossroad, 1982), 365-75.

The Devil in Islam

The Devil in Islam is known as *Iblis* or *Shaytan*. He was never a fallen angel, but a *jinn*. Angels were created from light, jinn created from smokeless fire, and mankind created out of clay. The Qur'an teaches there is no such thing as a fallen angel. Angels do not possess free will and are incapable of disobedience to the creator. Jinn on the other hand, do have free will and can even commit sin. Jinn were created along with man to inhabit heaven and earth, but as separate, distinct beings. Originally Iblis was in heaven in the company of angels and God, but was expelled for refusing to bow down before Adam.

> We established you firmly upon the earth. We provided you with livelihoods therein--little thanks did you render. We created you, We gave you form, and then We told the angels: 'Bow down before Adam.' They bowed, all except Satan, who was not among those who bowed. He (Allah) said: 'What prevented you from bowing down when I commanded you?' He (Satan) said: 'I am better than he. You created me of fire but him you created of clay.'
> He (Allah) said: 'Descend from it (heaven). It is not fit for you to wax proud in it. Depart! You have been disgraced. '"
> (Qur'an 7: 10-13)[45]

The Islamic Devil's primary characteristic is hubris, but he has no real power other than to suggest evil into the hearts of mankind. We can get some clues about this through linguistics. The word *Iblis* is likely derived from words meaning "he that causes despair," while *Shaytan*, like in Hebrew, means adversary.[46]

For Islam, there is but one God, and his name is Allah. Islam does not view God as an entity, the very nature of God is beyond comprehension to mankind. For Muslims, "He is God, Unique, God, Lord Supreme! Neither begetting nor begotten, And none can be His peer" (Qur'an, 112:1-4).[47] Thus, for God to have created the Devil, means that in Islamic cosmology (the master-plan for the universe) there is a reason to have evil tempting man. That reason is to prove that individuals are worthy of God, salvation and an afterlife. There is never any doubt for Muslims that God (Good) always triumphs. It is simply impossible to have a work in which evil overturns good; but it is the task of humankind to act in a way according to the plan God has set down.

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[45] *The Qur'an*, Khalidi, 118.

[46] John Bowker, *The Oxford Dictionary of World Religions*, (Oxford: Oxford UP, 1997), 273.

[47] *The Qur'an*, Khalidi, 524.

Some interpretations of the Devil in Islam also see all *jinn* as fallen. Angels do not have free will and they do not sin because they were not granted the freedom to disobey (as were humans and Jinn). One view holds that God told his creations (angels & jinn) that one would betray him. The angels then rushed to Iblis, knowing that in the beginning times, God valued his supplication the most. *Iblis*, in fact, prayed to God to ask that the angels not turn against God, but failed to include himself in the supplication. When God created Adam (humankind) he commanded all angels to bow before man—which all did, except Iblis.

Thus, like in Genesis, the Islamic Satan separates from both God and mankind based on arrogance and the quality of intense pride. This separation places Iblis in a consistent role to the other Abrahamic traditions; not only as the trickster and deceiver, but in taking a formal and conscious decision to disobey God. Because of this pride, God then cursed Iblis to Hell, but gave him reprieve till the final judgement, allowing him to remain on earth till then. Iblis vowed that till then he would use all his time and abilities to lead mankind astray. However, this, too is in God's plan, because he not only allows it, he seems to encourage it:

> (Satan) said: 'Defer my judgement until the day when they are resurrected.'
> (Allah) said: 'You shall be so deferred.'
> (Satan) said: 'Inasmuch as You have led me astray, I shall lie in wait for them along Your straight path. Then I shall assail them from their front and from their backs, from their right and their left. Nor will You find most of them to be thankful'
> (Allah) said: 'Be gone, accursed and outcast! As for those among them who will follow you, I shall fill hell with you all!' (Qur'an, 7: 14–18)[48].

Conclusion

In the twenty-first century, the idea of the Devil is still very much alive. While not as prominent as in previous centuries, the Catholic Church has recently stated it increased the number of Priests it trains for exorcism. Many fundamentalist churches commonly view sin as manifestations of the Devil, and even secular humanists are forced to acknowledge that there is a presence of evil in the world. As noted, the concept of Satan is not new to human culture, but is as much a part of

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[48] *The Qur'an*, Khalidi, 119.

archetypal tradition as God, the trinity, or the cosmology of Mother Nature. Indeed, it is perhaps in the understanding of the duality of mankind that makes it so easy to transfer that belief to another force— the antithesis of happiness; despair, anger, hate, and all the other emotions that are part of the human psyche. Perhaps this is the philosophical crux – in order to understand humankind; we must realize that wherever God will exist, there too will exist Satan.

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Out With the Old and In With the New: Competing Imperial Models and the Political Engineering Behind Creation of Iraq

Robert Wallace

While much has been discussed regarding Anglo-Arab, Anglo-French, and Anglo-Zionist relations during and directly after World War I, there is another important category encompassing the various offices within the British Imperial government itself which can be classified as Anglo-Anglo/Indian. During the war a clear division arose between the old ways of British Imperialism in India and the new, indirect model that was emerging out of London and Cairo. The common theme that was shared between these two models was control, but how to keep it was the source of the divergence. The Indian Office and the Government of India, which was largely in control of Mesopotamia throughout the war, favored a direct model that would bring Mesopotamia under the Indian sphere of influence. While the Foreign Office and British officials in Cairo were more worried about the expense this would create for the empire. These officials sought the creation of an Arab state under British "supervision," which would decrease imperial responsibilities and thus expense. What resulted was a constant push-pull movement that led the British to weave a web of confusing, contradictory, and non-centralized foreign policy towards Mesopotamia that led would only be unraveled with the Mandate granted by the League of Nations. This paper will examine the earliest British interests in Mesopotamia through the placing of King Faisal upon the throne and the forging of the Anglo-Iraqi Treaty of 1922, in order to dissect the political motivations each British center of influence, as they pressed their differing opinions against the other.

At the onset of World War I, Mesopotamia was under the control of the Ottoman Empire and had been since 1534. Over this time span, the area remained a decentralized frontier for the Ottoman Empire. The government administrative duties were left to local families, sheikhs, and former Ottoman soldiers, and his localized form of government allowed the three vilayets of Mosul, Baghdad, and Basra to branch off into their own spheres of influence. Mosul looked to Anatolia for direction, while the Arabs in Baghdad sought a connection to

Damascus and Beirut, and Basra identified with other states of the Persian Gulf.[1]

   The British came into the picture in the late eighteenth-century largely as a result of strategic and economic factors. This expansion grew out of an increasing emphasis on securing the growing trade routes to India by both land and within the Persian Gulf. The British began using Mesopotamia for naval stopovers, mail links, missionary stations, diplomatic residencies, and commercial ports,[2] establishing a permanent government agent in Baghdad in 1798 to help counter Napoleon if he marched towards India. By the 1830s, they had taken commercial and strategic interests in the Euphrates and sent steam ships up the river to judge its' navigability. By the 1850s and fears over a Russian push to the Persian Gulf, the British turned towards railroads, which gained both public and governmental support but no formal plans were undertaken.[3] The opening of the Suez Canal in 1869 only enhanced the importance of the Indian Ocean trade routes.[4] The possibility of the French once again being able to dictate British commerce within the Indian Ocean, once again renewed calls for railways, but none materialized because the British soon had control of the canal.[5]

   During the early and mid nineteenth-century, the British presence and influence was prevalent but very chaotic. Government ties within the British system were overlapping and complicated. Many of the officials placed in Basra and Constantinople reported to offices in Cairo and London, while the British Resident in Baghdad took orders form and reported to Delhi.[6] The problems this intricate system of loyalty created was causing problems already, but were very small when compared with what was to come.

