

# EAST BAY HISTORIA



Vol. 5, 2021

# East Bay Historia



**California State University, East Bay History  
Department Journal**

**Volume 5, 2021**

An annual publication of the  
Department of History  
California State University, East Bay

Dedicated to those silenced who still fought to be heard. May history  
amplify your voices.

*“People are trapped in history and history trapped in them.”*

*-James Baldwin*

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*East Bay Historia* is an annual publication of the California State University, East Bay (CSUEB) Department of History. It aims to provide CSUEB students with an opportunity to publish historical works and to give students the experience of being on an editorial board and creating and designing an academic journal. Issues are published at the end of each academic year. All opinions or statements of fact are the sole responsibility of their authors and may not reflect the views of the editorial staff, the History Department, or California State University, East Bay (CSUEB). The authors retain rights to their individual essays.

*East Bay Historia's* mission is to promote the study of history at CSUEB, give history majors and non-history majors alike opportunities to express their passion for the subject, and to empower students, faculty, and staff who are studying or are interested in history.

Cover photo by Mia Morse

This publication uses sans serif fonts and increased line spacing in order to increase accessibility for dyslexic readers.

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# Contents

Contents	iv
Editorial Staff	vii
Introduction & Acknowledgements	viii
Author Biographies	x
Homelessness in the City: An Analysis of 25 Years of City Oversight Regarding the Homeless in San Francisco from 1990-2015	2
<i>by Adam Christian</i> <i>Illustration by Danielle Howell</i>	
Ide Family History and Shadelands Ranch	32
<i>by Alex O. Wood</i> <i>Illustration by Isobel Reed</i>	
By This Barbarous Practice: California's Press and Rationalizing Genocide	48
<i>by Raphael Hopstone</i> <i>Illustration by Melissa Joseph</i>	
Inalienable Rights: The Bay Area's Impact on Civil Liberties During Japanese Internment and the War on Terror	86
<i>by Ben Spears</i> <i>Illustration by Atley Sakamoto</i>	

The Politics of Racism: A Brief Comparison of Anti-Semitic Nazism in WWII Germany and Anti-Immigrant Propaganda in the United States	102
<i>by Jennifer Shaw</i>	
<i>Illustration by Josh Lake</i>	
Federal Slavery and An American Insurgency	112
<i>by Andrew Gillies</i>	
<i>Illustration by Sydnee Evans</i>	
The Significance of The Legal Tender Act of 1862 on Victory of The Union During the American Civil War	136
<i>by Fahim A. Khan</i>	
<i>Illustration by Anne Chamberlain</i>	
Forging Artistic Exceptionalism: Dmitri Shostakovich and His Symphony No. 5 in D-minor	146
<i>by Yukai Chen</i>	
<i>Illustration by Gracie Gomes</i>	
Inherited Traits: The Legacy of the Eugenics Movement and Sterilization of Women	174
<i>by Alberto Mora</i>	
<i>Illustration by Jenna Lateano</i>	
The Demise of Knights: A Historiography of Men at Arms in Early Modern Europe	196
<i>by Emil G. Pasion</i>	
<i>Illustration by Dillon Anderson</i>	

The Cristero War Experience	212
<i>by Adriel Valadez</i>	
<i>Illustration by Erick Jauregui</i>	
The Cristero Rebellion: The Role of Women in the Fight for Catholicism	220
<i>by Karla Vega</i>	
<i>Illustration by Mia Morse</i>	
La Ley de Herodes: A Reflection of Socio-Political Issues in Twentieth-Century Mexico	252
<i>by Ruben Alexander Cardona</i>	

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# Introduction & Acknowledgements

When the world shut down in March 2020 no one anticipated that a year later we would still be participating in classes virtually. Isolation, virtual fatigue, and dissociation has burdened everyone. This year's *East Bay Historia* Vol. V, is a testament to the strength and resilience of Cal State East Bay students. Our contributing authors went through a stringent review process with multiple revisions. Thank you, authors, for stepping up to make each essay exceptional. With topics ranging from the local history of migrant farmers to composers caught in the politics of Soviet Russia, the *East Bay Historia* introduces our readers to the variety of topics studied by historians.

Teamwork is the true theme of this year's journal. The editorial board has worked with each other, and the authors, exclusively online. Not having face-to-face interaction has the potential to create a disconnect, but everyone came together as a whole keeping the best interest of the journal at heart. Thank you to everyone on the editorial team for helping to create such a strong publication. A special thanks goes to our assistant advisor, Karla Vega and our design officer, Jessica Spencer for lending us a hand.

One of the most anticipated aspects of the journal is the artwork that accompanies each essay. Our brains are wired to respond to visual stimulation, and the illustrations not only engage the readers, but expands the imagination and retention. In line with remaining a student journal, we collaborated with Professor Joshua Funk at Chico State to have students create these images as part of a digital illustration course. The student artists read the essays published in

this volume, interpreted their meanings, and brought them to life in an exercise called editorial illustration. We are grateful to have had the opportunity to work with these artists, and Professor Funk as well.

While the journal is the finished product of a class it would not be possible without the tireless leadership of Dr. Alexander guiding us, and Dr. Daniels for acting as an advisor. Every member of the History Department deserves our gratitude, not just for helping facilitate the journal, but for helping each student succeed. I know from my own experience just how much this department invests in its students, and how much encouragement and guidance is offered. I personally would like to thank every member of the History Department for fostering my own growth and seeing potential in me.

Each year that we publish this journal we learn and grow as we go along. This would not be possible if it were not for the Friends of History. Their continued support and generous donations allow each volume of the journal to be better than the last. This journal is a passion project. We have all labored to create it, and everyone involved has my thanks. I hope everyone who reads this year's journal will be inspired by not only the words, but also all the work that went into it.

Happy Reading!

Jennifer Shaw  
Editor-In-Chief

## Author Biographies

**Ruben Alexander Cardona** is a Bay Area Native and current graduate student in the History Department at Cal State East Bay. Ruben is undertaking the thesis option of the graduate program and will write a thesis about Post-Revolutionary Mexico. He is also interested in the Mexican War of Independence and the Second French Intervention. After finishing his graduate degree, Ruben hopes to work as a community college Professor teaching Mexican History.

**Yukai Chen** is a senior at Cal State East Bay with a double major in History and music performance. As a seasoned music teacher for more than eight years, he has taught the piano and the clarinet to students of all ages. Fascinated by Eastern European history and culture, Yukai aspires to pursue his future graduate studies with a research emphasis on Russian/Soviet intellectual history.

**Adam Christian** is a graduate student in the History Department at Cal State East Bay. He is enrolled in the teaching concentration program and plans to teach community college someday. He is most interested in American history, specifically early American history.

**Andrew Gillies** is a graduate student in the History Department at Cal State East Bay with a focus on the Cold War and political history. A California native, he received his Bachelor of Arts Degree from George Mason University in 2012. He will always be indebted to the faculty

members and fellow graduate students that encouraged his passion and interests over the course of the program.

**Raphael Hopstone** received his Bachelor's Degree in History from CSU Northridge in 2011. Raphael is currently in his third semester in Cal State East Bay's MA History program (Teaching History Concentration). He has taught American History for five years at Montera Middle School, a diverse public institution in the Oakland Unified School District. There he enjoys developing and implementing inquiry-centered curriculum based on primary source investigation and analysis. Raphael is most interested in the history of colonization in the Americas and the Columbian Exchange.

**Fahim A. Khan** received his BA degree in History from Cal State East Bay in 2016. He is a San Francisco Bay Area native of South Asian heritage and ancestry. During his time as an undergraduate, he majored in Accounting and then switched to Asian History. He is currently a Tax Professional who deals with individuals and local businesses, but he is slowly transitioning into the insurance and finance industries. In the future he would like to complete an MA degree in History, with a concentration in US History or Public Administration, and become a community college instructor.

**Alberto Mora** was born and raised in Redwood City, Alberto moved to Hayward where he enrolled at Chabot College and transferred to Cal State East Bay. He majored in History with a focus in Latin American

History and a minor in Ethnic Studies. Alberto currently works at the TRIO Upward Bound program at Cañada College where he supports high school students to be the first in their families to go to college. Alberto is passionate about social justice and education and hopes to continue with his studies as he seeks to become the first person in his family to get a Master's degree and a Ph.D. In the fall he will begin a program in Latin American Studies at Stanford University.

**Emil G. Pasion** is a senior History major at Cal State East Bay with a concentration in Latin America History. He is passionate about the history of Medieval and Early Modern Europe, especially the Iberian Peninsula and its Atlantic endeavors. Following graduation, he wishes to continue his career with the federal government to utilize the critical thinking skills he developed in the History program.

**Jennifer Shaw** is a senior at Cal State East Bay who will graduate in Spring 2021 with a B.A. in History. Jenni returned to school in 2019 after a 14-year hiatus that helped her grow her managerial skills, learn exactly who she is, and decide what she wants out of her education. In the future, Jenni would like to obtain an MA in Public History, and potentially her Ph.D. in the subject as well. Ultimately, she would like to combine her love for nature, history, and politics into one career by working for the Department of the Interior.

**Ben Spears** recently transferred to Cal State East Bay from a community college and is pursuing a History degree with a

concentration in migration and globalization, and a Political Science minor. As a Bay Area native, his areas of interest include politics, and America's influence on the world stage in the 20th and 21st centuries.

**Adriel Valadez** is a senior at Cal State East Bay, majoring in history with a concentration in social justice and citizenships. His main interests include United States, Mexican-American, and Latin American history. After graduation, Adriel wishes to become a high school history teacher and make his class as fun, interesting, and engaging as possible. Adriel has always been interested in history and he feels fortunate to be able to further his studies at Cal State East Bay.

**Karla Vega** graduated from Cal State East Bay with a B.A. in History with a concentration in migration and globalization in December of 2020. She is interested in World History, with a focus on Latin America, as she is motivated by the need to learn about her roots. Currently working for CSUEB as the Recruitment Coordinator for Liberal Arts, Karla is planning the next steps in her academic career. Being the Editor-in-Chief of the last edition of the journal, *East Bay Historia* Vol. IV, she is excited to have her work published in this edition.

**Alex O. Wood** is a graduate student in the History Department at Cal State East Bay. Alex earned his BA in History and Community Studies at UC Santa Cruz and is a Bay Area native. He is currently working on his university thesis project on Eurasian identity and Shanghai's International Settlement.



Illustration by Danielle Howell, CSU Chico

# Homelessness in the City: An Analysis of 25 Years of City Oversight Regarding the Homeless in San Francisco from 1990-2015

By Adam Christian

Homelessness: this word has nearly become synonymous with the San Francisco Bay Area. Residents of the Bay Area can attest to tents under overpasses, panhandlers, and media spotlight. There is a pervasive national view of San Francisco as one of the worst cities in America regarding homelessness. Many question what exactly the city is doing to address homelessness. Even San Franciscans complain that the city is not doing enough to address homelessness. Does San Francisco truly have a homelessness problem? In 2017, 7,499 of San Francisco's 880,418 residents were homeless, less than 1%.<sup>1</sup> As a percentage, the proportion does not seem high. However, the raw number of 7,499 homeless people is extraordinary, reflecting the size of many cities in the United States. It is not surprising that San Francisco city leaders acknowledge the city's homeless crisis. This paper will show that San Francisco City leaders have indeed taken steps to address the homeless crisis over the past 25 years. This paper intends to prove that the homeless crisis is a difficult and complex

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<sup>1</sup> San Francisco Local Homeless Coordinating Board and Applied Survey Research, *San Francisco 2017 Homeless Count & Survey Comprehensive Report* (San Francisco, 2017), 12.

## *Homeless in the City*

beast involving moral, civil, societal, and social aspects that must all be addressed.

This article provides a brief history of homelessness in the United States up to the latter end of the twentieth century. It also provides an overview of San Francisco's city-specific dynamics which reveal the complexity of the issues that city leaders are dealing with. Most importantly, a review of actions taken by San Francisco city leaders to address homelessness will be conducted through an examination of the city's five-year continuum of care plans from 1994, 2001, and 2008. A review of these plans reflect city leaders' actions to address homelessness. When synthesized with the history of homelessness in America, San Francisco city specifics, and other reports such as budgetary documents and homeless population counts and surveys, these five-year plans reveal that San Francisco city leaders are indeed taking extensive steps to address the homeless crisis. The plans show that not only are San Francisco city leaders working to resolve the homeless crisis, but that they are cognizant of the overall problem of homelessness in America and are willing to be led by its history. This history is primarily depicted in four dimensions of homelessness. These areas of moral, civil, societal, and social concerns drive the history of homelessness in America and enlighten us to future answers. In addition to the San Francisco primary source five-year continuum of care homeless plans, many secondary sources will be reviewed which help to illuminate the complexity of the homeless crisis. As in other historical studies, it is in reviewing change over time

that we see the importance of the history of homelessness. As Teresa Gowan writes, “the history matters.”<sup>2</sup>

There have been unhoused people in America for almost 400 years. In *Down & Out, On the Road: The Homeless in American History*, Kenneth Kusmer writes that the homeless populations were initially listed as vagrant persons in the 1600s, and by the mid-1700s were considered sturdy beggars. These individuals were most likely to be found in populous seaport towns such as Philadelphia and Baltimore. Homelessness surged in America before and after the American Revolution. By the 1800s, economics drove the homeless surge. Events such as the depression of 1857 caused the homeless population to become more prevalent.<sup>3</sup> Similar to today’s society, most homeless people in the 1800s were noticeable around large urban centers such as New York. It is ironic that before the Civil War the number of homeless people in America was relatively low due to the development of slavery in the South.<sup>4</sup> But after the Civil War, homelessness again became more prevalent with many tramps being seen on the railroads. It can be gleaned from history that the overall moral views of the homeless people have been predominantly negative. A quote in an 1875 editorial in the *New York Times* declared that the tramp “is at war in a lazy kind of way with society and rejoices at being able to prey upon it.”<sup>5</sup> Yet another negative theme was that prior to World War I the homeless populations were seen as

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<sup>2</sup> Teresa Gowan, *Hobos, Hustlers, and Backsliders: Homeless in San Francisco* (Minneapolis: University of Minnesota Press, 2010), 26.

<sup>3</sup> Kenneth L. Kusmer, *Down & Out, On the Road: The Homeless in American History* (New York: Oxford University Press, 2002), 13.

<sup>4</sup> Kusmer, *Down & Out*, 16.