   It is also important to note that during the eighteenth century British officials from both Whitehall and Delhi showed no plans to incorporate Mesopotamia into its empire. The Indian Mutiny of 1857 led the British government into an unwillingness to acquire anymore "orientals" within the empire. Instead, Britain supported the territorial integrity of the Ottoman Empire through encouragement of economical and administrative reforms in the latter decades of the 19th century, seeking to bring the Ottomans into a more modern system of

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[1] Reeva Spector Simon and Eleanor H. Tejirian, "The Creation of Iraq: The Frontier as State", *The Creation of Iraq, 1914–1921*, eds. Reeva Spector Simon and Eleanor H. Tejirian, 1-17. (New York: Columbia University Press, 2004), 4.

[2] *Ibid.*, 8.

[3] Stuart A. Cohen, *British Policy in Mesopotamia, 1903-1914*. (London: Ithaca Press, 1976), 4.

[4] Simon and Tejirian, "Creation", 8.

[5] Cohen, *British Policy*, 4–5.

[6] *Ibid.*, "The Creation of Iraq", 8-9.

government and centralized society. By shoring up the Ottoman Empire it would be easier for the British to maintain a buffer state through influence, trade agreements, and diplomacy against any rival that could threaten India.[7] While some scholars argue the British take over of Cyprus (1878) and Egypt (1882) as the Ottomans withdrew contradicts this last statement, arguing the actions characterize imperial ambitions. It was here that European politics took precedence. The balance of power, fear of continental rivals, and economic necessity spurred the British action to fill a power vacuum in these provinces and protect their interests against rivals, not a desire for imperial power.[8]

However, the British were not able to keep their European rivals out of the affairs of the Ottomans at the turn of the century. In addition to the international incursion of the Baghdad Railway, the Young Turks Revolution of 1908 had placed the Committee of Union and Progress in power and the party had begun centralizing control over the empire and issued modernization programs. These programs required aided from European powers to succeed. While the British were the major trading partners for the Ottomans, the French were able to gain a toehold by investing in the large public works programs and the Germans became heavily involved with reforming the Ottoman military in 1909. This led the British into strained relations with the empire that would influence the Ottomans' allegiance at the start of the war, culminating in the seizure of two Ottoman ships waiting to leave port in Britain and the Ottomans turning to the Germans for naval aid.[9]

With the outbreak of war in 1914, things began to rapidly change for the British. The British and their allies were all forced to reassess their territorial ambitions in the Middle East in accordance with the threats that were now posed to their overseas territories by both enemies and each other. However, this was neither an easy, nor a centralized affair. The complexities of this rapid change came from three centers of power within the empire, London, Cairo, and Delhi, which all had officials stationed in Mesopotamia. In the beginning, the same concerns were shared between the three centers, oil and the defense of India. While no oil reserves had been discovered in the Ottoman Empire by 1914, reserves had been discover in South West Persia in 1907 and found to contain a substantial amount of the "black gold." Oil had become an ever-increasing concern for the Royal Navy at the turn of the century, which drove the British government to obtain majority

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[7] Elizabeth Monroe, *Britain's Moments in the Middle East.* (Baltimore: The Johns Hopkins Press, 1963), 15-16.

[8] Aaron S. Klieman, *Foundations of British Foreign Policy in the Arab World,* (Baltimore: The Johns Hopkins Press, 1970), 2.

[9] D.K. Feildhouse, *Western Imperialsim in the Middle East, 1914-1958.* (New York: Oxford University Press, 2006), 37-38.

shareholder status in the Anglo-Persian Oil Company in early 1914. [10] It had been receiving some 25,000 tons of oil a month southern Persia.[11] With the Ottomans entering the conflict on the side of the Central Powers, the British government, more specifically the Admiralty, was increasingly concerned there would not only fuel for its ships if the Ottomans or Germans seized supply lines.[12]

India, with its trade routes and strategic military position, was another aspect of high concern. The trade routes through Mesopotamia and in the Persian Gulf would be threatened by enemy incursions into the region, which could cut off India from the rest of the empire. On the scale of importance within the empire India was rate second, only behind the Royal Navy, in the inaugural report from the Committee of Imperial Defense in 1904. By 1913, India accounted for nearly 10% of total British trade in the commercial market. Beyond the economic realm, approximately half of the British army was stationed in India, along with nearly 250,000 Indian troops controlled by British officers.[13] Therefore, the fear of German-sponsored aggression in Mesopotamia against these vital interests led the British government to send the Indian Expeditionary Force D to invade the region.

Basra was the first objective on the list and as a precaution London and the Government of India had agreed upon and dispatched a force on October 2 to linger in the Persian Gulf in the Ottomans declared war on the Allies. They did not have to wait long as the Ottomans began to attack Russian ports on the Black Sea.[14] These forces landed and occupied Basra and Fao by the end of October 1914 with the objective of keeping German and Russian ambitions in check.[15] With Basra occupied, some form of established order was a necessity for the IEF, and the political officials went with the system they knew best. This model of administration revolved around the old ways of British imperialism of the nineteenth-century and has become known as the India model. This elitist thinking behind the old imperialism was still very strong in the Indian government in the early twentieth-century. It retained the strong racial stereotypes where Natives were largely seen as untrustworthy and incapable of governing themselves. It was the job

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[10] Peter Sluglett, *Britain in Iraq: Contriving King and Country.* (New York: Columbia University Press, 2007), 3-4.

[11] Monroe, *Britain's Moments in the Middle East,* 25.

[12] Sluglett, *Britain in Iraq,* 4.

[13] Monroe, *Britain's Moment,* 12.

[14] Monroe, *Britain's Moment,* 25.

[15] Judith S. Yaphe, "The View from Basra: Southern Iraq's Reaction to War and Occupation, 1915-1925" *The Creation of Iraq, 1914–1921,* eds. Reeva Spector Simon and Eleanor H. Tejirian, 20-35. (New York: Columbia University Press, 2004), 20.

of the white officials to hold all the major offices in the government, leaving natives to largely menial tasks.

Therefore, just as in India, the British began setting up an administration dominated by white officials with direct rule over the "corrupt" natives.[16] With there new found control and influence, Indian officials began to dream of an empire within an empire network that would expand Indian rule to Mesopotamia. They rationalized this dream with the belief that since Indian forces had fought hard and sacrificed for the good of the empire Basra would suffice as 'payment' for this debt.[17]

This action was quickly opposed by British officials from Cairo and the Foreign Office in London, who saw a strategic asset in Mesopotamia and its Arab population. Cairo was more in tune with the emerging trends towards indirect imperialism and also recognized the negative affects that a British takeover of an Arab province could have on Arab Muslim opinion elsewhere, particularly Cairo itself, and hinder gaining their support against the Turks.[18] London reacted with uncertainty best stated by Sir Arthur Hirtzel, head of the Political Department, when he said: "It will probably be admitted that the government will be undertaken by the Government of India; but it is by no means certain that it will eventually prove desirable to take an Indian district as the model for it."[19]

The de Bunsen committee was formed under the direction of Sir Maurice de Bunsen in April of 1915 in an attempt to remedy the situation that was developing over imperial policy in Mesopotamia, but would fail to do so. It consisted of officials from the Foreign Office, India Office, War Office, Admiralty, and the Board of Trade, with assistance from the Secretary of the Committee of Imperial Defence, Maurice Hankey and his assistant Mark Sykes. While this brought all the major players to the table, the committee did little to outline a solid policy. Instead, the committee laid out several choices that hinged on different possible outcomes of the war, such as the fate of an independent Turkey with or without Constantinople and how the spoils would be divided based on partition or by spheres of influence.[20]

With no centralized policy to hold to, there was little London could do at this point to leash the lunging hound that was the military branch of the IEF. The military and political officials from India in Mesopotamia showed more ambition for extending their conquest of the

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[16] Sluggett, *Britain.*, 15.

[17] Briton Cooper Busch, *Britain, India, and the Arabs, 1914–1921*, (Califonia: University of California Press), 54–55.

[18] Busch, *Britain, India, and the Arabs*, 56–57.

[19] *Mesopotamia Commission Report*, 15 in Peter Sluggett, *Britian in Iraq*, 10.