<sup>5</sup> Kusmer, *Down & Out*, 8.

unassimilated foreigners. According to Kusmer homeless people have been anathema in every age to many Americans due to their laziness.<sup>6</sup> Teresa Gowan, author of *Hobos, Hustlers and Backsliders: Homeless in San Francisco* agrees on the topic of abhorrence of the homeless. Through the centuries of Catholicism, unhoused people were looked at as individuals to be taken care of. However, the Protestant reformation ushered in a change in how poor people were seen and treated, threatening the historical Catholic almsgiving, the giving of money or food to the poor. It is a dichotomy that runs directly against the main principle of the Reformation of *faith not works* that indeed “work, not almsgiving was now the road to salvation.”<sup>7</sup> And it was not just in religious aspects that anathema of the homelessness was common. The theory of Social Darwinism that emerged in 1870 also contributed, “the fit—that is, the hardworking and sober-prospered because of their moral and physical superiority, whereas poverty represented failure before God and nature.”<sup>8</sup> This theme of negative views of the homeless people has pervaded history and still drives history today. It is this moral dimension of homelessness that has affected poor and homeless populations throughout history, blinding many that actually have the resources and capacity to help.

Throughout the American history of homelessness, the notion of homeless people remaining unhoused because they had no other choice is in dispute. Many individuals left their jobs and hit the road to rebel against work structures and institutions of industrial society. Kusmer writes that tramping “seemed to have something in common

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<sup>6</sup> Kusmer, *Down & Out*, 8.

<sup>7</sup> Gowan, *Hobos, Hustlers, and Backsliders*, 30.

<sup>8</sup> Gowan, *Hobos, Hustlers, and Backsliders*, 36.

with what one historian has identified as the anarchist streak in the American character.<sup>9</sup> The railroad was a major factor in the spread of homelessness during this time with journalist Josiah Flynt writing that “from Maine to ‘Frisco’ the railroads are at the tramp’s disposal, if he knows how to use them.”<sup>10</sup> During this period after the Civil War, tramps continued to receive a harsh response from American society, especially in the North where the view was that the war had been won over virtues, such as work and productivity, which were superior to that of the South and the tramp as well. Many in the North viewed the tramps during this time as criminals and conspiratorial and probably some were. But overall, tramp behavior was unplanned.<sup>11</sup> Tramps were in a state of wanderlust, riding the rails trying to figure out where life would take them next. As expected, this idea of wanderlust was not viewed positively. In fact, wanderlust became to be considered more pathological than simply the choice of the tramp to use his or her free will, eventually categorized as a mental disorder by psychopathologists.<sup>12</sup> This brings us to the second major dimension of homelessness which revolves around civil rights, fidelity and freedom. Like it or not, many homeless people are simply unhoused because they choose to be homeless. This theme of fidelity and freedom from the status quo is historically proven and affects the complex problem of homelessness today. What is one to do as the mayor of a city trying to provide avenues for a homeless person to resolve their situation, yet seeing the offers declined. To be sure, this is a dilemma. In 1996, a frustrated San Francisco Mayor, Willie Brown,

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<sup>9</sup> Kusmer, *Down & Out*, 9.

<sup>10</sup> Kusmer, *Down & Out*, 40.

<sup>11</sup> Kusmer, *Down & Out*, 49.

<sup>12</sup> Gowan, *Hobos, Hustlers, and Backsliders*, 56.

## *Homeless in the City*

stated it clearly: “I can’t talk with these people any more. They’re not on the same page. There are some people who just don’t want to live inside, and there’s nothing you can do with them. They are the hoboes of the world. They just don’t want help.”<sup>13</sup> It might very well be that homelessness will never be eradicated because of simple human free choice.

Things began to change in the 1900s when the common method of lodging homeless people in or above police stations was mostly abolished.<sup>14</sup> The Salvation Army and the Volunteers of America began opening shelters, which provided lodging not only to the poor working man but the tramp as well.<sup>15</sup> In addition, the union movement began to take root to assist the unemployed. The Industrial Workers of the World, founded in 1905, “developed a radical analysis of homelessness, eloquently blaming the greed of the employing class for the destitution of the hobo army.”<sup>16</sup> During the beginning of the twentieth century homelessness declined after World War I, but rose again during the depression of 1921. According to Kusmer, “railroad workers at the time reported that “never within their recollection has there been such a raft of tramps jumping trains as there are today.”<sup>17</sup> Homeless people were not just tramps and hobos. Urban homeless populations existed in American cities as well where skid rows developed in areas where unhoused people were able to find temporary shelter. For example, “San Francisco’s South of Market area

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<sup>13</sup> Chester Harman and Sarah Carnochan, *City for Sale: The Transformation of San Francisco* (Berkeley: University of California Press, 2002), 382.

<sup>14</sup> Kusmer, *Down & Out*, 75.

<sup>15</sup> Kusmer, *Down & Out*, 90.

<sup>16</sup> Gowan, *Hobos, Hustlers, and Backsliders*, 40.

<sup>17</sup> Kusmer, *Down & Out*, 100.

emerged as the most important center of transient and casual labor on the West Coast.<sup>18</sup> In these areas, homeless people could find short term shelter, food, and clothing. Areas where tramps and homeless populations could congregate appeared near railway terminals as well. These hobo jungles were areas where homeless people could congregate, have supper, smoke, drink, and tell stories. The hobo jungles had rules of conduct, such as a newcomer having to bring food or something for others to share. The camp code required men to clean and assist with the camp. If they did not, they were sent on their way.<sup>19</sup> These hobo jungles common in the early 1900s may yet still thrive. In San Francisco today, one can drive down the street and see homeless populations congregating together in rows of tents under overpasses. These areas may very well be the hobo jungles of modern time.

Although the hobo jungles were somewhat welcoming to African Americans, they had a difficult time getting into skid row areas, because by 1920, skid row areas were all white. Lodgers were not allowing African Americans to stay at their facilities due to racism, while at the same time African American homelessness was increasing. These individuals ended up in the black ghettos that emerged after World War I. As the middle class expanded, the poorer blacks moved into the neighborhoods left behind.<sup>20</sup> African American homelessness increased rapidly in the 1930s, driven by race and economy. This brings us to the third dimension of homelessness: the societal dimension. Societal issues factor into the complex issue of

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<sup>18</sup> Kusmer, *Down & Out*, 149.

<sup>19</sup> Kusmer, *Down & Out*, 136.

<sup>20</sup> Kusmer, *Down & Out*, 165.

homelessness through racism and prejudice. One example is when the economy began to fail, the African Americans who had industrial jobs in the north were the first to be laid off when production was cut back.<sup>21</sup> It is not only seen in African Americans losing their industrial jobs first, but in the consistent prevailing black ghetto cycle which keeps African Americans struggling to survive. This pervasive cycle exists even today with many white Americans saying something should be done about the homeless problem but *please don't build the low-income housing near me*. According to Mary Ellen Hombs, research from coast to coast shows that “existing property values are not negatively affected by such housing and that, in fact, some practitioners restore vacant or deteriorated stock to being assets in a neighborhood.”<sup>22</sup> Societal issues are an important component of the homeless problem, always roiling just below the surface of non-acceptance.

When the Great Depression hit, it changed the face of homelessness in America, causing the number of homeless people standing in soup lines to skyrocket. It was during this time that the Federal Government first organized to assist the homeless. Gowan explains, “Roosevelt and his allies swept into power, promising large-scale government intervention to protect the population from the irrationalities of the economic system.”<sup>23</sup> The New Deal era had arrived. In May of 1933, the Federal Emergency Relief Act was passed, in which \$15 million was used to establish the Federal Transient

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<sup>21</sup> Kusmer, *Down & Out*, 208.

<sup>22</sup> Mary Ellen Hombs, *Modern Homelessness: A Reference Handbook* (Santa Barbara, CA: ABC-CLIO, 2011), 71.

<sup>23</sup> Gowan, *Hobos, Hustlers, and Backsliders*, 41.

Service (FTS), the first federal agency in American history to help the unemployed homeless.<sup>24</sup> The benefits of the FTS in reducing the homeless populations were many. The number of homeless people on the road declined, the pressure of lodging houses eased, and in some cases shelters even closed down before the FTS was eventually phased out in 1935.<sup>25</sup>

World War II impacted homelessness in America in that it drew many unhoused people into the war or the war economy, drastically reducing the number of homeless people in America. However, a primary area of concern during the War was for elderly men. These men, who could not participate in the war or war economy, ended up in skid row populations. By the 1950s, cities were looking to demolish the skid row areas in their communities. Many of these elderly men in the skid row areas were left without shelter when the shelters and single room occupancy (SRO) hotels were torn down.

Between 1945 and 1975, homeless people were, “considered little more than a troublesome nuisance.”<sup>26</sup> The New Deal era and World War II ended large scale homelessness for almost the next 40 years. These were times of relative peace, when the economy was harnessed effectively to stimulate growth and activism surged. Gowan’s statement is pertinent: “the New Deal order of social inclusion via Keynesian economic policy remained in place, bolstered by the economic growth created by the Pax Americana during the postwar years, as well as the activism of African Americans and their allies.”<sup>27</sup>

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<sup>24</sup> Kusmer, *Down & Out*, 210.

<sup>25</sup> Kusmer, *Down & Out*, 217.

<sup>26</sup> Kusmer, *Down & Out*, 237.

<sup>27</sup> Gowan, *Hobos, Hustlers, and Backsliders*, 42.

## *Homeless in the City*

According to Todd Depastino in *Citizen Hobo: How a Century of Homelessness Shaped America*, the beginning of homelessness as an actual classification began in 1983. In 1982, major television stations aired the plight of the street people during which time the word “homeless” was first used. Also during this time, President Reagan pursued an agenda of defunding welfare and housing programs while poverty was increasing.<sup>28</sup> His actions prompted activists to challenge “Reaganomics,” and eventually resulted in securing \$100 million from the Federal Emergency Management Agency.<sup>29</sup> The Democratic Congress at the time used homelessness as a tool to confront Reagan’s spending cuts, which resulted in the passage of the McKinney Homeless Assistance Act, signed into law in July 1987. Depostino claims this act was the most important poverty legislation since LBJ’s Great Society.<sup>30</sup> However, the McKinney Act was a behemoth of bureaucracy employing an army of social workers and creating a homelessness industry.<sup>31</sup> In an inverse way, the act helped to create a service field for homelessness extending and exacerbating the problem. Gowan provides a telling quote from Paul Boden, director of the San Francisco Coalition on Homelessness:

You can’t end homelessness, you know. You can impact the poverty programs and the education programs and the housing programs to the point that there’s less homeless people...we exist because the other shit wasn’t working. But

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<sup>28</sup> Todd Depastino, *Citizen Hobo: How a Century of Homelessness Shaped America* (Chicago: The University of Chicago Press, 2003), 252.

<sup>29</sup> Depastino, *Citizen Hobo*, 253.

<sup>30</sup> Depastino, *Citizen Hobo*, 254.

<sup>31</sup> Gowan, *Hobos, Hustlers, and Backsliders*, 49.

### *Homeless in the City*

you can't end homelessness until you've knocked down all those barriers. And by setting ourselves up the way we have, in the way Home Base and the National Coalition and the National Law Center have-and us – we've allowed ourselves to become another tier and another player in the fuckin' arena.<sup>32</sup>

Reagan's cuts continued with funding for Housing and Urban Development (HUD) dropping 80% from 1980 to 1989. Reagan's war on homeless populations revolved around the view that homelessness was a choice. His actions reduced the number of mental hospitals, resulting in many mentally ill patients ending up on the street. In the 1980s, mentally ill homeless people had become a common scene.<sup>33</sup> This brings us to the fourth major dimension of homelessness, the social component. It is in this area that social responsibility plays a role. What is the responsibility of the city in addressing the mentally ill homeless populations? What is the responsibility in addressing the homeless people addicted to drugs and alcohol? History shows us that these categories of homelessness have been neglected for too long. This has resulted in further clouding of the homeless issue with yet another component adding to the complexity of the homeless problem.

It was during the 1980s that the new homeless populations became visible. This new homelessness consisted of unprecedented large numbers of women, children, and minorities in shelters and on the streets. Suddenly, persons living in families accounted for one-third of America's homeless. The number of African American

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<sup>32</sup> Gowan, *Hobos, Hustlers, and Backsliders*, 49.

<sup>33</sup> Depastino, *Citizen Hobo*, 256.

homeless populations surged as well, with black homelessness in some of America's big cities counting for at times up to three-quarters of the homeless population.<sup>34</sup> Depastino writes, "By 1980, the African American ghetto dweller had replaced the elderly white man of skid row as the most visible face of homelessness. The age of the tramp, the hobo, and the bum had shuddered to a close."<sup>35</sup>

In *Modern Homelessness: A Reference Handbook*, Mary Ellen Hombs describes the homeless. She writes that based on data from the research of Dr. Dennis Culhane of the University of Pennsylvania, the American homeless population is made up of three groups. The main group represents 80% of the population and is transitional. These are the homeless people in shelter for a short time and end up off the street by access to housing and jobs. The second group makes up 10% of the homeless population. These are the homeless people that stay in the shelters and then return. They have medical or mental health and substance abuse issues, which result in chronic unemployment and costly services such as detoxification programs. The third group, which many have historically thought make up the majority of the homeless, actually only makes up a small percentage, 10%. These are those on the streets and in shelters for long periods, the chronic homeless. Their continuous residence in homeless programs use 50% of available homeless resources.<sup>36</sup>

Just as the history of homelessness is important in understanding the nation's homeless problems, the same must be done with the City

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<sup>34</sup> Depastino, *Citizen Hobo*, 257.

<sup>35</sup> Depastino, *Citizen Hobo*, 258.

<sup>36</sup> Hombs, *Modern Homelessness*, 6.

of San Francisco. Gowan writes of San Francisco as stagnant and dense with residences and businesses. The city, which had long been a place for nonconformists, evolved into one of the world's culturally important cities. But in the 1970s and 1980s the city's major port collapsed during the industrial crisis, causing working class and poor people to leave for other affordable locations in the Bay Area. Gowan writes that even so the city managed to retain its commercial importance and skilled working class. She equates the Silicon Valley boom to a second gold rush with young, well-educated people arriving yearly.<sup>37</sup> Many conditions have contributed to San Francisco's homeless problem from the growing cost of housing in the 1980s to evictions from rent-controlled apartments in the 1990s. She writes that "Condo conversions took nearly 900 units out of the rental market alone."<sup>38</sup> Gowan states that the majority of the population of San Francisco were renters. As the housing market increased, people found it harder and harder to find housing. In a statement she writes, "Some managed to hold on; many left the city for Oakland and beyond. Others hit the street."<sup>39</sup> The people of San Francisco were torn between the changes occurring in their city and trying to maintain tradition.

In *City for Sale: The Transformation of San Francisco*, Chester Hartman and Sarah Carnochan take an in-depth look into city expansion. Their view is that the city has always experienced tension between rapid change and tradition, with the expanding skyline an example of the rapid change affecting the city. It is not just in the loss

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<sup>37</sup> Gowan, *Hobos, Hustlers, and Backsliders*, 11.

<sup>38</sup> Gowan, *Hobos, Hustlers, and Backsliders*, 12.

<sup>39</sup> Gowan, *Hobos, Hustlers, and Backsliders*, 12.

of sunlight and ocean breezes but also in the growing separation between the upper class of the city and working and lower-middle class. These lower classes are being pushed out of the city.<sup>40</sup> Harman and Carnochan write that the homeless populations in San Francisco range from ten to sixteen thousand, with the problem only going to get worse. The loss of inexpensive single room occupancy (SRO) hotels has pushed the poor into the deficient shelter system while rising rent levels have pushed families out of regular apartments.<sup>41</sup> There is also a need for resources: the city's fifteen hundred shelter beds only serve one tenth of the homeless people on the street, with the conditions at the shelters dirty and deficient.<sup>42</sup> But there is opposition to city expansion, with litigation being a useful tool to bring change resulting in affordable housing that otherwise would not exist.<sup>43</sup> In the end, the struggle between rapid expansion and tradition still exists. It is lamented by many of the city's own. Rebecca Solnit writes:

San Francisco has been not only the great refuge for the nation's pariahs and non-conformists; it has been the breeding ground for new ideas, mores and movements social, political and artistic. To see the space in which those things were incubated homogenized into just another place for overpaid-but-overworked producer consumers is to witness a great loss.<sup>44</sup>

Cary McClelland echoes this view in his book *Silicon City: San Francisco in the Long Shadow of the Valley*, writing that as the city gets richer it

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<sup>40</sup> Harman and Carnochan, *City for Sale*, 2.

<sup>41</sup> Harman and Carnochan, *City for Sale*, 376.

<sup>42</sup> Harman and Carnochan, *City for Sale*, 382.

<sup>43</sup> Harman and Carnochan, *City for Sale*, 398.

<sup>44</sup> Harman and Carnochan, *City for Sale*, 397.

## Homeless in the City

brings on more problems, mainly inequality. Salaries have increased but so has the number of poor. Large numbers of people are leaving, many of whom built the city. In addition, individuals such as Veterans, elderly, and minorities who do not qualify for jobs resulting from the tech boom are leaving as well. McClelland writes that currently San Francisco seems to be uninterested in the fact that the city is losing its history in favor of the future. He states, “The different cultures representing the city’s past are at risk of being whitewashed away.”<sup>45</sup> Historian Kevin Starr also recognized the growing gap between the rich and the poor in San Francisco. He writes that the influx of prosperous renters destabilized 60% of the population of existing renters.<sup>46</sup>

In August of 1989 the Office of the Mayor, Art Agnos, released *Beyond Shelter: A Homeless Plan for San Francisco Statement of Need*. The 98-page plan consisted of two major sections titled *A Decade of Homelessness* and *Reversing the Growth of Homelessness*.<sup>47</sup> The first section includes an overview of homelessness in the United States, the homeless residents in San Francisco, and homeless programs in San Francisco. The second section is broken down into what San Francisco needs in a homeless policy to include prevention, housing, income, health and social support services, and emergency services. Potential resources to fulfill this policy are listed as federal, state, local and private. *Beyond Shelter*, a result of 1988’s 12-point policy for San Francisco’s homeless populations was the second significant policy

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<sup>45</sup> Cary McClelland, *Silicon City: San Francisco in the Long Shadow of the Valley* (New York: Norton, 2018), xvii.

<sup>46</sup> Kevin Starr, *California: A History* (New York: Modern Library, 2015), 346.

<sup>47</sup> Art Agnos, *Beyond Shelter: A Homeless Plan for San Francisco* (San Francisco, 1989), i.

document concerning homelessness. The 12-point policy being the first major policy document.<sup>48</sup> *Beyond Shelter* begins by providing a history of the homeless problem in America. It meshes with historical aspects of homelessness put forth in the prior pages. It mentions the new surge in homelessness and refers back to the homeless problems in the 1930s during the Great Depression. It mentions hobos, hippies, skid row alcoholics, and the mentally ill. It refers to homelessness as caused by the steady erosion of support systems for the poor.<sup>49</sup> The plan shows the reduction in Federal Housing Aid from \$32.2 billion in 1981 to \$6.9 billion in 1989, a 79% decrease. The plan mentions deinstitutionalization of the mentally ill, and differs from historical views on the closing of mental institutions as not being a primary factor for the increase in homelessness during the 1980s. The plan says that general hospitals and Veteran Administration hospitals have largely borne the brunt of the patients.<sup>50</sup> The plan also mentions that San Francisco is not a magnet for unhoused people as has been commonly thought. Table 3 in the plan specifically shows the homeless populations in the entire bay area with the majority in Santa Clara.<sup>51</sup>

*Beyond Shelter* also focuses on housing, it acknowledges the average price for a home in San Francisco is among the highest in the nation, and that rent has steadily increased from 1978 to 1988 by 183%. The report also mentions that the San Francisco housing

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<sup>48</sup> San Francisco Local Homeless Coordinating Board and HomeBase, *Toward Ending Homelessness in San Francisco: Five-Year Strategic Plan of the San Francisco Local Homeless Coordinating Board 2008-2013* (San Francisco, 2008), 5.

<sup>49</sup> Agnos, *Beyond Shelter*, 1.

<sup>50</sup> Agnos, *Beyond Shelter*, 8.

<sup>51</sup> Agnos, *Beyond Shelter*, 16.

authority oversees 6,500 public housing apartments.<sup>52</sup> The wait time to get into public housing at the time of the report was three years. Another concern mentioned is the expansion of downtown, which resulted in the loss of low-cost housing with 4,500 rooms designated for tourist use.

A question to be asked is why housing, the logical answer to homelessness, seems to be downplayed in overall homelessness discourse. According to Depastino, it may have something to do with the nuclear family ideology. A home in many instances can refer to a broad range of definitions, leading to the simple fact that a home is not a house. We can feel at home with friends, with people we want to spend time with, with family. But that doesn't resolve the difficult problem of not having a roof over one's head. In this situation the concept of homelessness is viewed in the overall social context of the home which is not beneficial to the fight for actual housing, a dwelling for those without a roof over their head.<sup>53</sup> In summary, Depostino writes that, "Until the provision of housing proceeds on the basis of a universal citizenship, the American home will continue to harbor the racial, gender, and class inequalities that inevitably beget the homeless."<sup>54</sup>

Finally, *Beyond Shelter* reflects a sense of humanity which touches on the social dimensions of homelessness. In one telling section, the report describes individuals with mental disabilities as subject to all the issues the poor face but are compounded by mental difficulties

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<sup>52</sup> Agnos, *Beyond Shelter*, 17.

<sup>53</sup> Depastino, *Citizen Hobo*, 259.

<sup>54</sup> Depastino, *Citizen Hobo*, 270.

making it hard to hold one's life together.<sup>55</sup> The striking wording clearly comes from a place of empathy. In all, *Beyond Shelter* addresses the four dimensions of homelessness. It passes the moral test as it does not talk of homelessness as anathema. Overall, it does not promote the suppression of a homeless person's freedoms or civil rights. It shows the actions taken to address the social and societal issues as well documenting the extensive list of agencies assisting the homeless residents in the city. *Beyond Shelter* is the litmus test for a city's homeless plan.

In February of 1994 a report on homelessness titled *Responding to Homelessness in San Francisco* was released by Mayor Frank M. Jordan. The mayor states in a quote that it is his "responsibility to be concerned about and to alleviate the effects of the complex issue of homelessness."<sup>56</sup> In the report Mayor Jordan presents his view that he has to work on both levels of the short-term and long-term response to be successful. The Mayor's projects are listed as working with HUD to apply for funds to address the homeless problem. These funds would increase the city's capability to provide assistance through the "Continuum of Care" system. This system includes three components of outreach and assessment, transitional housing combined with rehabilitative services, and placement into permanent housing.<sup>57</sup> The report also mentions the development of the Mayor's Homeless Budget Advisory Task Force with over twenty-five members representing various areas of homeless concerns. Another method to

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<sup>55</sup> Depastino, *Citizen Hobo*, 270.

<sup>56</sup> Frank M. Jordan, *Responding to Homelessness in San Francisco* (San Francisco, 1994), i.

<sup>57</sup> Jordan, *Responding to Homelessness*, 3.

address homelessness listed is the Matrix Program. The Matrix Program is a “multi-departmental City effort to help people living on the streets to obtain shelter and other services (such as psychiatric, drug and alcohol treatment), while at the same time protecting the general public from certain offenses committed in public.”<sup>58</sup>

In *Criminal Justice Ethics*, Heather Macdonald discusses San Francisco’s matrix program. Her view is that the matrix program is a success. She writes that over the past thirty years, judicial rulings and social attitudes have prevented governments from enforcing public order. She writes that a revulsion to liberal social attitudes is sweeping the country and provides examples such as Berkeley passing its panhandling laws. Her one criticism of the matrix program is in the fact that many unhoused people do not want to use the services. The reasoning is that homeless programs should not be optional. She finishes her article by writing, “San Francisco is both a symbol of the past and wave of the future. Pursuing freedom, it got chaos. It is now re-discovering that liberty consists not in overturning social rules, but in mutual adherence to them.”<sup>59</sup> Macdonald’s view is just one of the many who have studied San Francisco’s housing crisis and Mayor Jordan’s Matrix Program.

So, what exactly was the Matrix Program? Ex-police chief Frank Jordan won the San Francisco mayoral race in 1991 beating Art Agnos

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<sup>58</sup> Jordan, *Responding to Homelessness*, 26.

<sup>59</sup> Heather Macdonald. “San Francisco’s Matrix Program for the Homeless,” *Criminal Justice Ethics* 14, no. 1 (Winter/Spring 1995).  
<http://web.a.ebscohost.com.proxylib.csueastbay.edu/ehost/detail/detail?vid=1&sid=f a54aaf4-6d71-4bd8-994c-9b7f65851fff%40sdc-v- sessmgr02&bdata=JnNpdGU9ZWZWhvc3QtbGl2ZSZzY29wZT1zaXRl#AN=9506272217&db=a9h>

by running on the premise of making the homeless program a central part of his administration. According to Harman and Carnochan, the Matrix Program embodied “a wholesale police sweep against the homeless for a range of ‘nuisance crimes’ (obstructing doorways, urinating in public, sleeping in a public park), racked up twenty-seven hundred citations or arrests in a two-and-a-half month period, and by the end of 1993 the total was four thousand.”<sup>60</sup> Harken back to the national discourse concerning San Francisco’s homeless problem. There have been times when the city has taken a hard-handed approach to alleviate the homeless problem. Mayor Jordan’s sweeps through the Matrix Program drew the ire of the homeless, their advocacy groups, civil liberties organizations and wealthy neighborhoods due to the shift of the homeless people from downtown to the residential neighborhoods.<sup>61</sup> In this instance a hard-handed approach did not work.

Another view is that a compassionate approach would be more beneficial to solve San Francisco’s housing problems. However, the overall thinking is that this view has worn out and has been given up on by many San Franciscans. Still another view is that confronting homelessness should require both a hard and soft approach. Mayor Gavin Newsom attempted to accomplish this with his “Care Not Cash” policy. This policy would be a compromise of sorts by reducing the cash assistance payment for homeless adults from \$340 to \$59 a month. The majority of the money would be used instead for housing referrals. The thinking is to remove the payment from the homeless

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<sup>60</sup> Harman and Carnochan, *City for Sale*, 379-380.

<sup>61</sup> Harman and Carnochan, *City for Sale*, 380.

adult, which many believed the individual was most likely using for drugs or alcohol, and push the homeless people into housing.<sup>62</sup> Would this approach work? Murphy in her study of the “Care for Cash” program says no. Although she writes that this system changes the view of homeless people from threatening and criminal to deserving, it does not do enough. It does not examine the notion of the choice of the homeless, the dismantling of the welfare system, the restructuring of the economy, the dissolution of mental health assistance and the neoliberalization of city space.<sup>63</sup> The complexities of dealing with the homeless problem in San Francisco continue.

One area that cannot be criticized is when communities come together to help the homeless. In an article in *Health & Social Work*, the authors discuss the development of a resource center in San Francisco’s mission district. The article provides in-depth analysis of what it takes to develop a resource center and the struggles associated with it. Funding was the primary concern, but was addressed by Mayor Willie Brown at the time with a grant of \$711,000 every three years.<sup>64</sup> Other concerns such as the facility, medical and mental assistance, and neighborhood concerns were overcome as well. Just the concern of the homeless people congregating in front of the shelter was resolved. This issue was addressed through neighborhood meetings to allay concerns.<sup>65</sup> In summary, individuals worked with and within

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<sup>62</sup> Stacey Murphy, “Compassionate Strategies of Managing Homelessness: Post-Revanchist Geographies in San Francisco” *Antipode*, 41, no. 2 (2009): 313.

<sup>63</sup> Murphy, “Compassionate Strategies of Managing Homelessness,” 324.

<sup>64</sup> Lynn D. Wenger, Julie Leadbetter, Laura Guzman, and Alex Kral, “The Making of a Resource Center for Homeless People in San Francisco’s Mission District: A Community Collaboration,” *Health & Social Work* 32, no. 4 (November 2007): 309.

<sup>65</sup> Wenger et al., “Making of a Resource Center,” 313.

## Homeless in the City

the communities to create a successful resource center which provided comprehensive services to the homeless populations of the mission district.

In February of 1994, the city's budget analyst developed a *Survey of the City's Current Programs and Services Affecting the Homeless Population*. The report showed that costs for direct and indirect services for homeless people for Fiscal Year 1993-1994 totaled \$49.5 million.<sup>66</sup> The report lists expenditures showing how high the cost is to address the homeless crisis. The report is revealing in the total money spent, and fiscally proves that San Francisco is doing something to address the homeless crisis.

Later in October of 1994 the Mayor's Homeless Budget Advisory Task Force released the first draft of the 82-page report titled *Continuum of Care San Francisco: A Five Year Strategic Homeless Plan*. The major goals of the plan were to provide a coordinated and integrated system to prevent and reduce homelessness, and to create a mechanism in which all homeless policy and budget decisions of San Francisco are governed.<sup>67</sup> The report begins with funding numbers, outlining how much was spent on homelessness in the city of San Francisco for FY 1993-1994, \$79.9 million.<sup>68</sup> Similar to *Beyond Shelter*, the plan describes the federal and state budget cuts in the 1980s and the inverse increase in the cost of housing during the same time.<sup>69</sup> This first five-year plan is extensive and thorough, but overall the plan

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<sup>66</sup> Board of Supervisors Budget Analyst, *Survey of the City's Current Programs and Services Affecting the Homeless Population* (February 14, 1994), 1.