[20] Monroe, *Britain's Moment*, 29–30.

region, and after securing Basra quickly began pressuring for a push to Baghdad.[21] This ambition would actually spark the beginning of the end for India's power in Mesopotamia, as the campaign did not go well. The IEF proceeded to push on to Baghdad and were within 25 miles by November 1915, but were meant with fierce resistance by the Ottomans. They were at the end of their supply lines and while defeating the Ottomans at every turn the British now had half of the force they had started with. They were eventually forced to fall back to Kut and became surrounded. While they held out for 146 days, the longest siege in British history, supplies ran thin and a large Ottoman force prevented a relief force from reaching them. The British were forced to surrender on April 26, 1916. Their surrender marked 1915 as a terrible year for the Indian officials in Mesopotamia, with the exception of conquering Basra, and to add insult to injury the military command of the IEF was taken from the India Office.[22]

This gave the opposition of the India model a chance to shift away from the old colonial model and pressure for their new plans. The Foreign Office and officials in Cairo had begun working on plans to form an Arab state under the rule of the Sharif of Mecca and beginning in July of 1915 the British High Commissioner in Cairo, Sir Henry McMahon, began exchanging correspondence with the Sharif to negotiate a deal.[23] While the correspondence is full of vague promises and misguided interpretations that would lead to headaches on both sides, it was abundantly clear that in Cairo and London, direct control of Mesopotamia by any part of the British Empire was not favored. They did not clearly establish with the Sharif what exactly would encompass the new Arab state, but they did insist that British interests and established positions would require separate administrative arrangements to be made later, and thus an indirect model of controlling the region.[24]

Even without direct agreement, the Sharif went ahead and supported the British idea of an Arab revolt, which began in 1916. The outcome played right into the hands of the British in Cairo. With the revolts in Syria and their brutal suppression by the Ottomans, many social and educated elites and Arab nationalists in Baghdad began to shift their support to the British. This was all met with fierce opposition by the Viceroy of India, who feared that a revolt led by the Sharif would cause the leader to be regarded as a rebel by Indian Muslims and also

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[21] Peter Sluggett, *Britian in Iraq*, 10.

[22] Spector and Tejirian, "Creation", 11.

[23] Elie Kedourie, *In the Anglo-Arab Labyrinth: The McMahon-Husayn Correspondence and its Interpretations, 1914–1939*, (London: Frank Cass, 2000), 3.

[24] Kedourie, *Foundations.*, 10.

lead to outcry against the British for placing Muslim holy sites in danger.[25]

While Cairo was inciting Arab revolt, French and British official also established, in secret, the Sykes-Picot agreement. Negotiations began in November 1915 with the support of the Foreign Office, Indian Office, and the Quai d'Orsay.[26] The British and French were eager to make sure they got their fair share the Ottoman Empire, but in the process largely ignored the promises that were being made to the Sharif concurrently by McMahon. There were some similarities between the Sykes-Picot Agreement and the assurances being made to Mecca in the sense that both agreed to direct control over southern Mesopotamia under British rule, while the French would gain the coastal regions of Syria and Lebanon, and both vaguely secured the independence of the Arab people.

Where these agreements differed, the influence of the India model can be seen. Only in the Sykes-Picot agreement were the British awarded the enclaves of Acre, Haifa, and an established zone of control to Kut, the French awarded the sole "advisory" role over the interior of Syria to Mosul, and Palestine awarded to an international administration committee. In the McMahon correspondents the Sharif was led to believe that the interior of Syria would be completely independent from foreign influence. At its core, it mixes the basic views of London and the India Office, yet through the Sykes-Picot Agreement the British received both the buffer-state against Russia it wanted and established boundaries along spheres of influence, both of which the Indian officials advocated for.[27]

From 1916-1917 things did not get much better. The political dynamics left the British in a storm of political maneuvering, but the winds would soon change in London's favor. While the defeat at Kut resulted in the removal of the India Office from the military command of the Mesopotamian campaign, the political power and ideas of the office on the ground in Mesopotamia continued. London was increasingly growing more hostile to the abilities of the Indian officials to govern Mesopotamia. Mark Sykes himself stated in 1916 that India officials were not capable of running a Pro-Arab policy that London demanded "and if you work from India you have all the old traditions of black and white, and you can not run the Arabs on black and white lines."[28]

By March 1917 and the taking of Baghdad, Allied forces were confident that victory over the Ottomans was in their grasp. At this

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[25] Monroe, *Britain's Moment*, 36.

[26] Fieldhouse, *Western Imperialism*, 50.

[27] Monroe, *Britain's Moment*, 33.

[28] Memorandum on Sykes evidence to Cabinet, 6 July 1916, *Sykes Papers* (Oxford) in Busch, *Britain, India, and the Arabs*, 121.

point there was nothing to stop the Indian officials in Baghdad from instituting direct control over the new province. Also, a complete overhaul of the administrative system was not feasible for London to undertake at this point. The British network of officials stationed throughout the provinces would soon treat the two provinces as a single administrative unit and left little room for any other approach for controlling the region even with the shift of power over policy the British were beginning to experience. They had abolished old Ottoman institutions like the elected municipal councils and used direct links from British officers with local notables to maintain order. This gave the impression that the British were preparing to incorporate the region directly into the empire, while still supporting the ideas of an Arab state at the same time.[29]

In several months things would begin to get better for London, but Delhi and Baghdad were not giving up their ambitions. The US entrance into the conflict also strengthened the growing decisiveness that now came from London and Cairo in 1917 and President Wilson's ideas for a new international order that are found in his 14 Points speech. These new ideals challenged the direct occupation and the administrative model in Mesopotamia that had been in place for several years. This did not settle well with many Indian official, as the Foreign Office was now able to push to adapt the old ways and current administrative networks to meet this new demand and keep American support.[30] This situation continued until the end of the war.

With the following conferences and treaties of peace and territorial claims, the new, indirect model would emerge victorious under the guise of the League of Nations mandate. Between the Armistice of Mudros in October 1918 and the conference of San Remo in 1920 and the granting of the mandate the British largely dragged their feet in Mesopotamia. The Paris Peace Conference did little to determine the future ofof the region. When the conference ended in January 1920, the Treaty of Versailles and the League of Nations Covenant basically handed over the Near and Middle East to the consultation of England and France.[31]

While it was clear that Britain must conform to the League of Nations restrictions to be granted the mandate over the region and establish indirect control as "temporary advisors," there were still a few remaining Indian officials that sought to delay the inevitable before the mandate. One of the best examples of the resistance is Sir Arnold T. Wilson, the acting High Commissioner of Iraq at the time. He refused

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[29] Charles Tripp, *A History of Iraq, Second Edition.* (New York: Cambridge University Press, 2002), 37.

[30] Sluggett, *Britain in Iraq*, 13.

[31] Klieman, *Foundations*, 2.

the basic Wilsonian ideas of self-determination and political autonomy in favor of what he had always known. He felt that establishment of an Arab-staffed administration would greatly impede good governance, efficiency, and law and order in Iraq. When asked to pay more attention to the situation and gather information about the popular sentiment of the region he made sure that only those opinions that agreed with him made it to London.[32] This came in the form of a survey of he organized in early 1919 that sought the opinions of Arab notables on the future of a state and its style of government. The findings of this survey did support an Arab state consisting of the three provinces of Basra, Baghdad, and Mosul, but the ideas over government were far from having a consensus. With these results, Wilson exaggerated the figures to make it seem like the local notables favored the direct rule by the British.[33] In a way Wilson was trying to maintain the direct model of rule, while turning the new ideas of self-determination as a means to support his old views.

The most significant moment for cementing a singular British policy came at San Remo in April 1920, when the Allies met to determine the territorial distribution under the Class A mandates from League of Nations. These mandates, focusing on the former territories of the Ottomans, forced the British to form a concise policy of indirect rule, with the understanding that the British would oversee the creation of the new Arab state and relinquish power to the new government as soon as possible. While the Foreign Office was scrambling to pose Britain as being supportive of the Wilsonian ideas of self-determination, they actually had little interest in giving up British control of Mesopotamia in the near future and could now do it on their terms. With this the Indian involvement in the politics of Iraq became increasingly separated because of its isolation from the post-war turmoil of Europe and the slow infiltration of Wilsonian ideas to officials in India.[34]

The British quickly sought to implement several of the key components in Iraq by recalling Sir Percy Cox to relieve Wilson, who had been his temporary successor. Cox immediately set to work by placing urban notables into a cabinet and overturned many of Wilson's old ways of administering. Not everyone was happy though. The issuing of the mandate sparked a revolt in the region that would spur the Arab population. The revolt was crushed in four months but it was also a costly for both sides. Casualties for the British were 426 troops killed and three times that wounded, while the Iraqis suffered some 8,000

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[32] Toby Dodge, *Inventing Iraq: The Failure of Nation Building and a History Denied.* (New York: Columbia University Press, 2003), 16.