<sup>67</sup> Budget Analyst, *Survey of Programs and Services Affecting Homeless*, 3.

<sup>68</sup> Budget Analyst, *Survey of Programs and Services Affecting Homeless*, 4.

<sup>69</sup> Budget Analyst, *Survey of Programs and Services Affecting Homeless*, 14.

### *Homeless in the City*

reads as a well-intended wish-list. The honesty of the Mayor's Local Homeless Coordinating Board is enlightening: "The causes of homelessness are complex and the challenge we face is daunting."<sup>70</sup> This first continuum of care plan addresses the four dimensions of homelessness. Nowhere in the plan is homelessness considered immoral. The civil rights of the homelessness are respected, with an entire section devoted to the subject. Finally, societal and social concerns are touched on repeatedly in actions that can be taken to address mental health, substance abuse, education, and vocational issues. In summary, the 1994 five-year plan is an in-depth look at actions that can be taken to address or prevent homelessness.

The total number of homeless residents in San Francisco in the 1980s and the 1990s is difficult to determine. However, if we were to use 1% of the population, which may be an overestimation, homeless populations counts would be 6,789 in 1980 and 7,239 in 1990. As stated before, and must be remembered, this number is an estimate. A look at the in-depth numbers of actual homeless counts is needed to better understand the crisis. In-depth counts of homeless individuals in San Francisco began in earnest in 2000. On November 3, 2000 Mayor Willie Brown's Office on Homelessness developed the *City and County of San Francisco Fall 2000 Homeless Count Report*. The 9-page report provided homeless populations for individuals on the streets, in shelters, in treatment programs, in the hospital and in the County Jail. The report indicated the total homeless people in the Fall of 2000 in San Francisco to be 5,376 people.<sup>71</sup> The report also explained how the homeless

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<sup>70</sup> Budget Analyst, *Survey of Programs and Services Affecting Homeless*, 16.

<sup>71</sup> Mayor's Office on Homelessness, *City and County of San Francisco Fall 2000 Homeless Count Report* (November 3, 2000), 2.

## Homeless in the City

count was conducted: using over 40 volunteer teams dispatched throughout the city. In total the report states that over 400 individuals, agencies and organizations were contacted to participate in the count.

On December 19, 2001 Harder+Company Community Research released another *Continuum of Care* five-year plan. The 175-page draft document is titled *Continuum of Care: A Five-Year Strategic Plan for Homeless Services 2001-2006 City and County of San Francisco*. The report propounds that causes of the homelessness relate to Silicon Valley, home prices, home availability, and the lack of living wage jobs.<sup>72</sup> The report states that the number of homeless individuals in 2000 reached 12,500, which does not match the Fall 2000 homeless count numbers compiled by Mayor Brown's office. The report contends that the number is correct, because it was the number provided in the application for federal assistance from HUD. The report lists the tech boom as playing a significant part in the housing crisis. This is true, in the sense that tech jobs are becoming more common while the qualifications of the working class in the city do not match up. This leads to most workers settling for service level jobs, which unfortunately cannot pay the rent. Evictions however do not appear to be a result of the tech boom. The total numbers of evictions in 2000 were 2,567. In 2017, 1550 evictions took place throughout the city.<sup>73</sup> One would think that eviction numbers would rise due to the tech boom, but instead evictions have dropped and homeless counts have climbed. In 2000 the number of homeless people in San

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<sup>72</sup> Michelle Magee, Lydia Ely and Clare Nolan, *Continuum of Care: A Five Year Strategic Plan for Homeless Services 2001-2006* (San Francisco, December 19, 2001), 4.

<sup>73</sup> "Eviction Notices," *DataSF*, <https://data.sfgov.org/Housing-and-Buildings/Eviction-Notices/5cei-gny5>.

## Homeless in the City

Francisco was 5,376 and in 2017 the number of homeless individuals was 7,499. This is probably mostly due to the disparity in pay between service level jobs and tech jobs. The report also provides housing availability numbers. It puts the current vacancy rate for rental units at 1.9 percent with average rent of \$2016. A four-person household earning 50% of the local median income can afford only \$905 per month in rent. These numbers are sickeningly disheartening, revealing that the household is a continuous risk of becoming homeless with minimum public housing available. At the time of the report, 15,000 households were on the waitlist for 6,252 units.<sup>74</sup> This plan meets the four dimensions of homelessness. However, the sheer breadth of the plan proves to be overwhelming. It shows the resolution of San Francisco's homeless crisis is complex and out of reach.

The *San Francisco Homeless Count 2005 Final Report*, completed in March of 2005 indicated 6,248 individuals were counted as homeless.<sup>75</sup> From 2000-2005 the number of homeless people in San Francisco increased from 5,376 to 6,248, with the general population increasing from a total of 775,000 to 790,000. There is little correlation between homeless numbers and population growth. What these counts do show is that the 2001-2006 5-year strategic plan was minimally effective.

In 2008, the San Francisco Local Homeless Coordinating Board developed the 2008-2013 five-year strategic plan titled, *Toward Ending*

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<sup>74</sup> Magee, Ely, and Nolan, *Continuum of Care*, 4.

<sup>75</sup> Shelagh Little and John Murray, *San Francisco Homeless Count 2005 Final Report* (March 18, 2005), 9.

## *Homeless in the City*

*Homelessness in San Francisco*. The priorities of the plan are to increase the supply of permanent housing, support the transition from shelters, jails, or hospitals to permanent housing and intervening to avoid evictions in permanent housing, provide interim housing to unhoused people until permanent housing becomes available, wrap around support for long term housing suitability, increase economic stability, and ensure coordinated city-wide action.<sup>76</sup> The 70-page document compiles all suggestions from previous plans, resulting in 241 actions that should be accomplished to confront homelessness in the City. As with the previous plans, reaching these objectives, although well-intentioned, is elusive. This plan meets the four dimensions of homelessness as well.

To identify progress from the 2008-2013 five-year plan we again need to review the homeless count. In 2013 the count was done by point-in-time methodology. The comprehensive report titled *2013 San Francisco Homeless Point-In-Time Count & Survey* was developed by Applied Survey Research with assistance from the Local Homeless Coordinating Board. The report provides an overview of the homeless issues in San Francisco and how much San Francisco receives from federal funding. In 2013 the San Francisco Continuum of Care received \$23 million in federal funding.<sup>77</sup> This funding would not be possible without the point-in-time counts conducted. The findings show that the total number of homeless individuals on the evening of January

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<sup>76</sup> San Francisco Local Homeless Coordinating Board and HomeBase, *Toward Ending Homelessness in San Francisco: Five-Year Strategic Plan of the San Francisco Local Homeless Coordinating Board 2008-2013* (2008), 3-4.

<sup>77</sup> Megan Owens and Peter Connery, *2013 San Francisco Homeless Point-in-Time Count and Survey* (2013), 6.

24, 2013 was 7,350.<sup>78</sup> The previous survey to be taken which best corresponds with the 2008-2013 five-year plan is a homeless count done in 2009. The total homeless count in 2009 was listed as 6,514 in the *2009 San Francisco Homeless Count and Survey* report.<sup>79</sup> This shows an increase of 836 homeless people from 2009-2013 indicating that the five-year plan developed in 2008 was ineffective.

One gets weary in trying to form a conclusion concerning San Francisco's homeless problem by reviewing the totality of evidence presented in this article. Not physically weary, but emotionally weary. The actions by San Francisco city leaders have been myriad and are no doubt impressive. Over the past 25 years, San Francisco city leaders have leveraged critical historical information to do their best to address the homeless crisis, a complex, many-headed monster which will probably never be coaxed into submission. Or maybe it is simply that more housing needs to be built. Alas, if it were that easy!

The homeless crisis is a difficult and complex beast involving moral, civil, societal, and social aspects that must all be addressed. Clearly city leaders have taken the longer history of homelessness into account. Their actions, if nothing else, show a well-intentioned and determined approach driven to eradicate the age-old immoral anathema of homelessness, to take civil rights of the homeless people into account, to ensure inclusion and diversity and reject racism and prejudice, and to empathize and heal the social concerns of San Francisco's people. It is true that the battle against homelessness has

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<sup>78</sup> Owens and Connery, *2013 San Francisco Homeless Count*, 8.

<sup>79</sup> San Francisco Human Services Agency and Applied Survey Research, *2009 San Francisco Homeless Count and Survey* (2009), 3.

### *Homeless in the City*

not been won. However, as has been shown, San Francisco city leaders have taken humane action in waging the war. In this sense, maybe the toughest battle regarding homelessness has already been won.





Illustration by Isobel Reed, CSU Chico

# Ide Family History and Shadelands Ranch

By Alex O. Wood

Shadelands Ranch Museum in Walnut Creek, CA, is the site of an early twentieth-century ranch home built on land that once consisted of five hundred acres of fruit and nut orchards. The impressive “colonial revival design” home, now maintained as a museum, preserves the history of the ranch and home’s owners, the Penniman family.<sup>1</sup> In the back of the museum stand two modest one-story structures, each about the size of the larger home’s porch. Although not original to Shadelands Ranch, these buildings represent the homes of the farmers who worked on the five-hundred acres in the early to mid-twentieth century. The foreman, Toshitaro Ide, was an immigrant from Japan. He lived and worked at Shadelands Ranch with his wife Tsui for over thirty years. Their lives are less documented than the Penniman family, but historical records and ancestral documents reveal that the Ide family were part of the early Japanese immigrant community and that their roots run deep in Contra Costa Country. Toshitaro and Tsui continued to work at Shadelands Ranch until the United States government incarcerated Japanese Americans during World War II. The legacy of Toshitaro and Tsui lives on through their family, who returned to Contra Costa County after the war and became distinguished members of the area. After adjusting to a new land and

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<sup>1</sup> “Shadelands Ranch Museum,” Walnut Creek Historical Society (2021), <https://wchistory.org/museum/>

## *Ide Family History*

culture, overcoming discrimination and displacement, the Ide family, through multiple generations, made a lasting impact on their community.

Toshitaro, also known by the nickname Nentaro, served as foreman of Shadelands Ranch and was a key figure in the Japanese immigrant community in Contra Costa County.<sup>2</sup> The historical record of the Ides' lives is sparse. However, genealogical records of Toshitaro and Tsui allude to their immigrant experience and legacy in the community. To provide context to the records of Toshitaro and Tsui Ide, historical texts were consulted, including Valerie J. Matsumoto's *Farming the Home Place: A Japanese American Community in California, 1919-1982* and Chieko Tahira's story of her family's immigration from Japan to the San Francisco Bay Area in, *Lotus*. In addition to research into the public historical record, family photographs, artifacts, and stories provided by Toshitaro and Tsui's great-niece, Dawn Eames, sheds light on the story of Toshitaro and Tsui's life.

Toshitaro and Tsui were born in Fukuoka, Japan, on the island of Kyushu, the most southern of Japan's main islands.<sup>3</sup> Records do not reveal much about Toshitaro or Tsui's upbringing in Japan. The couple married in Japan and had one adopted child who passed away before the couple emigrated.<sup>4</sup> Leaving from the port of Yokohama, located far from their home city of Fukuoka, Toshitaro and Tsui left Japan in 1896.

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<sup>2</sup> George W. Culver, "Alien Enemy Questionnaire," Department of Justice Immigration and Naturalization Service, private collection of Dawn Eames (1942), 1-27.

<sup>3</sup> Grant Din, "Nentaro Ide's Detention at the Age of 75," Immigrant Voices, Angel Island Immigration Station Foundation (2020), <https://www.immigrant-voices.aiisf.org/stories-by-author/1054-nentaro-ides-detention-at-the-age-of-75/>.

<sup>4</sup> Culver, "Alien Enemy Questionnaire," 1-27.

### *Ide Family History*

The couple traveled on the S.S. Yamaguchi Maru across the Pacific Ocean to Honolulu. Toshitaro spent roughly five years working on a dairy farm in Hawaii.<sup>5</sup> Matsumoto details how many Japanese emigrants “first traveled to Hawaii, in response to the demand for plantation labor.”<sup>6</sup> Generations later, the Ide family said relatives immigrated to the United States because they heard “the streets were lined with gold” and so they could have a better life in the “land of opportunity.”<sup>7</sup> Matsumoto notes that “farming had long been a respected occupation in Japan, and many immigrants, coming from the economically distressed rural prefectures, had some experience in it.”<sup>8</sup> Toshitaro lived briefly in Seattle, possibly staying with his brother, before making his way to the San Francisco Bay Area, arriving in Concord in July of 1906.<sup>9</sup>

While Toshitaro was establishing himself in Contra Costa County and beginning his tenure at Shadelands Ranch, Tsui had returned to Japan. Records divulge that in 1907, Tsui made the journey from Japan to the United States, leaving Nagasaki for San Francisco. She arrived on April 20, and the immigration services detained Tsui because she showed signs of carrying the contagious disease trachoma, an eye infection. At the Angel Island Immigration Station, the Board of Special Inquiry detained and questioned Tsui as well as

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<sup>5</sup> “Honolulu, Hawaii, U.S., Arriving and Departing Passenger and Crew Lists, 1900-1959,” digital image s.v. “Mrs. Tsui Ide,,” <http://www.Ancestry.com>.

<sup>6</sup> Valerie J. Matsumoto, *Farming the Home Place: A Japanese American Community in California 1919-1982* (Ithaca, NY: Cornell University Press, 1993), 21.

<sup>7</sup> Dawn Eames, email message to author, November 3, 2020.

<sup>8</sup> Matsumoto, *Farming the Home Place*, 21.

<sup>9</sup> Din, “Nentaro Ide’s Detention”

### *Ide Family History*

other immigrants coming from across Asia.<sup>10</sup> Tsui was denied entry into the United States and detained for nearly two weeks before she returned to Japan on May 3. Undeterred, Tsui again made the long journey across the Pacific Ocean months later, and this time chose to arrive in Victoria, Canada, in September of 1907.<sup>11</sup> Braving two journeys across the Pacific Ocean and difficulties with the immigration system, Tsui reunited with her husband at Shadelands Ranch.

Toshitaro was foreman of Shadelands Ranch in Walnut Creek, California, owned by the Penniman family. Toshitaro also worked as a Japanese labor contractor. Tsui helped with the payroll operation, also working at Shadelands Ranch.<sup>12</sup> Tahira describes that “the Penniman Ranch (now Shadelands) was the headquarters of the migratory laborers.”<sup>13</sup> Toshitaro likely came to Shadelands Ranch specifically to seek work as a migratory laborer. Writing about her mother’s experience as an immigrant to California, Tahira notes that Tsui or “Mrs N. Ide came over from the H.C. Hall Ranch on Reliez Valley Road in Pleasant Hill...After a formal introduction...(she) learned that Mrs. Ide was from Fukuoka Ken. Eager to learn of each other’s experiences, they chatted back and forth, laughing at what had surprised them.”<sup>14</sup> Tahira’s recollections indicate that Toshitaro and Tsui were part of a welcoming group to fellow Japanese immigrants. It is possible that after establishing himself and attaining the job of

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<sup>10</sup> “San Francisco, California, Immigration Office Minutes, 1899-1910,” digital image s.v. “Mrs. Tsui Ide,” <http://www.Ancestry.com>.

<sup>11</sup> “Washington, Passenger and Crew Lists, 1882-1965,” digital image s.v. “Tameji Ide,” <http://www.Ancestry.com>.

<sup>12</sup> Eames, email, November 3, 2020.

<sup>13</sup> Chieko Tahira, *Lotus* (Pleasant Hill, CA: Gerald Tahira, 1996), 16.

<sup>14</sup> Tahira, *Lotus*, 33.

foreman, Toshitaro assisted fellow Japanese immigrant farmers. The transition into a new culture was made easier by the advice and assistance of those who already began the transition. Toshitaro's work as a labor contractor and the couple's role in welcoming newly arrived immigrants likely established the notoriety of Shadelands Ranch as a headquarters for migratory laborers.

Toshitaro and Tsui arrived in the United States in an era of increased Japanese immigration.<sup>15</sup> During this time, most Japanese immigrants, like Toshitaro and Tsui, worked in farming. In fact, "by 1909, more than 30,000 Japanese worked in California as tenant farmers or farm laborers."<sup>16</sup> According to Matsumoto, Toshitaro and Tsui were part of an early but still subsequent phase of Japanese immigration to the United States. This subsequent phase differed from the initial phase because immigrants were more likely to settle permanently in the United States and more of the immigrants were women. In 1913, about five years after the couples' arrival to the United States, the state of "California passed an Alien Land Law that barred 'aliens ineligible to citizenship from owning land and limited their leases to three-year periods.'"<sup>17</sup> In 1920, California passed an additional "Alien Land Law" barring the transfer or the lease of land specifically to Japanese nationals, preventing the lease or purchase of land by any corporation in which Japanese people held a majority of the stock.<sup>18</sup> By law, Toshitaro could not own land and put to use his farming skills on his own ranch. These two pivotal anti-Asian laws

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<sup>15</sup> Culver, "Alien Enemy Questionnaire," 1-27.

<sup>16</sup> Matsumoto, *Farming the Home Place*, 22.

<sup>17</sup> Matsumoto, *Farming the Home Place*, 31.

<sup>18</sup> Matsumoto, *Farming the Home Place*, 42.

impacted Toshitaro and Tsui greatly and likely influenced Toshitaro to pursue non-farming business ventures. Toshitaro's other business ventures included running a hotel and a grocery store. According to family lore, he ran a gambling room and at one time operated a fencing school, small store, and photography establishment in the city of Concord.<sup>19</sup> Toshitaro, who had no children, left his grocery store to his American-born nephews, Harry, Toshio, and Kemetaro.<sup>20</sup> American-born individuals could own land, and Toshitaro likely left the property to his nephews to mitigate the limitations created by the 1913 and 1920 anti-immigration laws.

Key to the endurance of Japanese immigrants in California, according to Matsumoto, was the "development of the vital economic, religious, and educational institutions that fostered their economic independence and cultural cohesion."<sup>21</sup> Toshitaro and Tsui were active members of their community and helped maintain Japanese cultural institutions in Contra Costa County. Toshitaro helped Japanese immigrants find work, and Tsui welcomed fellow immigrants to the area. Toshitaro was a member of the Hokubei Butoku Kai, a military virtue society, a type of martial arts organization. In 1928, the Diablo Young Men's Club for Japanese men presented Toshitaro with a silver goblet for his service to the community.<sup>22</sup> Additionally, Toshitaro was one of the Concord Japanese Language Institute founders, which served as the community center for social and cultural activities for Japanese people living in Contra Costa County. The institute offered

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<sup>19</sup> Eames, email, November 3, 2020.

<sup>20</sup> Culver, "Alien Enemy Questionnaire," 1-27.

<sup>21</sup> Matsumoto, *Farming the Home Place*, 47.

<sup>22</sup> "Silver Goblet," photograph from the private collection of Dawn Eames.

### *Ide Family History*

instruction in Japanese and English.<sup>23</sup> The first Japanese language school in Contra Costa County, according to Tahira, “was held in a rented room at Yamashita’s boarding house on Willow Pass Road between Mt. Diablo and Grant Streets. Later it was two small rooms rented from the Mankichi Matsumoto chicken farm at The Adobe in Concord. Also, fruit drying sheds on the Shadelands Ranch were utilized.”<sup>24</sup> Toshitaro could have used his position as foreman of Shadelands Ranch to provide the initial space for a Japanese language school in Shadelands Ranch’s fruit drying sheds. Toshitaro and Tsui were certainly actively involved in formal and informal methods of maintaining Japanese culture and in developing a supportive community.

In 1930, Toshitaro and Tsui made a return trip to Japan. The ship manifest confirms that the couple’s last permanent address was in Concord, and Toshitaro worked as a farmhand. They returned to the United States on the S.S. Asama Maru.<sup>25</sup> Perhaps writing about this trip, Tahira shares that “Mr. Nentaro Ide came home from America for a short visit to Japan. He visited his hometown in Miigun.” On his trip, he suggested to others in Japan to come to the United States, “the land of opportunities.”<sup>26</sup> It is noteworthy, given the limited opportunities due to California’s restrictive laws, that Toshitaro still considered the United States a land of opportunity. Toshitaro was apparently optimistic about the future for Japanese Americans.

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<sup>23</sup> Eames, email, November 3, 2020.

<sup>24</sup> Tahira, *Lotus*, 68.

<sup>25</sup> “California, Passenger and Crew Lists, 1882-1959,” digital image s.v. “Toshitaro Ide,” <http://www.Ancestry.com>.

<sup>26</sup> Tahira, *Lotus*, 79.

### *Ide Family History*

Toshitaro and Tsui, who were forty and thirty-four respectively when they settled in Contra Costa County, did not have any children in the United States. Records do not reveal the name of their adopted child who passed away in Japan. Toshitaro and Tsui did help take care of their family, including their nephew Masatsuji, who later adopted the name Harry. Harry was born to Ritsu and Tameji, Toshitaro's brother, in Alamo, California, on Christmas day in 1912. As was customary for Japanese children born in the United States at the time, Harry was sent to Japan at the age of fourteen months to be schooled and raised by family in Japan. He returned to the United States at the age of thirteen, speaking only Japanese, and lived with his Uncle Toshitaro at Shadelands Ranch.<sup>27</sup> Records indicate that Harry's father, Tameji was also a farmer in Contra Costa County. Harry may have stayed with his Uncle Toshitaro while his father was traveling for work. In 1930, when Harry was eighteen years old, his father passed away while visiting family in Mexico City.<sup>28</sup>

According to his daughter Dawn Eames, Harry spent much time with his aunt and uncle, Toshitaro and Tsui, at Shadelands Ranch. During their visits, Harry constantly disagreed with his Uncle Toshitaro and periodically ran away. Harry described his uncle as a "sort of tyrant" who lived a rather deviant lifestyle. Mrs. Eames notes that Harry recalled his uncle chasing him around the ranch with a shotgun. Eventually, Harry began working as a houseboy in the nearby city of

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<sup>27</sup> Kathleen Faraday, "Nursery which took root after WWII will blossom once again," *East Bay Times* (October 12, 2007), <https://www.eastbaytimes.com/2007/10/12/nursery-which-took-root-after-wwii-will-blossom-once-again/>

<sup>28</sup> "U.S., World War I Draft Registration Cards, 1917-1918," digital image s.v. "Tomege Ide," <http://www.Ancestry.com>.

### *Ide Family History*

Berkeley. Years later, Toshitaro introduced Harry to Stockton's Kajitas family, whose daughter, Shigeko was around the same age as Harry. According to Mrs. Eames, the couple's daughter, "after the war (World War II) was declared, Harry and Shigeko Ide had to get permission, as a person of Japanese ancestry, to travel more than 50 miles from home, to be married in Reno, Nevada on Jan. 11, 1942."<sup>29</sup>

In the aftermath of the attacks at Pearl Harbor in December of 1941, Japanese Americans were in fear because of rumors of retaliation and the onset of war between the United States and Japan. Japanese Americans, including Toshitaro, were questioned by the Federal Bureau of Investigation (FBI). Others had their homes searched, and "even those who were not searched or interrogated recalled the FBI agents cruising past their homes or parking in their driveways." Matsumoto shares how "fear and anxiety drove many... to destroy Japanese magazines and books, pictures of the Japanese emperor, family photographs, and other prized possessions. They painfully burned or buried in outhouses their ties to the past - an ominous sign of what the war would take from them." Tsui and Toshitaro, like many other Japanese Americans, may have destroyed family heirlooms or photographs in fear of how authorities would interpret them. Countless families lost access to their own family histories in this fashion. On February 19, 1942: "President Franklin Delano Roosevelt signed Executive Order 9066. This order arbitrarily suspended the civil rights of American citizens - in the absence of martial law- by authorizing the evacuation' of 110,000 Japanese and

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<sup>29</sup> "Harry's Nursery: 'Harry' Masatsuji Ide December 25, 1912 - October 15, 1995" (private collection of Dawn Eames, 2007).

their American-born children from the western half of the Pacific coastal states and the southern third of Arizona.”<sup>30</sup> Tahira expresses the uncertainty and fears many, including the Ides likely felt, writing, “Where to? How? For how long? Will we be returned? We were to become prisoners of war! Maybe those aren’t the words to be used, they are harsh. But it’s the truth, isn’t it? I can’t believe it! What have I done? What have we done? Who have we betrayed?...Will we be separated? Will we live together as a family group or will we be separated according to sex and age? Will we be killed off as unwanted humans?”<sup>31</sup>

Toshitaro was apprehended in Concord on March 28, 1942, and questioned by the “Alien Enemy Hearing Board”, consisting of an assistant United States attorney, an F.B.I. agent, and an immigration inspector. The F.B.I. charged him with being a member of Hokubei Butoku Kai, which Toshitaro denied. However, according to family stories, Toshitaro was a member of the organization. Nonetheless, the seventy-five-year-old, who lived in the United States for over thirty years, was questioned as a possible enemy of the state. The board asked him over one hundred questions during the hearing, including questions about his personal history, employment, marital status, and children. Present at the hearing was Toshitaro’s friend and California deputy sheriff Ralph Harrison who spoke on his behalf, stating that Toshitaro “had an excellent character and reputation for ‘honesty, peace, and quietude.’”<sup>32</sup>

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<sup>30</sup> Matsumoto, *Farming the Home Place*, 91-93.

<sup>31</sup> Tahira, *Lotus*, 123.

<sup>32</sup> Culver, “Alien Enemy Questionnaire,” 1-27.

Records of Japanese American incarceration by the United States government indicate the movement of Tsui and Toshitaro during this period. Tsui was incarcerated at the Turlock and then Gila River concentration camps. The couple was separated for most of their time while incarcerated. During this period, Toshitaro applied for repatriation, petitioning for him and his wife to return to their home country of Japan. Authorities denied the petition.<sup>33</sup> Toshitaro spent most of his time under incarceration at the Lordsburg concentration camp in New Mexico. While in Lordsburg, Toshitaro suffered a cerebral hemorrhage, a form of stroke. According to government officials, the stroke resulted in partial paralysis of his tongue, and his initial prognosis was poor. Friends of Toshitaro at Lordsburg advocated for his release due to his deteriorating health and so that he could be cared for by his wife. It would take months before Toshitaro was finally relocated to the Gila River concentration camp and reunited with Tsui.<sup>34</sup> In 1945, Toshitaro's "Alien Enemy" proceedings were finally terminated, and he and Tsui were released in November of 1945. Months later, in March of 1946, Toshitaro passed away at the age of seventy-eight. After her husband's death, Tsui returned to Japan, where she later passed away.<sup>35</sup>

Toshitaro's nephew Harry was also incarcerated, along with his wife, Shigeko. After the attacks on Pearl Harbor, the married couple "came back to their Uncle's (Toshitaro) boarding house and 'had to dispose of all property and belongings except what they could fit in a

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<sup>33</sup> "Petition for Repatriation," Department of Justice Immigration and Naturalization Service, private collection of Dawn Eames.

<sup>34</sup> Din, "Nentaro Ide's Detention"

<sup>35</sup> Culver, "Alien Enemy Questionnaire," 1-27.

### *Ide Family History*

large government issued laundry bag.”<sup>36</sup> Contra Costa County writer Sophie Braccini, writing about Shigeko later in her life, shares her reaction to the incarceration orders: “she remembers not being surprised to be sent away: ‘We were used to being discriminated against, we were different, we had darker skin, it was normal.’” Harry, like his Uncle Toshitaro, faced additional scrutiny from the United States government. According to reporter Kathleen Faraday, Harry refused to sign a loyalty questionnaire while being incarcerated, insisting that he did not need to prove his American citizenship. Harry was sent to Crystal City, Texas, and Rohwer, Arkansas, and separated from his wife for a time. Braccini writes that, “Shigeko remembers the small garden they grew to try and get fresh vegetables, the constant walks to common bathrooms and cafeteria, the monotonous diet of beets and mutton stew, the cold winters and the hot summers.”<sup>37</sup> Even while enduring the immense difficulties of incarceration, the Ide family grew during this time. While incarcerated, Harry and Shigeko had two daughters, Tokiko Serene and Sachimi Millicent.<sup>38</sup>

Harry, Shigeko, and their two daughters were released after the war in New Jersey, thousands of miles away from their California home.<sup>39</sup> The Ide family did indeed return to their home in California, despite the challenges imposed on them. Tahira describes her return from incarceration to Contra Costa County, writing, “homecoming was

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<sup>36</sup> Eames, email, November 3, 2020.

<sup>37</sup> Sophie Braccini, “Shigeko Ide, Japanese Heritage in Lamorinda,” *Lamorinda Weekly* (November 28, 2007), [www.lamorindaweekly.com%2Farchive%2Fissue0121%2Fpdf%2FShigeko-Ide-Japanese-Heritage-in-Lamorinda.pdf&usg=AOvVaw0Z1AD5aeCQwn8RtuG1zBUa](http://www.lamorindaweekly.com%2Farchive%2Fissue0121%2Fpdf%2FShigeko-Ide-Japanese-Heritage-in-Lamorinda.pdf&usg=AOvVaw0Z1AD5aeCQwn8RtuG1zBUa)

<sup>38</sup> Eames, email, November 3, 2020.

<sup>39</sup> Faraday, “Nursery which took root after WWII will blossom once again.”