[33] Tripp, *A History of Iraq*, 37.

[34] Dodge, *Inventing Iraq*, 7.

casualties.[35] As a result questions developed among the British that included: how to best maintain indirect control over Iraq, how to best maintain the supremacy of British interests, and how the mandated country should be governed.

In the hope of finding solid answers to these troubling questions British officials, led by Winston Churchill, gathered at the Cairo Conference in March 1921. This conference would put the final nail in the coffin for those last remnants still supporting a direct model and created a common policy that established the tools for indirect control. The last revolt had been costly for the British and they now sought to maintain order and control over their interests in the least expensive way. While many of the conclusions had already been decided in London the previous December, there were four main resolutions proposed in Cairo: who should be the new Arab ruler, how to deal with the Kurdish situation in the north, how to reduce British expense at the current moment, and plan a defense strategy for after British ground forces withdraw.[36]

They found one solution in a constitutional monarch that was to be established under the Hashimite Amir Faisal, who had been the leader of the Arab revolt in 1916 and had good relations with the British.[37] This, for the British, would set up a government in Iraq that would be "obligated" to the interests of His Majesty's government in return for their both past and present support.[38] Expense was to be reduced as ground troops would be withdrawn quickly and the RAF was given the prominent role in the defense of Iraq. While British army officers and political officials would stay and assist in troop training and be kept on as advisors answerable only to the High Commisioner, who himself would stay to guide the King in matters of foreign policy.[39]

King Faisal took the throne on August 23 1921 and received much indifference from his subjects. Iraqis largely saw little other options at this point.[40] They had already been through a failed revolt in the previous year that had been forcefully suppressed by the British and at the current moment the majority saw no alternatives, with the exception of the Kurds and some Shi'a. The move appeared to maintain the status quo for the international community. Even in the following two years, High Commission Cox still had supreme authority over the newly established Cabinet and the minister had British "advisor" to give

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[35] Fieldhouse, *Western Imperialism*, 86.

[36] Fieldhouse, *Western Imperialism*, 89.

[37] Tripp, *History of Iraq*, 47

[38] Christopher Catherwood, *Churchill's Folly How Winston Churchill Created Modern Iraq* (New York: Carroll & Graf Publishers, 2004), 141.

[39] Fieldhouse, *Britain's Moment*, 90-91, 92.

[40] Tripp, *A History of Iraq*, 48.

them direction. The High Commissioners office had also maintained interactions with both the king and the cabinet of notables regarding daily governance, which was not allowed in the mandate, by the Anglo-Iraqi Treaty of 1922.[41]

At its fundamental basis this treaty was a way for the British to sidestep the mandate, while still looking like it was upholding its ideals. The treaty subverted Iraq authority over the military and financial realms of the country, forcing the Iraqis to pay for the defense of their country on British terms. There were many problems with this for the Iraqis but many agreed to it on the belief that be amended or rejected by the Constituent Assembly. The King himself resisted the treaty but after falling ill in August and Cox establishing direct rule in his stead and throwing many opposition members in jail, Faisal realized his situation and signed the draft treaty. Opposition was only lessened in April 1923 when the time span of the agreement was shortened from 20 to 4 years after the conclusion of Lausanne Treaty with Turkey.[42] While London had managed to gain indirect control over a still incomplete Iraq, it was not so willing to relinquish the power it had gained in order to follow the mandate's requirement and Iraq remained under the British mandate until 1932.

The focus of this paper has been to examine the tensions with the British government over the course of World War I and the following five years, examining the political engineering behind the formation of Iraq and revealing the very complex political relations that existed. The two competing models, under the changing views of imperialism, never provided a simple distinction for the British government to establish a firm policy during the war, leaving scholars to unravel this tangled mess of political yarn. It is clear that the India model met its doom with the mandate, which in turn, gave the indirect model its chance to dominate Iraq through treaties that subverted the mandate's ideals. While the international views towards imperials had shifted, the imperial ghost continued to lurk in the Middle East for years to come.

Robert Wallace, of Dundas, Illinois, wrote this essay in the spring of 2010 for Dr. Yaycioglu's graduate level seminar Debates in Modern Middle Eastern History. He received his BA in History from EIU in May 2008 and his MA from EIU in the spring of 2011.

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[41] Dodge, *Inventing Iraq*, 18.

[42] Fieldhouse, *Western Imperialism*, 93.

Mediacide: the Press's Role in the Abdication Crisis of Edward VIII

Joel Grissom

On December 10, 1936, a group of men entered the ornate drawing room of Fort Belvedere, the private get-away of His Majesty, King Edward VIII. The mood of the room was informal as the King sat at his desk. Fifteen documents lay before him ready for his signature. Briefly scanning them, he quickly affixed, Edward, RI, to the documents. He then relinquished his chair to his brother, Albert, Duke of York, who did the same. The process was repeated twice more as Henry, Duke of Gloucester, and George, Duke of Kent, also signed the documents. The King stepped outside and inhaled the fresh morning air.[1] To the King it smelled of freedom. After months of battling with his Prime Minister, Stanley Baldwin, and the Prime Minister's allies in the establishment and the press, Edward was laying down the crown in order to marry the woman he loved, an American divorcee named Wallis Simpson. The next day the newspaper headlines across the world would broadcast the news of the King's unprecedented decision. With the signing of the Instrument of Abdication, Edward had signed away his throne.

The newspapers in both the United States and the United Kingdom that would report the abdication had played a major role in bringing about the fall of the King. While the British media had observed a blackout during most of the crisis, the media in the United States had reported the story of the King and Mrs. Simpson since early October. It was through the press that the battle for the throne was to be fought between the King and the Prime Minister. Both sides manipulated the press in order to win the allegiance of the citizens of the dominions. It was by Prime Minister Stanley Baldwin's connections to the media and Edward's failure to sway the powers that be in his favor that led to the Prime Minister's triumph in the Abdication Crisis. By winning the battle of whom the Monarch may or may not marry, Baldwin ensured that the reigning monarch would henceforth be fully and completely the dominance of the elected government.

The seeds of the crisis were planted in late 1931 when the then

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[1] H.R.H. Edward, Duke of Windsor. *A King's Story* (New York City: Van Rees Press, 1951), 405.

Prince of Wales met Mrs. Simpson at a party.[2] Wallis Simpson, an American born socialite was married to shipping magnate, Ernst Simpson. At first, Mrs. Simpson was disappointed in meeting the Prince of Wales. Upon discovering she was an American the Prince, doing his part to keep the conservation going, politely inquired if Mrs. Simpson missed central heating. She answered in the affirmative and remarked, "I am sorry, Sir, but you disappoint me." The Prince was perplexed and inquired why. Mrs. Simpson coolly replied "Every American woman who comes to your country is always asked that same question. I had hoped for something more original from the Prince of Wales."[3]. By the time of King George V's death however, Mrs. Simpson and the new King were inseparable. When the King broke custom by attending his own Ascension Proclamation, it was none other than Mrs. Wallis Simpson who watched the announcement by his side.[4] The first whispers in the media of what would soon become the King's dilemma happened on October 15, 1936. As reported in the *Chicago Daily Tribune*, Wallis Simpson filed for divorce from her second husband. The story noted that Ernest Simpson and his wife had gone to Paris in July to reconcile their differences. Shortly afterward Mr. Simpson had gone back to England and awaited his wife who instead of returning to her husband, went straight to the King's Scottish retreat. The reason for the divorce was officially adultery; however, because of pressure exerted by the King, it was ensured that His Majesty's name would not see the light of day in the proceedings.[5]

Breaking custom and tradition was something Edward had done his entire public life. This had led to the elite establishment of the Empire to view Edward with suspicion. In their eyes Edward would never live up to the inflexible standard that George V had set.[6] It was this standard that made Wallis Simpson an unacceptable consort to the King, and it came from the fact that Wallis Simpson was divorced with a living ex-husband. While theoretically the King could marry anyone but a Roman Catholic, as head of the Church of England, the King was expected to and swore to live up to the teachings of the Church. The Church at the time did not recognize divorce; thus had the King married Wallis, the titular head of the Church and defender of the faith would be in a state of excommunication. Dr. Cosmo Lang, Archbishop of Canterbury, was clearly against the relationship between Edward and

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[2]Schulz, Erin. *The King and Mrs. Simpson: The True Story of the Commoner Who Captured the Heart of a King* (New Bedford: WS Beetle & Company, 2008), 13.