### *Ide Family History*

not like coming home to your old place or old farm house. Mt. Diablo, contrary to its name, stood high with her majestic head draped in soft clouds and thicker clouds around her waist. She stood high, guarding the valleys below her. She seemed to welcome us home, as if waiting for our return...My! Mt. Diablo brought tears to my eyes; she was the only welcoming committee to welcome us back to both Ygnacio and Clayton Valleys.”<sup>40</sup>

Harry and Shigeko established themselves in Contra Costa County, and in the late 1940s, Harry began a landscaping business. Faraday writes that “many homes today in Lamorinda, Alamo, Danville and San Ramon boast landscaping designed free by Harry, simply for the cost of the plants.”<sup>41</sup> Harry and Shigeko had two more daughters, Patricia Yukimi, born in 1948, and Dawn Sumiyo, born in 1950. According to Mrs. Eames, “education, hard work, punctuality, work ethic and our spotless reputation as a family were stressed to the four of us daughters. We all finished college and universities and are productive members of society.”<sup>42</sup>

By 1950, the Ide family had moved to Lafayette, CA and Harry and Shigeko opened “Harry’s Nursery.” The nursery was located on Mount Diablo Boulevard, and the Ide family lived in a house located just behind the nursery. They were one of the only Japanese families in the community. Plants were initially purchased from wholesale nurseries in Oakland, including from future and longtime Oakland city councilor Frank Ogawa. Harry was known for his gentlemanly manners, as a

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<sup>40</sup> Tahira, *Lotus*, 387-388.

<sup>41</sup> Faraday, “Nursery which took root after WWII will blossom once again.”

<sup>42</sup> Eames, email, November 3, 2020.

### *Ide Family History*

devoted man and husband, and as an important figure in the Lafayette community. Shigeko helped run the nursery, plant seedlings and make bonsai, and taught Ikebana, the Japanese art of flower arrangement. Harry was a mentor to many, and former employees and mentees of Harry went on to establish their own landscaping and nursery businesses. From 2007 until it closed in 2018, Harry's Nursery, renamed Mt. Diablo Nursery and Garden, was run by Garth Jacober, who began working for Harry in 1976.<sup>43</sup>

Toshitaro and Tsui Ide spent over thirty years at Shadelands Ranch. Early members of the Japanese immigrant community, the Ides helped their family, and their Japanese neighbors acclimate to the area. Despite facing legal discrimination and even incarceration, the Ide family persevered. The Ide family story illustrates the experiences of Japanese immigrants during the eras of anti-immigration laws, assimilation to the United States, and incarceration of Japanese Americans. Toshitaro and Tsui's nephew was a small business owner and celebrated member of his city within just one generation. Following the Ide family's ancestral history displays how each generation made a lasting contribution to their family and community.

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<sup>43</sup> "Harry's Nursery" (private collection of Dawn Eames, 2007).





Illustration by Melissa Joseph, CSU Chico

# By This Barbarous Practice: California's Press and Rationalizing Genocide

By Raphael Hopstone

In January of 1851, California Governor Peter Burnett offered a message for the fledgling state and its people, reflecting on its history as well as the future that it would fulfill. California's first governor, Burnett, recognized the hardships that befell its citizens in the form of disease, economic strife, and natural disasters. And yet, he proudly proclaimed that Californians met these challenges everywhere, "marking the progress of an energetic people." Burnett also acknowledged the almighty, "who in his wisdom and kindness, mixes the evil and the good, and scatters thorns as well as flowers along the path of national and individual existence." The governor encouraged Californians to "have the wisdom and energy to improve the advantages of our position," for an "extended and brilliant career lie before us." For Governor Burnett and the Euro-American immigrant population of California, there was reason to be optimistic about the future.<sup>1</sup>

Recent scholarship in Native American or Indigenous Peoples history draws new attention to whether the term genocide accurately describes the large-scale loss of Indigenous Peoples' lives following

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<sup>1</sup> "The Governor's Message," *Sacramento Transcript*, January 10, 1851.

European settlement in 1492 and the ensuing centuries. Historians have traditionally maintained that the spate of diseases unwittingly transported from Eastern to Western Hemisphere enabled Europeans' conquest of the Americas.<sup>2</sup> Although the deliberate killing of Native Peoples and theft of their lands did occur, the stark reduction in population due to disease, "framed as natural," is more often attributed as the primary culprit. This school of thought renders deliberate aggression toward Indigenous Peoples a secondary factor.<sup>3</sup> Moreover, it reinforces narratives of inevitability and acceptability in relation to the centuries-long process of forced land transference from Indigenous Peoples to the United States.

If disease was primarily responsible for Indigenous Peoples' deaths, outright conquest has been argued as simply accelerating the inescapable flow of history. Disease caused the largest number of Indigenous Peoples' deaths in the centuries that followed European contact with the Americas in 1492.<sup>4</sup> Yet, disease's significance should not disqualify genocide as a central cause of the depopulation of Indigenous Peoples' societies. Contemporary historians are more inclined to cast doubt on the former notion, along with American exceptionalism, which suggests that "the United States is fundamentally unlike other countries" in the character of its relations

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<sup>2</sup> Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe* (New Haven and London: Yale University Press, 2017), 8.

<sup>3</sup> Roxanne Dunbar-Ortiz, *And Indigenous Peoples' History of the United States* (Boston: Beacon Press, 2014), 40.

<sup>4</sup> Charles C. Mann, *1493: Uncovering the New World Columbus Created* (New York: Vintage Books, 2011), 14.

with Indigenous Peoples.<sup>5</sup> Historians increasingly suggest that the United States instead represents one case study in a broader global trend of colonialism and genocide. The core ideals of the United States are thus potentially rendered a strict contradiction to the true American experience as demonstrated by history. This fabricated rendition of our history rationalizes the persistent denial of American colonialism and conquest from generation to generation. In the case of California, the historical literature has generally “ignored the outright violence, punitive murders, rapes, and legalized slavery” that characterized the state’s formative years, rendering many Americans “hesitant to accept that our state or our nation has a genocidal past.”<sup>6</sup> A recent study of the destruction of California’s Native Peoples population reframes the relationship between Indigenous People and Euro-American colonizers. This offers a highly consequential paradigm shift in the founding circumstances of what has become the most populous and powerful state in the union.

This article contributes to this reframing, by considering how early Gold-Rush era Californians perceived and came to terms with the genocide of the state’s Indigenous Peoples’ population. The following pages focus primarily on the strategic language adopted and disseminated by California’s broad base of newspapers in the state’s early years. Further, I examine how Californians who actively reinforced a murderous narrative rationalized their prosecution of

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<sup>5</sup> Madley, *An American Genocide*, 8.

<sup>6</sup> Brendan C. Lindsay, *Murder State: California’s Native American Genocide, 1846-1873* (Lincoln and London: University of Nebraska Press, 2012), 9.

genocide. My research specifically centers around the notion of inevitability when it came to the attempted destruction and erasure of California's Indigenous Peoples. Inevitability was used as a standalone argument by the press, but it was also tied to other streams of thought meant to rationalize genocide. This included a Manichean worldview of civilization's triumph over backwardness, as well as arguments centered around race and private land ownership. These contentions were employed for the purpose of building a case for Indigenous Peoples genocide acceptable to American citizens on moral and legal grounds.

This article does not provide a comprehensive accounting of the massacres and other crimes inflicted upon Native Peoples by whites during the first several decades of California's statehood. Its purpose is not to directly deconstruct the logistical details of the genocide that took place in California. Nor is it meant to analyze the response of California's press to individual criminal episodes that came to embody California's formative years. Instead, the following pages identify the ideological undercurrents of California's genocidal movement as it was ramping up. Included are sources that shed light on the rationalizing arguments engineered to condone genocide and protect those who committed or witnessed it, during their own lives and in the watchful eyes of future generations. There is no doubt that those who generated and circulated an ideology of conquest and genocide sought to build a case that would stand the test of time. My purpose is to make plain the rationalizing tenets that comprised this murderous ideology.

This article draws on newspaper articles published between 1850-1852, years that saw fundamental changes to California's socioeconomic and political character. In 1845, journalist John O'Sullivan foreshadowed an "irresistible army of Anglo-Saxon emigration" that would enter California in future years.<sup>7</sup> This came to pass. California experienced a rapid growth in its white population immediately following the discovery of gold on John Sutter's Sacramento plantation in 1848. As Mexican rule in California receded in 1845, the non-native population amounted to roughly 8,000 people, including 700 Americans.<sup>8</sup> At the start of 1849, three years into American rule, the territory's population was 26,000. By 1854, California's non-native population had swelled to 300,000.<sup>9</sup> And with whites "pouring down upon it," the "courts and representative halls, mills and meeting-houses" that "mark its trail"<sup>10</sup> would become cogs in a state- and community-sponsored project of genocide directed toward California's Native Peoples.

### **A Rapidly Evolving Paradigm**

Historians Benjamin Madley and Brendan Lindsay point to the years between 1846 and 1873 as that period which witnessed genocide against California's Indigenous Population. First the seizure of California by the United States, and then the 1848 discovery of gold,

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<sup>7</sup> John O'Sullivan, "Annexation," *United States Magazine and Democratic Review*, July/August 1845, 5.

<sup>8</sup> Lawrence James Jelinek, "Property of Every Kind," in *A Golden State*, ed. David J. St. Clair (Berkeley, Los Angeles, and Oxford: University of California Press, 1999), 233.

<sup>9</sup> Malcolm Rohrbough, "No Boy's Play: Migration and Settlement in Early Gold Rush California," *California History* 79, no. 2 (2000): 25-43.

<sup>10</sup> O'Sullivan, "Annexation," 5.

translated to a Euro-American population that ballooned with each passing year. Dovetailing with this phenomenon was the precipitous decline in the state's Native population, falling from roughly 150,000 in 1846 to 30,000 in 1873. "Colonization policies, abductions, diseases, homicides, executions, battles, massacres, institutionalized neglect on federal reservations, and the willful destruction of indigenous villages and their food stores" provide the means by which this catastrophe took place.<sup>11</sup> Benjamin Madley estimates that 16,094, and possibly many more, Indigenous Peoples were killed as direct victims of non-Native Peoples' violence during this period.<sup>12</sup>

Changing social and economic circumstances shaped California's transition from Mexican to American control. For Indigenous Peoples in California, this included a shift from being valued as a necessary piece of the economic fabric to being viewed as an economic liability, one that needed to be dealt with aggressively. This reality shaped the conditions by which genocide of the state's Indigenous Peoples could be possible. Prior to the onslaught of westward-migration of Anglo Americans, Indigenous Peoples constituted a part of the economic fabric of Mexican California. Slavery was outlawed in 1829, and the mission system was abolished four years later. Indigenous Peoples were a de facto and much-needed pool of laborers in Mexican California, which "demanded laborers to work their fields, manage their cattle, and staff their homes and businesses."<sup>13</sup> As a central cog

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<sup>11</sup> Madley, *An American Genocide*, 346.

<sup>12</sup> Madley, *An American Genocide*, 12.

<sup>13</sup> Madley, *An American Genocide*, 37.

in Mexican California's economy, there was little practical reason to seek the physical destruction or removal of the Native population.

For Euro-American immigrants entering California after the territory's 1846 seizure by the United States, a new economic reality signaled a shift in Indigenous Peoples relations. Under Mexican rule, Native Peoples provided a central and necessary source of labor. For whites in California, this was not the case. "The discovery of gold in California was to trigger the greatest mass migration in the history of the young Republic up to that time," a phenomenon that reshaped how California functioned, politically and economically.<sup>14</sup> The 1849 Gold Rush "spurred the creation of thousands of new businesses, banks, and financial institutions. It stimulated rapid agricultural expansion, quickened the volume of trade and commerce, and created demands for new forms of transportation."<sup>15</sup> The state's skyrocketing population and economic transformation meant that Indigenous Peoples were no longer prized as an irreplaceable labor force. Native Peoples' miners were direct competition for newly arrived American gold seekers, and were targeted as a result (the near absence of punishment for those committing violent acts against Indigenous Peoples made this practice less risky than harming their fellow Americans). In early 1850, "widespread campaigns" of violence against Indigenous Peoples' agricultural laborers were executed by vigilantes seeking "to destroy California's old agricultural system," a

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<sup>14</sup> Rohrbough, *No Boy's Play*, 25.

<sup>15</sup> Nash, *A Veritable Revolution*, 276.

system “built upon California Indian workers.”<sup>16</sup> Free Soil ideology played its role in California, translating to heightened violence toward Native Peoples. Subscribers to this worldview sought to open available land to whites; Indigenous Peoples (in addition to blacks and other people of color), now regarded as dispensable, were violently targeted as a result.<sup>17</sup>

### **Strangers in a Strange Land**

Traveling by boat via New Orleans and Nicaragua, St. Louis resident James J. Ayers was one of an immense number of young men who emigrated to California in search of gold in 1849. At nineteen, Ayers did not attain personal riches in the gold fields, though he subsequently went on to successfully establish multiple publications in the burgeoning thirty-first state. Nearly three decades after his first journey, Ayers lectured about his experience as a pioneer and newspaper editor in the early days of the California Gold Rush. As a participant in the Gold Rush and as a disseminator of Anglo pioneer ideology, Ayers provides insight into settlers’ mental machinations in his reminiscences. Published in 1878, his recollections stand as a forceful effort to construct and reinforce a national story conducive to Euro-American ideals.

The pillars of family, religion, and long-term commitment were largely absent for the wave of newcomers that entered California at mid-century. Historian Malcolm Rohrbough has described the mass

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<sup>16</sup> Madley, *An American Genocide*, 143.

<sup>17</sup> Madley, *An American Genocide*, 91.

migration of 1849-1850 as consisting of “an immigration largely male and generally young.”<sup>18</sup> For James Ayers, instead of being “drawn together by the gradual aggregation of families and person bound to each other by ties of kindred and relationship,” as can be described for the populating of other states, the thousands of gold-hungry newcomers to California “confine the action . . . to the one narrow principle of selfishness.” In the maturation of previous American population centers, the organic process of development had been made “easy and complete” by the natural progression from “farmhouse, to hamlet, to village, to town, to city,” enabling families to “become interlocked and combined with other families,” finally giving those communities “a decided and fixed impress.” Not so in California, in which “individuals, not families . . . have been to each other as strangers in a strange land.” As observed by James Ayers, “There was a universal first intention of making ‘a pile’ and returning to the states.”<sup>19</sup> The traditional social structures and ties that existed elsewhere were not pervasive in Gold-Rush California. This translated to lacking oversight and accountability for white citizens in early California society.

James Ayers romanticized California’s “pioneer times” as a period in which American ideals were introduced to a land sorely lacking in any prior usefulness or value. In California, he wrote, Euro-American pioneers “found a territory wild and virgin as it came from nature’s

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<sup>18</sup> Rohrbough, *No Boy’s Play*, 25.

<sup>19</sup> James J. Ayers, “Pioneer Times” (Lecture, California Pioneer Society, San Francisco, CA, June 13, 1878).

mould.” Pure in their motivations and actions, pioneers had nothing to apologize for. “Out of the wilderness and the waste they called forth a splendid commonwealth,” Ayers insisted. “They were builders, not destroyers. They subjugated nothing but the soil.” His denials of any wrongdoing on the part of Anglo newcomers were stark and unabashed. “They walked over no prostrate race to reach the pinnacle of their ambition.” The concept of Manifest Destiny held that American westward migration embodied the nation’s ideals, chiefly those of liberty and Christian values. Denying the project of colonialism was meant to protect and uphold California’s legacy.<sup>20</sup> It also represents perhaps the most obstructive narrative in our nation’s current reckoning with its past.

Certain preconceived notions about Native Peoples were in place for many Euro-American newcomers to California. For example, false conceptions of the aggressive and dangerous inclinations of California Native Peoples prevailed within the ranks of white travelers to the state. Brendan Lindsay documents that many emigrant trail guides from the mid-nineteenth century portrayed Native Peoples as a central source of danger for westward journeyers. Very few emigrants died in route due to Native Peoples’ aggression; disease was far more likely to kill travelers.<sup>21</sup> Benjamin Madley points to the “unscrupulous eastern writers” who “calibrated the lens through which newcomers viewed Indians well in advance of actual contact.”<sup>22</sup> According to

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<sup>20</sup> James J. Ayers, “Pioneer Times.”

<sup>21</sup> Lindsay, *Murder State*, 72.

<sup>22</sup> Madley, *An American Genocide*, 78.

Brendan Lindsay, the notion of “bloodthirsty savages” formed by travelers along the emigrant trails west was not confined to those trails, but also “later in California as Euro-Americans interacted with the Native Peoples there.” Falsified notions of California’s Indigenous Peoples had deadly long-term consequences. To Lindsay, “Genocide as a process, then, began not in California, but in the Midwest and East.”<sup>23</sup>

Immigrants’ schemas regarding Indigenous Peoples were shaped by a colorful and influential national press prior to their move to California. News media coverage in the antebellum United States created a multi-faceted image of Native Peoples, one that evolved over time. “Indians were embraced or despised—often embraced *and* despised—as cultural, political, and economic conditions changed.” The antebellum press cultivated the “ignoble savage;” he who is backward, uncivilized, and lacks any redeemable qualities. American newspapers aided in forging the “celebrated national myth” embodied by Manifest Destiny ideology. In this drama fine-tuned by newspapers, “heroes rose to their civilizing task and Indians were worthy—and exotic—impediments to progress and empire.” Further, “Indians were routinely judged by Anglo-American standards, a practice that emphasized their perceived weaknesses and slighted their achievements.”<sup>24</sup> These judgments were conveniently employed by whites as pretexts for committing depredations against Native

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<sup>23</sup> Lindsay, *Murder State*, 40.

<sup>24</sup> John M. Coward, *The Newspaper Indian: Native American Identity in the Press, 1820-90* (Urbana, IL: University of Illinois Press, 1999), 6-8, 43.

Peoples. Belief in such claims helped to draw the line between a potential crime and a morally admissible act.

Euro-Americans entering California during these years were largely ignorant of the character of the state's original inhabitants. Instead, dangerous preconceptions abounded. In March of 1850, the San Francisco-based *Daily Alta California* published an account of the almost cartoonish degree of misplaced fear of Native Peoples in the minds of white newcomers, and the excessive arms they toted in anticipation of conflict. The amused author noted that recently arrived emigrants to California were often predisposed with "an indefinable dread of savage terrors" such that "saucy Indians and prowling wild beasts are apt to inspire." Along with these fantastical misconceptions were "unnecessary apprehensions" about California's Indigenous population. Even before arrival, those intending to make a go of it in California cultivated an altogether falsified and terrifying rendition of the state's native population.<sup>25</sup>

Early Anglo-American pioneers translated their "unnecessary apprehensions" into action. Preconceived notions of an actively murderous indigenous population can be seen in the approach of pioneers toward Indigenous Peoples once on California's soil. The "all-prevalent impression" of California Indigenous Peoples held by newcomers could be witnessed "in the tangible shape of bowie-knives and five barrelled revolving firearms," this author noted. Pioneers entered the state "armed cap-a-pie as if desperate for an encounter

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<sup>25</sup> "Our Indian Tribes," *Daily Alta California*, March 13, 1850.

with a California ‘savage,’” despite likely never having previously encountered Indigenous People.<sup>26</sup> Absent real-life interactions with Indigenous Americans, the susceptibility of Euro-American immigrants to fabricated Indigenous Peoples’ horror stories appears quite real, and their eye-opening embrace of weaponry is a testament to this truth.

The demonization of Indigenous Peoples by newcomers belied reality. The *Daily Alta California* contrasted the ignorance of newly arrived Americans with a starkly different experience on the ground. For the paranoid newcomer, “it would be somewhat difficult to find such an enemy under a copper skin.” Indeed, “At no time since the occupation of this country by Americans have the settlers had serious cause of complaint against the Indians.” When “complaints” were made, and violence reared itself, “our people subdued them without a blow,” rendering Indigenous Peoples “easily tractable,” ultimately making plain their “inoffensiveness and desire to live at peace with the whites.”<sup>27</sup> Unfounded paranoia on the part of recent Anglo immigrants coincides with the consistently one-sided nature of the violence between whites and Native Peoples in California from 1846-1873. Historian Benjamin Madley has noted that “small Indian acts” during this period would often trigger “massively disproportionate genocidal killing” on the part of whites.<sup>28</sup> A heavily armed Anglo-immigrant population devoid of empathy for the Indigenous Peoples of the state,

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<sup>26</sup> “Our Indian Tribes,” *Daily Alta California*, March 13, 1850.

<sup>27</sup> “Our Indian Tribes,” *Daily Alta California*, March 13, 1850.

<sup>28</sup> Madley, *An American Genocide*, 234.

combined with a learned paranoia of those peoples, could reasonably be expected to translate into disproportionate violence. The author of this piece certainly recognized as much, ascribing blame to white gold-seeking immigrants as an “inhuman, unprincipled, ignorant and grasping class of miners.” Perhaps more ominous, the depredations imposed by whites rendered that “the innocent are again the sufferers. Vengeance has been heavily visited upon those whose crime is but their color.”

### **An Influence Denied to the Efforts of the Pulpit**

Because of its importance in disseminating influence on the state’s rapidly expanding population, the early Gold-Rush press provides useful insight into the language and core arguments justifying genocide against California’s Native population. The anti-Indigenous Peoples bigotry of California’s newspapers and its white population proved mutually reinforcing. The agenda of local populations was often reflected in the content authored by newspapers, and newspapers were active in shaping the character of white attitudes and actions toward Indigenous Peoples.<sup>29</sup>

California was “inundated” with newspapers in the years following the 1849 Gold Rush.<sup>30</sup> The state’s press enjoyed unique access to the states’ burgeoning immigrant population, and they recognized their position of influence. Noticing a rapidly rising population, publishers found themselves in a position to reach “tens

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<sup>29</sup> Lindsay, *Murder State*, 313.

<sup>30</sup> Lindsay, *Murder State*, 313.

of thousands of white readers hungry for local and national news.” The happy-go-lucky, no-strings-attached flood of male Anglo Americans into California provided a potent audience for the state’s newspapers. The *Marysville Daily Herald* touted the unique position of the press, which can “exert an influence denied to the efforts of the Pulpit.” The state’s charged progression from remote outpost to global economic hub enabled an elevated role for the news media. Indeed, the news media had access to “remote corners” of the state, while traditional institutions like the Church did not. Its word “spread far and wide over the face of the land,” where “the hardy miner rests from the labor of pick and spade, to drink in its beams.”<sup>31</sup> The special circumstances of California’s settlement at the time of statehood meant the press possessed unparalleled access to its new occupants. The average Anglo-American immigrant to California did not generally subscribe to the same lifestyle adhered to in older US communities, and this was true for the kinds of influence and knowledge that were accessible in the state.

With this position of influence “rests a great responsibility,” the *Marysville Daily Herald* acknowledged. “For good or evil, it has a great power.” How should this great power be utilized? According to the *Marysville Daily Herald*, the state’s press should not bother with “unconsidered trifles;” rather, newspapers should “be the Book from which may be drawn instructions and incentives to those moral and social qualities,” providing “to society in California that character

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<sup>31</sup> “The State of Society in California,” *Marysville Daily Herald*, August 20, 1850.

which can alone secure its permanency as a State.”<sup>32</sup> The exceptional motivating factors of California’s Anglo-American settlement opened a critically important scenario, one that this author wished to pose with urgency to the state’s immigrant “strangers in a strange land.” “Is it possible that we have planted upon these Pacific shores the seeds of a great and powerful state, merely to abandon the field to the choking weeds and tares of corruption when we shall have no further need of the harvest?” The author continued. “Is the garden to bloom for a season in all the gorgeousness of a golden pasturage, and then relapse into desolate waste?” A dichotomy is thus posed to California’s white immigrants, with nothing less than the “destiny of the country” at stake: One possible future would encompass the Christian-pastoral ideals of Manifest Destiny, a “glorious heritage to our children and our children’s children,” or one which would result in the state’s “relapse into a desolate waste.”<sup>33</sup> Californians were cognizant of the future implications of their current actions. This awareness shaped their philosophy on how to approach the Indigenous Peoples question.

### **Then the Play Opened**

California’s press demonstrated that the state’s citizens perceived themselves, and Indigenous Peoples, to be actors within a centuries-, and perhaps a millennia-long national drama. Euro-American immigrants in the newly minted westernmost state considered their own present and future actions, as well as the fate of Native Peoples,

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<sup>32</sup> “The State of Society in California,” *Marysville Daily Herald*, August 20, 1850.

<sup>33</sup> “The State of Society in California,” *Marysville Daily Herald*, August 20, 1850.

within a broader historical context of inevitable American ascendancy. The “connections with the past” held by newcomers to California in relation to “the concept of their place in human history” render California a case study in a broader pattern of Indigenous Peoples-white relations. The views held by white immigrants to California “go far in explaining how they could eventually conceive of genocide as a convenient solution to the problems associated with Indigenous populations.”<sup>34</sup>

Key to this script is a lead role for the hopelessly industrious American. In December of 1852, the *Daily Alta California* noted that American history “proves most conclusively that the gaining in a footing in any country by the Americans is about equivalent to an acquisition of that country.” As a matter of precedent, then, it is the “‘manifest destiny’ of the Americans to absorb, subdue, or annihilate every people with whom they come in direct contact.” For this author, such an outcome should not be lamented, as it is the “laws of nature” which should “receive credit for their progressiveness and success.” Americans should not regret or apologize for their expansionist tendencies, for “nature has endowed them with intellectual and physical superiority to all the nations and tribes of the continent,” and they only “yield to the operation of necessity in spreading themselves and their industry in every direction.” Thus, it was the intrinsic drive for Americans to make use of their superior mental and physical tools

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<sup>34</sup> Lindsay, *Murder State*, 45.

by overtaking lesser peoples.<sup>35</sup> Such behavior could not have been questioned, for how could one question instinct?

Equally critical to the perceived superior intellect and relentless drive of Americans was that of the oblivious Indigenous Peoples, who embodied an inverse role in this story. “The indifference of the dreamy Indian was as effective in developing the treasures below the soil as was the restless utilitarianism of the white,” noted the *Daily Alta California* in September of 1850. Without an Indigenous Peoples population ignorant of the material treasure below California’s surface, America’s utilitarian instinct could not have fully manifested itself. And yet, “the treasures of gold lay quietly in their deposits. The Indian who knew of them knew not their value.” This proved a boon, and a green light, for America and the fulfillment of its manifest destiny in the California gold fields. “Then the play opened. Then enterprise began to receive its reward. Then progress defined itself by its own movements and results.”<sup>36</sup>

Historical references to America’s early interactions with Native Peoples, along with comparisons to past empires, appeared in the state’s newspapers. In August of 1850, the *Sacramento Daily Transcript* contrasted the experience of California (as an outpost of the American empire) to those of Rome and Spain. This paper cast a more specific light on the race-related outcomes of territorial growth and policy toward the Indigenous Peoples of those now acquired territories.

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<sup>35</sup> “The Prospect of War,” *Daily Alta California*, December 1, 1852.

<sup>36</sup> “Progress,” *Daily Alta California*, September 20, 1850.

Unlike Rome, which maintained racial distinctions as it grew, the United States in the first half of the nineteenth century evolved into a “mixture and amalgamation of all the European races.” Further, the descendants of several European nations “have united and become integral portions of the same great State.” The absence of intermixing with those “other than the pure Caucasian races” has equated to “the indisposition to live on the same soil and on terms of equality with any but the white race.” This was the root of white Americans’ aversion to cohabitation with other races found in California, including Indigenous Peoples and Mexicans.<sup>37</sup>

The same author attempts to identify the historical cruxes of America’s advanced status versus Mexico’s backwardness. He pinpointed the root of prosperity for the United States as being tethered to its prior annihilationist practices against Indigenous Peoples. Conversely, Spain’s failure to institute a policy to “exterminate the Mexican Indians” has resulted in a “country which is now filled with an indolent and semi-barbarous people.” Although admittedly a more difficult task than that of “our ancestors to drive out Mohawks and Narragansetts,” Mexico would have reaped the benefits of genocide for generations to come, had Spain elected to carry out such actions centuries ago. Cognitive dissonance emerges in this author’s strain of argument when he cited Spain’s advanced “knowledge of civil liberty, and of the relations that ought to exist between the citizens and the government.” Further, “if Spanish

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<sup>37</sup> “Southern Mines—Races,” *Sacramento Transcript*, August 6, 1850.

enterprise had been given fair scope,” this author claimed, Mexico “might at present be the finest and best cultivated region of the American continent.”<sup>38</sup> This author touted the virtues of republican society while concurrently pointing to Spain’s inadequate commitment to full-scale genocide. Doing so brings to light the rationalizing claim that mass murder is admissible if done for the sake of civilized society.

Perhaps most jarring about this strain of rationalization is that the story had not yet fully played out in reality. The notion of an irreversible history involving the destruction of California Indigenous Peoples was subscribed to by whites before much of the destruction took place. Whites utilized their belief in a pre-ordained storyline as either a pretext to commit crimes against others, or as an excuse for the failure to stand up to criminal acts. Further, as corroborated in the state’s newspapers, this was done before the bulk of genocidal actions were carried out in California. White Californians rationalized future killing, then, based on the fabricated belief in a national story, one which predisposed Indigenous Peoples to certain calamity.