[3]H.R.H. Edward, Duke of Windsor. A King's Story (New York City: Van Rees Press, 1951), 256.

[4]Ibid, 267.

[5]"Mrs. Simpson, friend of King, seeks divorce" *Chicago Daily Tribune*, October 5, 1936, final edition.

[6]Ibid, 286.

Wallis.[7] Archbishop Lang was not the only person to have a less than smashing view of the new King. Edward would get a taste of this with the first encounter with Stanley Baldwin since his ascension. The Sovereign and his Prime Minister met shortly after the death of King George V, and from the very beginning of the new King's reign, things got off on the wrong foot. The Prime Minister had of course interacted when Edward was the Prince of Wales. Now in their first meeting since the ascension, the Prime Minister gave his condolences on the death of the late King, he remarked that a member of his family, a well-known poet, had passed away. Edward had not heard of the death and would later remember, "He seemed a little resentful of the injustice of a situation that allow the death of one of Britain's great writers to go unnoticed while the nation was absorbed in the passing of a Sovereign."[8] The strained relationship between Baldwin and Edward would only grow worse as the months continued.

Baldwin and Lang were not the only people uneasy with the new King. Many of the powers that be in Britain feared the prospect of marriage and were open in their wish for Edward to abdicate rather than have him marry Wallis Simpson. One peer unashamedly told the Associated Press that he would like to see an abdication and prefer to "get on with the Duke and Duchess of York…no secret of the fact they would like to have the Duke and Duchess of York occupy the throne."[9] The timing of the Simpsons' divorce was significant. If all went as scheduled, the final decree of divorce would be granted at the end of April, 1937. With the coronation set for May 12, 1937, the timing would allow Edward to marry Wallis Simpson before the coronation, thus she would sit beside him as Queen while he was crowned King-Emperor. When it became clear that the Government of the United Kingdom and the dominions would oppose the idea of Queen Wallis, the King proposed a morganatic marriage.[10] This would let Edward to enter into a legal marriage with Wallis but would prevent Wallis from becoming Queen or any of their children from succeeding to the throne. The United Kingdom had never recognized this type of arrangement, and special legislation would have to be passed in order for this proposal to become reality. At first the King was not a fan of the idea and found it distasteful and ungraceful.[11] But Edward was willing to at least attempt

[7]Ibid, 276.
[8]Ibid, 264.
[9]"Many Peers Fear Marriage," *New York Times*, November 20, 1936, final edition.
[10]Morganatic marriage is a legal marriage between a male member of a Royal family or Princely house and a woman of a lesser rank. They would be married but issue would not have succession rights nor would the woman be equal in status. H.R.H. Edward, Duke of Windsor. *A King's Story* (New York City: Van Rees Press, 1951), 341.
[11]H.R.H. Edward, Duke of Windsor. *A King's Story* (New York City: Van Rees Press, 1951), 341.

to explore the option. Exercising his constitutional power, he summoned the Prime Minister to Buckingham Palace and demanded an answer as to whether Parliament would pass such a bill. Without hesitation the Prime Minister nixed the idea. The King pressed Baldwin again and again until he somewhat relented. The Prime Minister agreed to send the proposal to the cabinet and to the dominion governments. When the Prime Minister left, the King was hit with a sudden realization that he had sealed his own fate. By officially asking the Prime Minister to find out the thoughts on the subject, he was constitutionally bound to submit to their answer.[12]

The establishments of the Kingdom were not the only ones to notice the King's close relationship with the twice-divorced American woman. The American press jumped on the relationship between the bachelor King and Mrs. Simpson. *The New York Times* and the *Chicago Daily Tribune* were among those newspapers that by October of 1936 reported daily on the soap opera that the relationship between the two had become. The British papers, on the other hand, had gone into a blackout on any story dealing with their King and his romance. This blackout was the subject of an October 18 article in the *Chicago Tribune*. The paper reported that the lack of stories from the British papers were "an excellent example of how, without official censorship, voluntary censorship is imposed by the newspapers on themselves in the matter."[13] This, however, was not quite a truthful statement. While there had been no official state sanctioned censorship, some of the silence had come about by arrangement by the King himself. When Wallis Simpson had filed for divorce from her husband, the King wanted and needed the discretion of the media. To that end, on October 3, the King contacted Lords Rothsmore and Beaverbrook, both famous British media moguls. The King requested that Beaverbrook help him in suppressing the British media coverage of any news of the Simpson divorce and the King's ties to Mrs. Simpson.[14] Beaverbrook worked out a gentleman's agreement with the Newspaper Proprietor's Association and with Walter Lyton, owner of the *News Chronicle.*[15] The idea behind the blackout in the United Kingdom was, as Edward stated, the Monarchy, being the illustrious position it is, must be free from the "cynicism of modern life."[16] In order to protect the institution of the monarchy (and himself) the King was hoping to stifle the press. Within a few days, the King recalled Beaverbrook and asked that he attempt to work with the

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[12] Ibid, 343.

[13] Ibid

[14] William Aitken. *The Abdication of King Edward VIII* (New York: Beaverbrook Newspapers Limited, 1965), 30.

[15] Ibid

[16] Ibid

newspapers in the United States to cease reporting on the event. Beaverbrook during a trip to the United States attempted to persuade a few editors to stop their incessant reporting of Mrs. Simpson and the King. Beaverbrook was not successful in this task, and the newspapers continued to publish the developing drama across the ocean.[17] As soon as it was known that Mrs. Simpson would in fact seek a divorce, the American press almost instantly (and correctly) predicted the King would attempt to marry Mrs. Simpson.

The censorship of the British media finally ended on December 1, when the almost unknown Anglican Bishop of Bradford addressed his clergy on the subject of the coronation, admonishing the King who, according to him, "had not shown his need for divine guidance in the discharge of his high office."[18] The address by the Bishop was enough to obliterate the walls of censorship, for in the crowd was a reporter from the *Yorkshire Post*. As soon as the contents of the address were known and confirmed to be published, Max Beaverbrook dashed to the King to inform him that the gentleman's agreement between the press and the King was null and void. A member of the establishment had, in public, rebuked the King. The newspapers of the Empire would use this as their excuse to publish the myriad of details that had long been absent from the press. The King took the news of the rebuke stoically. He inquired if Beaverbrook knew what the London papers would do. Beaverbrook confirmed that the papers would run with the stories. Edward accepted this and wondered if the newspapers would take a stand yet on the issues. "No. That will be reserved until the results on tomorrow's cabinet meeting."[19] In the next day's *Manchester Guardian*, the first inklings of the constitutional crises that had developed between the King and his Prime Minister were finally and explicitly mentioned for the first time. One of the most influential newspapers in the Empire, *The Times*, quickly showed its support for Baldwin. The editors opined that while the King should be allowed to have friends of his choice:

> He cannot and will not afford-and what the Empire cannot afford-is that the influence of the great office which he holds should be weakened if private inclinations were to come into open conflict with public duty and be allowed to prevail. He is the most visible embodiment of the Monarchical principle; and any personal default of his gives a shock to the principle which is mischievous and even dangerous…the High office which His Majesty holds

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[17]Ibid, 35.
[18]H.R.H. Edward, Duke of Windsor. *A King's Story* (New York City: Van Rees Press, 1951), 348.
[19]Ibid, 349.

> is man's personal possession. It is a sacred trust, handed
> down from generation to generation.[20]

The editors were saying that the King was making a mistake in not
listening to the advice of his Prime Minister, and if the institution of the
monarchy were to survive, the King must go and make way for a new
King. Small comfort though it was to him, Edward was not the only
target of the *Times*. The British paper took a shot at its American
counter parts for their part in the crisis.[21] The gloves were off, and
Baldwin and the King were in a full-scale war to win over the media. As
the story broke, the papers took sides. *The Times*, *Morning Post*, *Daily
Telegraph*, *Daily Herald*, and all the Kamsley Press newspapers broke for
Baldwin on the first day, as did many provincial newspapers.[22] The only
major newspapers to jump on the bandwagon for the King were *Express*
and some mail groups. The King's support was sparse and tepid at best.
Few, if any, newspapers came out in favor of Mrs. Simpson becoming
Queen. However, Lord Rothsmore, a close friend of the King, did come
out in favor of a morganatic marriage in his *Daily Mail* publication.[23]
The next day the nation was shocked when the *Catholic Times* (whose
editor was a priest) came out fervently for the King. While the Catholic
Church took the same stance on divorce as the Anglican Church, the
paper deeply did not want to see the Monarchy be made a pawn of in the
game of politics. Two other smaller papers also came out in strong
defense of their Sovereign. The *Daily Express* was adamant that "No
government can stand in the Kings way if he is resolved to walk that
way. Let the King give his decision to the people."[24] The *Daily Mail* took
it a step further, declaring, "Abdication is out of the question because its
possibility of mischief are endless. The effects on the empire would be
calamitous."[25] These two newspapers were the main lines of defense for
the King.
    Another line of defense for the King came from a Conservative
Member of Parliament, Winston Churchill. Churchill had known the

[20]"King and Monarchy,*" Times* (London). *Dec* 2 1936, final edition.
[21]"King and Monarchy," *Times (London)* . *Dec* 2 1936, final edition. "It is a simple fact that
the American campaign of publicity, so long and so wisely ignored in this country, has
now reached a point at which it goes far beyond that side of His Majesty's life which may
justly be held to be private. Transatlantic journalism, as everyone knows whose business
it is to follow it-and in this case the flood of letters and newspaper cuttings which is
reaching public men in England leaves no escape-is subject to periodical waves of
excitement about some particular topic."
[22]William Aitken. The Abdication of King Edward VIII (New York: Beaverbrook
Newspapers Limited, 1965) 66.
[23]Ibid, 51.
[24]H.R.H. Edward, Duke of Windsor. *A King's Story* (New York City: Van Rees Press,
1951), 372.
[25]Ibid, 372.

King since the latter's investiture as Prince of Wales, and while their relationship had been strained during the war years, Churchill came out strongly in favor of Edward. Churchill had been raised to venerate the crown and the individual who wore it. He made the King's crisis his own and promised "I shall defend him. It is my duty."[26] Not long after the crisis became public, Churchill gave a speech at Albert Hall on foreign policy. Departing from his prepared text he attempted to rally the multitude to the King's side. He attempted to win them over the by assuring them what a "cherished and unique" King they had. He likewise took time to blast Parliament, demanding they "discharge its function in these high constitutional questions."[27] The speech was a complete lemon. Churchill had hoped to continue to rally support for the King in other speeches, but these plans were quickly scrapped due to the quickly plummeting sympathy for the King.

Nevertheless, Churchill had shot his own cause in the foot. Some of the anger that was building toward the King shifted to Churchill.[28] While the King and the Prime Minister were cloistered away from the nation in the privacy of the King's private retreat, Winston Churchill took to the floor of the House of Commons to address his peers. He began his speech by insisting that "No irrevocable steps be taken," when suddenly his booming voice was drowned out by the rest of the members of Parliament and he was unable to continue his speech.[29] Churchill had failed to see the massive change in support. Not only had the general public fallen in line behind the Prime Minister, practically the entire House of Commons. Conservatives, Liberals, and Socialists alike had all quickly followed their constituents in opposing the King's plan to raise Mrs. Simpson to the throne with him.[30]

The rest of the press establishment coalesced around Prime Minister Baldwin. The *Times* was adamant in their support for the Prime Minister, at times bordering on open hostility to the King. "His Majesties' plain duty is to raise to the proud position of Queen only such a consort as would be acceptable to the millions of his subjects…but when the woman he would raise to the first position of the Empire is one with two husbands living the nation has the right to protest, for such an alliance would be repugnant to millions of his loyal subjects."[31] The Dominion papers, while kinder, also supported the Prime Minister's attempt to remove the King from the throne. The *Observer*

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[26]William Manchester. *The Last Lion: Winston Spencer Churchill: Alone, 1932–1940* (New York City: Little, Brown and Company), 230

[27]Ibid, 222

[28]Ibid, 223

[29]Ibid, 233

[30]Ibid

[31]"Self-Sacrifice and Recompense," *The Times (London)* , December 8, 1936, final.

declared, "In this matter he is asked to sacrifice his personal feelings for the sake of Europe's most ancient monarchy."[32] The *Sunday Dispatch* concurred by pointing out "Rank carries obligation and an obligation too often of self-abnegation."[33] *Reynolds News* reminded the King that he "must accept the advice of his cabinet in all matters which may affect the welfare of the British Commonwealth."[34]

On December 2, the King and the Prime Minister again met. Baldwin made it clear yet again, that a morganatic marriage was not an option. He spoke plainly to his King in that now he had only two options. The King could either renounce Mrs. Simpson or the throne.[35] Should he have refused the advice of the Prime Minister, the elected government would be forced to resign. The King had hoped this could be a solution to his problem. Should he refuse the advice, and Baldwin and his government did resign, he would be able to appoint his own government with members of a 'King's party' which would be created and a new government would be formed.[36] An astute Baldwin however had already guaranteed this plan ended before it could come to fruition. The Prime Minister secured assurances from Labor leader Clement Atlee and Churchill that neither would be an accomplice to the King's plans to bypass his government.[37]

Alternatively, he could follow through with his marriage plans and abdicate the throne. To the King, this was something he had already come to terms with for he would often say resolutely, "No marriage, no coronation" in meetings with his advisers.[38] To Edward, the path was clear. He would abdicate not only for Mrs. Simpson, but, at least in his own mind, for the good of the Monarchy. "The British crown is the living symbol of Imperial unity…it inspires unity. But it would no longer inspire unity if the man who wore it reigned over a community divided."[39] He asserted that he cherished the crown so much; he would give it up rather than risk any damage to the institution and its prestige.[40] Accordingly, the King had made his irrevocable decision. He would abdicate the throne of the United Kingdom in order to marry Mrs. Simpson.

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[32]"Press Views on the Crisis," *The Times* (London), December 7, 1936, final.

[33]"King's Duty," *Sunday Dispatch*, December 6, 1936, final.

[34]"Constitutional Crisis," *Reynolds's News*, December 6, 1936, final.

[35]"The King Abdicates," *The Times*, December 11, 1936, final.

[36]William Manchester. The Last Lion: Winston Spencer Churchill: Alone, 1932–1940 (New York City: Little, Brown and Company), 229

[37]Ibid, 228

[38]William Aitken. *The Abdication of King Edward VIII* (New York: Beaverbrook Newspapers Limited, 1965), 44.

[39]H.R.H. Edward, Duke of Windsor. *A King's Story* (New York City: Van Rees Press, 1951), 385.

[40]Ibid, 385.

Prime Minister Stanley Baldwin had successfully deposed his own Sovereign. From that day forward, no monarch in the United Kingdom would dare to cross the Prime Minister of the day for fear of facing the same constitutional crisis that Edward VIII faced. While the Monarch remains in theory the force from which all political power derives, in reality it is the Prime Minister to whom the Monarch must answer. Stanley Baldwin has ensured the Monarchies' permanent subjugation to the Prime Minister and government at the end of the day. Baldwin was praised by *The Times* for "handling a great national problem in which the loves and standards of millions of his fellow countrymen are concerned, he has no comparable rival."[41] The paper went further in painting a scene of the King as an errant toddler with whom his caretaker, the Prime Minister, had to deal "single handily or conceding a jolt of his own principals which he knew at heart to be those of the people behind him."[42]

In his speech to the House of Commons before the final approval of the *Instrument of Abdication,* Baldwin painted himself as a humble servant of His Majesty who worked with all his might to properly advise his Monarch, but he lamented, "My efforts during these last days have been directed, as have the efforts of those most closely round him, in trying to help him to make the choice which he has not made; and we have failed."[43] Closing his speech, he urged the members of the Commons to rally around their new King. For his part, Winston Churchill rose one more time to defend his beloved King. He insisted that "no Sovereign has ever conformed more strictly or more faithfully to the letter and spirit of the Constitution than his present Majesty. In fact, he has voluntarily made a sacrifice for the peace and strength of his Realm."[44] That night, after finally being allowed to tell his former subjects what led him to give up the throne, the soon to be Duke of Windsor sailed on the HMS *Fury,* bound for a lifetimes exile from his Kingdom.[45]

William Aitken, Lord Beaverbrook, a historian and a key player in the abdication crisis believed the crisis was almost entirely of a religious quality.[46] While obviously a key argument used by the establishment in protesting the marriage, it also came down to the

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[41]"King Edward's choice," *The Times*, December 11, 1936, final.

[42]Ibid

[43]Baldwin, Speech to the House of commons, December 12, 1936, *Parliamentary Debates*, Commons, vol. 318, cols. 2177.

[44]Churchill, Speech to the House of commons, December 12, 1936, *Parliamentary Debates*, Commons, vol. 318, cols. 2190.

[45]H.R.H. Edward, Duke of Windsor. *A King's Story* (New York City: Van Rees Press, 1951), 413.

[46]William Aitken. *The Abdication of King Edward VIII* (New York: Beaverbrook Newspapers Limited, 1965),

personalities involved in the crisis. The British establishment and the King reviled one another and wanted to check the others power. It was nothing more than a battle of the role of the Prime Minister in relation to the Crown and the preservation of the Monarchy as an institution of unity and inspiration. In order for it to retain these characteristics, it must follow certain rubrics. One of these is to be above every day politics. Edward shattered this particular barrier not long before the crisis hit the British papers. Historian Frankie Hardie pointed out that Edward VIII had defied what was expected of a constitutional monarch by becoming personally involved in politics. During a visit to Southern Wales, he had directly challenged Baldwin's government when he told the poverty afflicted people that "Something must be done."[47] This was seen by many as the King declaring his support for more liberal policies, in direct opposition to Baldwin and his conservative government, obviously making a tense situation between the King and his Prime Minister even worse. Edward again broke precedence by attempting to silence the newspapers in the United Kingdom about the impending divorce of and his marriage to Mrs. Simpson. William Rubinstein agreed with Hardie's assessment of the situation by reflecting that in his attempt to be the 'People's King' he overstepped his duty to be an impartial and non-partisan mediator in the political affairs doomed his reign.

King Edward VIII, who had sought to defy his elected government and the British establishment by both abandoning his political neutrality and by attempting to marry the woman of his choice, was summarily and unceremoniously deposed by his aging Prime Minister. The result of this episode in British history was the final subjugation of the Monarch to their Prime Minister. Never again would a Sovereign dare to circumvent the advice of the elected government. After signing his abdication papers, the breath of fresh air that Edward felt was equally experienced by the establishment of the Empire. Forevermore their elected government would ensure that their monarch would bend to the will of the elected representatives and not attempt to put their own will upon the masses.

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[47]Frank Hardie. *The Political Influence of the British Monarchy 1868-1952*(New York City: Harper & Row Publishing, 1970), 170.

Review: *Bad Blood: The Tuskegee Syphilis Experiment* by James H. Jones

Melissa Greco

Bad Blood is a thorough and sometimes disturbing account of an experiment that ran in Macon County, Alabama from 1932-1971, involving about 500 rural black men and more than a few zealous medical scientists and physicians. Ironically, it began as a study to invoke more public health care for blacks, particularly in the treatment of syphilis, which was considered a major epidemic in the 1930s. The Public Health Service itself was trying to solve this dilemma when they launched a syphilis control survey in 1931, covering many of the poorest rural counties in the South. After the study ended, one eager doctor, Taliaferro Clark, pushed for new research that would ultimately become the "Study of Untreated Syphilis in Males." In his work, author James Jones has a unique view of the study—he did, after all, get involved in the legal action taken against the State of Alabama, among other defendants, by volunteering his own research—and it is clear that from his standpoint, the Tuskegee Syphilis Experiment was not only morally and ethically wrong, but it impinged on the civil liberties of the subjects, particularly in the area of informed consent.

Throughout the book, Jones cites many instances in which the doctors involved with the experiment either withheld information or outright lied to the patients involved with the study. However, before he can get to these instances, he sets up the story of this debacle accordingly with a history of the medical professions' attitude towards black patients and the idea of a racial difference in the symptoms and severity of different diseases (including, of course, syphilis), as well as how, exactly, public health officials came to take on black health care as a priority in post-WWI America. He makes it clear that in the late nineteenth and early twentieth century, much of the medical community was convinced that blacks responded to diseases differently than whites—one of the many differences between the races; and of course "'different meant 'inferior,'" during that time in both the North and South.[1] Blacks were also thought to be more promiscuous, immoral, and less able to control their negative urges. However, over time the focus shifted from race to class differences, leading doctors and social hygienists to focus their attention on rural black communities—some of

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[1] James H. Jones, *Bad Blood: The Tuskegee Syphilis Experiment* (New York: The Free Press, 1993): 17.

the poorest areas in the country, with perhaps the least healthcare resources. There is also a section in which Jones sets up the main symptoms of syphilis as well as a brief history of the discovery of the germ that caused it (the "spirochete") and how the disease can progress, making it clear that the men who were involved in the study clearly suffered, as they were in the later stages of the disease when the experiment began.

This also leads to the discussion of the medical profession from the late 19th to the early 20th century, when private physicians charged per service, leaving many of the poor unable to receive health care. Eventually, through the Progressive reforms of the late nineteenth century, hygiene and cleaning up first urban and then rural communities became the most important way to combat disease epidemics such as cholera and Pellagra, leading to the advent of public health programs. Public health officers then came to make black Americans a priority after they realized, among other things, that a poorly educated and medically lacking subgroup was taxing to the economy and the rest of the country, and urged whites to support black hygiene and education programs for their own "self-interest."[2]

Since the experiment took place in Macon County, of course an introduction to the area during this time is needed; and Jones paints a picture of a desolate, poor community lacking literacy and proper heath care, many admitting that they had either seldom or never been to a doctor because they couldn't afford it. And, since the majority of people in Macon County were so uneducated, Jones seems to be pointing out that they were in the perfect position to be lied to and taken advantage of by the "government doctors" who said they were just trying to help them.

The argument does not really begin to develop until the subject of the syphilis control survey is brought up, however, in Chapter Five. As Jones takes the reader through the duration of the treatment study, he points out how the doctors involved were never concerned about being honest with their patients, or even clearing up their confusion; the patients did not even know, Jones asserts, what syphilis really was. The doctors, in order to put it into simpler terms, called it "bad blood," which appropriately became the title of the book, as it seems to pinpoint the start of the deception of the vulnerable, rural black community by the dominant white one. Additionally, once this mysterious disease the Macon County people were diagnosed with had a name, the confusion did not stop, as Jones points out—many of the people who came in for treatment thought any ailment could be classified as "bad blood," and couldn't understand why when, after testing negative for syphilis, they

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[2] Jones, 43.

were told they were not sick when they still suffered from either various aches and pains or other ailments entirely. But according to the author, the doctors "ignored this confusion," and did not bother to educate the blacks of Macon County in, for example, ways to prevent syphilis, how one could get it, or that they could spread it to their children.[3] The explanation for this is best summed up by Jones:

> the health officials set very limited goals for the program. They all saw it as a pioneering piece of public health work whose overriding objective was to prove to state and local health officers, as well as private physicians, that rural blacks could be tested and treated for syphilis. The Public Health Service's officers…apparently decided there was no room in their one-step-at-a-time approach to conduct social hygiene work among poorly educated blacks, or to lecture them on the prophylaxis of syphilis. The doctors wanted to get on with the work at hand.[4]

This attitude is continued throughout the Tuskegee Syphilis experiment that was to follow. The doctors, according to Jones, were too absorbed in their groundbreaking research to understand that their "subjects" were actually patients, and people.

Once the control survey ended, the results of blacks who tested positive were higher than any of the doctors had expected. This would lead, of course, to Dr. Clark's interest in continuing the study, but with an important caveat: instead of studying syphilis in blacks and getting them the treatment they needed, he wanted to study the effects of *untreated* syphilis to show the medical community how badly black health care programs were needed; and what would happen if they were ignored. After getting the necessary approvals, the experiment, originally only meant to last for six months to a year, got underway. At this point in the book Jones brings up the fact that the doctors who Clark sought advice and/or approval from did not have any ethical or moral qualms about the study, and that had to do with the nature of the medical profession in the 1930s: doctors had no "official" code of ethics, and based their assumptions about what was morally or ethically sound on peer review rather than any public criticism.[5] Because of this, Dr. Clark had the freedom to perform the study basically as he wished once he got the necessary approval and funding. As the author notes, "licensed physicians seldom passed judgments on each other."[6] This idea

[3] Jones, 72-73.
[4] Jones, 74.
[5] Jones, 95.
[6] Jones, 96.

of medical scientists' "curiosity" is another major theme of *Bad Blood*, and Jones cites it as a reason the doctors involved could not see that their work was even morally questionable, let alone that they were doing the patients more harm than good. In fact, curiosity was what drove Dr. Vonderlehr, who took over the study from Dr. Clark a few years later, to become practically obsessed with the potential scientific merits of the study, clearly losing, from Jones' writing, any perspective of the men he was "excitedly" studying for syphilitic heart disease as human beings.[7]

Once the study started, the blatant lack of informed consent really began. According to Jones, the medical personnel, including Dr. Clark, hid the real purpose of the experiment from the black patients from the very beginning—they told the people of Macon County that they were simply starting the treatment control program up again, and to come to the previous meeting places to be tested and, if needed, receive proper treatment. In fact, Dr. Baker, the Alabama state health officer, approved the experiment only if treatment was actually given to the participants. But this was not a moral concern; in fact, Jones was not able to find out why, conclusively, Baker insisted on this condition.[8] Either way, it would not matter, because after the first few years, treatment would stop altogether—and what little the participants got was not nearly enough to make a difference in their health.

The outright deception continued when, for example, the doctors realized that a lumbar puncture or "spinal tap" would have to be performed on the men in the study to trace any neurological affects of the disease. They knew the process, being painful and having severe side effects, would be undesirable to the men, and so they decided to cloak the procedure in mystery, keeping it from them until, quite literally, they walked in the exam room door.[9] Jones makes it clear at this point and throughout the book that the main concern for the physicians was to keep the men in the study at all costs. At various points, they knew that certain things would provoke refusal from the men, and their families, for that matter, and so they found a way around it—whether it be lying to the patients themselves or having Nurse Eunice Rivers, the black nurse who stayed with the study for most of the forty years it ran, to do it.

For instance, when the physicians decided that doing autopsies on the men who died from their illnesses would be vital to the results of their experiment, they sent Nurse Rivers to ask the families for their permission. She was able to relate to the families, and recalled how she "grieved with them," and knew not to push the issue too soon. Although

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[7] Jones, 139.
[8] Jones, 98-99.
[9] Jones, 126.

her concern seemed genuine, Jones makes it clear how Rivers had a systematic way of convincing the families to go through with the procedure, persuading them that it would be worth the damage to the corpse.[10] In this way, there is no doubt that the physicians used Nurse Rivers and her personable way with the patients to get consent where otherwise there might not be. It was also her job to check up on the men every few months, since Dr. Vonderlehr's job in Washington prevented him from staying in Alabama; and she became friends with them, knew their neighbors, and did seem to truly care about them. As a result, Jones asserts that she became wrapped up in the study, not being able to believe that it could be completely morally wrong because of the special medical attention the men got that others in the area did not—and in this way, Jones seems to imply that the ultimate deception was taking place. He makes it clear that the participants in the study trusted Rivers, even if they didn't trust the doctors she worked for, and all involved in the experiment violated that trust, repeatedly telling them that they were helping them to get better when in fact they were observing the deterioration of their health. As it turned out, when Rivers was interviewed, Jones reports that despite having difficulty accepting that the men had been harmed, "informed consent was foremost in her mind," and she asserted that no one ever told the men what disease they were suffering from.[11]

Another important way in which the doctors in charge of the Tuskegee experiment used Nurse Rivers (whose life, and in essence, a major part of Jones' argument, is covered in Chapter 10) is the way in which they utilized her in preventing the men from getting treatment. First in the late 1930s when the Rosenwald Fund, who had funded the original syphilis control study in the South, decided to sponsor a new treatment program in rural areas, including Macon County, where treatment was given for free to a large number of people—except the men in the study, who, Nurse Rivers informed the doctors, were to be excluded.[12]

Indeed, the physicians involved in the study found ways around every possible way the men could end up acquiring treatment: penicillin, being compelled to be treated by the Draft Board during the 1940s—all because the participants had no idea of what they had or how they could be made better.[13] Jones cites many examples of the physicians' views on "the Negro," and it was clear that they not only knew the men had no idea what syphilis was or that they had it, but they subscribed to the

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[10] Jones, 148, 152.
[11] Jones, 219.
[12] Jones, 164–165.
[13] Jones, 177.

idea that the poor, uneducated men needed public health care; and yet, they chose to use this against the men by deception and omission.

In the books' final chapters, detailing the discovery and breaking of the study to the public press in 1972 and the subsequent fallout, Jones reiterates his argument by providing quotes from some of the survivors, showing that even after they knew what had been going on, it was hard for them to grasp. Perhaps the title of the closing chapter says it best: "I ain't never understood the study."[14] Tragically, Jones shows with this work that the phrase "informed consent," was the furthest thing from the physicians' minds, both during the experiment and at its outset. The remaining confusion among the studies' survivors confirms this.[15]

The sources Jones uses for the work seem quite reliable. Included in his bibliography are his own personal interviews with people involved in the study, including Nurse Rivers, the personal correspondence of the physicians involved, and the articles published on the study in medical journals. Additionally, he utilizes records and archives from the organizations involved with the study, such as the Tuskegee Institute, the Julius Rosenwald Fund, and the United States Public Health Service's Division of Venereal Diseases, which he notes that most of the work is drawn from.[16] Overall, the sources cannot help but enhance his thesis stating the blatant disregard for the black participants' health. The letters in particular reveal much about the doctors involved, their views on blacks, and how they affected their treatment, as well as how vital the need for deception was to them. Thus, Jones doe not always have to interpret his sources in order to get the reader to agree with his argument: the facts speak for themselves. He also avoids overly sympathetic language, and it was hard to find any leading phrases as well. Overall, the work is clearly well researched and remains surprisingly objective, given Jones' personal involvement (however removed) in the suit brought against organizations involved with the study.

A book such as *Bad Blood*, telling a story that is shocking and outright unsettling, would no doubt make another author feel tempted to "schmaltz" the story up in various ways. This could include a sympathetic or angry tone, telling individual stories of families torn apart by syphilis, and demonizing the physicians involved. However, James H. Jones does none of these things, letting his thorough research do the talking, effectively backing up his argument and showing his reader just how far deception in a medical study was able to go.

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[14] Jones, 206, 219.

[15] Jones, 218-219.

[16] Jones, 280.

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