## **Science and Race**

The early-to-mid nineteenth century witnessed a crystallizing of the perception in the United States of a specific racialized relationship (in a scientific sense) between Anglo Americans and Indigenous Peoples. In this relationship, the former would inevitably triumph at

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<sup>38</sup> “Southern Mines—Races,” *Sacramento Transcript*, August 6, 1850.

the expense of the latter, who faced certain doom. The accepted scientific narrative increasingly characterized Indigenous Peoples as having “innate inferiority,” in which they were “succumbing to a superior race” during this period. Historian Reginald Horsman points to a “new ethnology” that was developed by Europeans and Americans alike, one that would be deployed as a means to subjugate Blacks and Indigenous Peoples. “In dealing with the Indians the United States began to formulate a rationale of expansion which was readily adaptable to the needs of an advance over other peoples and to a world role.”<sup>39</sup> Roxanne Dunbar-Ortiz also cites the rise of Social Darwinism during this time as a means by which Americans and Europeans explicitly sought to differentiate whites and non-whites as distinct species. While scientific literature portrayed whites as the “descendants of ‘man,’” colonized peoples were judged as “a lower species . . . inferior products of the process of evolution.”<sup>40</sup>

This shift is important for the study of the American conquest of California because instead of perceiving Indigenous Peoples as members of the same species who simply needed to be taught the ways of civilization and American ideals, Native Peoples would instead be regarded as subhuman. As such, they were incapable of rising to the bar of American institutional greatness, and attempts to guide them toward enlightenment ideals would be futile. “Christian civilization” would then, in the words of John Coward, “conquer

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<sup>39</sup> Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge and London: Harvard University Press, 1981), 100.

<sup>40</sup> Dunbar-Ortiz, *An Indigenous Peoples' History*, 39.

heathen barbarity,” instead of absorbing it, a development “sanctioned both by God and the laws of history and nature.”<sup>41</sup> According to Brendan Lindsay, California Indigenous Peoples were not only disbarred from participating in the state’s legal and social institutions; these institutions were used as instruments to carry out genocide against Native Peoples, who were “shunted aside through the use of democratic processes, republican institutions, and laws acceptable to the white majority.”<sup>42</sup> A demotion to the status of racial inferiority in the minds of whites made deliberate destruction of Indigenous Peoples easier to rationalize. It also enabled whites to utilize republican systems to their advantage in consolidating their own dominance at the expense of Native Peoples.

California’s press claimed limitations to the intellectual scope of Indigenous Peoples, therefore blunting the plausibility of assimilation. Doing so rendered an inclusive society impossible, because it would be absurd for those incapable of participating in an enlightened society to be members of it. Thus, pigeonholing an indefinite separation of the races became the only plausible future for the state. In August of 1851, the *Daily Alta California* published an extensive portion of a recently-written book by American historian Francis Parkman, one that dissected the physical and mental character of the Indigenous Peoples. It was directed toward the “people of this state” who “at this time . . . are much interested in the subject of providing against difficulties with the powerful tribes of

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<sup>41</sup> Coward, *The Newspaper Indian*, 7.

<sup>42</sup> Lindsay, *Murder State*, 41.

Indians.” The *Daily Alta California* signaled that this piece should be instructive to California’s white population: “If the reader of the following article acknowledges the fidelity with which it portrays Indian character, then he is prepared to estimate justly the kind of savage foe which a wrong course of Indian policy on our part would bring against California.”<sup>43</sup>

The article itself attributes “Nature” as having “stamped the Indian with a hard and stern physiognomy,” in addition to “revenge” which constitutes an “overpowering instinct.” Parkman branded Native Peoples as having “an utter intolerance of control,” “the hackneyed figure of a volcano covered with snow; and no man can say when or where the wild-fire will burst forth.” Indigenous Peoples were rigid and dispassionate creatures, according to Parkman, who “hide affections, by nature none of the most tender, under the mask of icy coldness.” As to their intellectual tools? “The powers of perception preponderate over those of reason and analysis.” Parkman noted that Indigenous Peoples “seldom trace effects to their causes.” “His curiosity, abundantly active within its own narrow circle, is dead to all things else.” The prospect for inclusion into enlightened society was a non-starter to Parkman, for “attempting to rouse it [curiosity] from its torpor is but a bootless task.” “The absence of reflection makes him grossly improvident, and unfits him for pursuing any complicated scheme of war or policy.” Parkman analogizes the races as being molded from various substances. Some are “feeble,” while some are

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<sup>43</sup> “Character of the American Indian,” *Daily Alta California*, August 11, 1851.

“flexible.” Indigenous Peoples, to Parkman, are “hewn out of a rock.” “You cannot change the form without destruction of the substance.” For Indigenous Peoples, this “fixed and rigid quality has proved his ruin.” Putting it bluntly, Indigenous Peoples “will not learn the arts of civilization, and he and his forest must perish together.”<sup>44</sup> In publishing this article, the *Daily Alta California*’s intentions were two-fold. The newspaper put forth a starkly dehumanizing rendition of Indigenous Peoples, one that offered the reader little daylight for an alternative. Significantly, it also made clear its intention for white Californians to utilize this rendition in its dealings with the state’s Indigenous Peoples. To use Francis Parkman’s written piece as a guide for white-Indigenous Peoples’ relations would leave little room for a flexible or humane diplomatic approach.

### **The Indisputable Right to Property**

California’s newspapers utilized the pillar of agrarianism to prosecute their case for American domination over Native Peoples. Papers like *The Sacramento Daily Union* in September of 1851 declared it “almost amounting to an axiom” that it is “but the actual cultivator of the soil” and “the indisputable right to property arising from actual labor, which lays the foundation of States and Empires.” To utilize the word “axiom” in making his case, this author removed the potential for opposing interpretation. Further, Euro-American agricultural practice “furnishes, perhaps, the only legitimate title to the possession of a country.” When considering whether a group of people had the

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<sup>44</sup> “Character of the American Indian,” *Daily Alta California*, August 11, 1851.

right to live on a certain tract of land, then, original occupancy became irrelevant. The relevant prerequisite for the question of land title is therefore methods in land management and agriculture in the Euro-American tradition.<sup>45</sup>

With this being a self-evident truth in the minds of American immigrants, the question of who should rightfully possess California's land became straightforward. Organized agricultural practice, according to *The Sacramento Daily Union*, is the only one which "the U.S. have ever acted upon." Conversely, as is the case with California's Indigenous Peoples, "no fixed abode or cultivation of the earth has ever given them a distinct, definite title arising from actual labor." Further, "the advent of civilization on this Continent was but the signal for their destruction and final extinction." California's newspapers thus constructed and reinforced a genocidal narrative rendering the state's Indigenous Peoples unfit or undeserving of life and liberty.

Sympathy for Indigenous Peoples relating to the land theft incurred by whites appeared to be a sign of weakness for this author. "It is not 'barbarous cruelty' in the Whites to take possession of territory that for a long series of years has been rendered unproductive by idle vagabonds, but one degree removed from the beasts." So, the argument went, if a superior race made use of a given tract of land in a superior manner, that land would "teem with a population of thriving and industrious Americans . . . extending the

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<sup>45</sup> "Correspondence of the Union," *Sacramento Daily Union*, September 2, 1851.

area of liberty, civilization and Christianity . . .”<sup>46</sup> In February of 1851, the *Daily Alta California* echoed this narrative: “Agriculturalists are turning up our virgin soil, and fields of waving grain are tossing their yellow heads in the former home of the untutored Indian.”<sup>47</sup> Euro-Americans made the case that the right to property stems from the intention to cultivate that soil, not simply from being its occupant. This notion played upon faulty misconceptions about Native Peoples’ work ethic and agricultural practices. In reality, Benjamin Madley notes that Native Californians had for centuries “carefully managed, harvested, and processed nature’s bounty.” Across what would become California, Indigenous Peoples “modified and maintained their environments” in myriad forms and fashions, engineering a sustainable and nurturing landscape for many generations.<sup>48</sup> For whites, ignorance was the backbone of anti-Indigenous People prejudice. White conceptions of a neglectful Indigenous Peoples’ relationship to the soil typified this truth and created an actionable rationalization for white superiority.

In line with this argument came an advocacy for free soil in California, to be made available for white immigrants by the federal government. As reported by the *Placer Times and Transcript* in May of 1852, a special committee made its case to Washington: “The secret of the enthusiasm for the settlement of every new country, lies in the love of the human heart for independence. The ownership of land is

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<sup>46</sup> “Correspondence of the Union,” *Sacramento Daily Union*, September 2, 1851.

<sup>47</sup> “California--Her Future Prospects,” *Daily Alta California*, February 18, 1851.

<sup>48</sup> Madley, *An American Genocide*, 18.

the basis of this secret.” Euro-American immigrants thus believed that with the endowment of land in California would come “that glorious million who will help to perpetuate your unequalled Government” in “all her pure institutions of liberty.” Further, “He takes it to feel, as he does, that he is the ardent supporter of all her pure institutions of liberty, and the ready soldier of the Republic.”<sup>49</sup> Brendan Lindsay has pointed out the “acquisitive behavior of Euro-American settlers” behavior which would ensure that “politicians would either respond to their demands as an electorate or be replaced by men who would.”<sup>50</sup> This indicates that the genocide of California Indigenous Peoples was a grass-roots project. It stemmed from the whims of settlers and frontier communities, and was sanctioned by the press and public institutions, from the local to federal level.

What would this idyllic future hold for California Native Peoples? The relevant question “proposes to the public mind the choice of the extinction or protection of the red man...” Despite a “high duty of the Christian to preserve and protect him . . . we are unwilling to see him placed in a false position . . . fashioned for him rather by mistake than by his actual condition.” This quote purports that it would be irrational to consider a role for Native Peoples in a society governed by the tenets of organized property ownership. Nonetheless, if one were to accept this dichotomous narrative, incorporating the native population into California society would place them in a “false

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<sup>49</sup> “Report of the Special Committee on the Disposal of the Public Lands of the United States in California,”

*Placer Times and Transcript*, May 5, 1852.

<sup>50</sup> Lindsay, *Murder State*, 53.

### *By This Barbarous Practice*

position,” and this is not tenable. Extinction would therefore be the only workable course of action.<sup>51</sup> The *Placer Times and Transcript* in this piece undergirded the concept of a grand drama being played out in the state. In this drama, the identities of whites and Indigenous Peoples were rigid, and adapting the roles of either was impossible.

### **By this Barbarous Practice**

In California’s newspapers can be seen narratives that tell of the inevitable triumph of American conquest and civilization, juxtaposed with Indigenous Peoples’ extermination. Inevitability was often conjectured in the California press as a providential certainty, one which rendered human action inconsequential and therefore futile. Governor Burnett proffered in January of 1851 that for Californians, it “must be expected” that war between whites and Indigenous Peoples continue “until the Indian race becomes extinct.” Burnett was careful to note that it is “with painful regret, the inevitable destiny of the race is beyond the power or wisdom of man to avert.”<sup>52</sup> This narrative was reinforced by the highest authority in California and disseminated by its newspapers. It recommended that the citizens of California discount their own agency as individuals who could question or stand in the face of what would become a genocide of California’s Indigenous Peoples’ population. Subscribing to the prophecy of eventual and certain Indigenous Peoples’ extinction convinced whites

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<sup>51</sup> “Report of the Special Committee on the Disposal of the Public Lands of the United States in California,”

*Placer Times and Transcript*, May 5, 1852.

<sup>52</sup> “The Governor’s Message,” *Sacramento Transcript*, January 10, 1851.

that they, according to Benjamin Madley, “were only a small part of a much larger, inevitable process.”<sup>53</sup>

The possibility of American conquest of California while allowing for the continued survival of Indigenous Peoples in any form was not on the table for many Whites; the two narratives were indivisible. The *Daily Alta California* made its case: “The extermination of the Indian race on the continent has been as gradual and as natural as the growth of empire.” The script of Manifest Destiny includes a leveling of “the primitive forms of nature, and bows down even unto the dust, the outcasts of humanity.” To accept Manifest Destiny was to accept that all actors involved had a role to play: America’s role was to bring the triumph of civilization; the role of Indigenous Peoples was to perish in its wake. To “proclaim redemption and strive to avert the fast-closing doom of the Indian” was “to no purpose,” for “the nature of our existence does not permit of success being attained” in such an endeavor. This author cites infallible natural instinct and inevitability in his bid for the reader to abandon any other possible course of white-Indigenous Peoples’ relations.

In line with this outcome is an almost tiresome response to the notion of pity toward the people being exterminated. Sympathy was not an appropriate response for the following reasons: “In vain humanity has pleaded the cause of the ‘poor Indian,’ in vain national efforts have been put forth to save, and in vain civilization has provided a seat beside her in the triumphal car of Progress and

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<sup>53</sup> Madley, *An American Genocide*, 185.

Improvement . . .”<sup>54</sup> Thus, apparently all options had been exhausted in reconciling the clash of Euro-American and Indigenous Peoples. And, when all options had been exhausted, the path forward, even if it were to include the deliberate physical destruction of a group of people, became an easier pill to swallow. It is telling that this author appealed to the moral apprehensions of the reader. The author recognized that whites would have moral qualms about the violence directed toward the state’s Indigenous Peoples. To accept continued violence, the author understood that these moral misgivings needed to be resolved.

A stunning cognitive dissonance bares itself when considering this narrative. The press recognized the less-than-moral actions that would be required in carrying out the destruction of California’s Indigenous Peoples. And yet, it was believed that murderous actions were acceptable if they yielded moral results, and if they were committed in the name of a self-proclaimed advanced society. And, by invoking providence as a guide, it became easier to assent to actions that appeared immoral. The ends, then, justified the means. “We may treat these things with strong disfavor, but by such process, and by this barbarous practice, do our pioneers prepare the way for settlement and civilization.”<sup>55</sup>

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<sup>54</sup> “Pioneer Practices,” *Daily Alta California*, August 15, 1851.

<sup>55</sup> “Pioneer Practices,” *Daily Alta California*, August 15, 1851.

## A Question of Justice

California's press was not a monolith in terms of its sanctioning of genocide against Indigenous Peoples. The perspectives of whites toward Indigenous Peoples changed, depending on their proximity to Indigenous Peoples. This was a trend borne from American tradition. With the continued growth of the British-American colonies in the eighteenth century, "Some areas were now completely free from Indian attack or even contact, and some colonials began to appreciate the Indians from a distance, developing an interest in the Indian way of life and praising aspects of Indian culture."<sup>56</sup> This concept is also cited by Brendan Lindsay, who corroborates that only in regions already "empty of Native people" would "newspapers change their editorial slant from supporting Native American genocide."<sup>57</sup> In the case of California, publications on the frontier, "near the center of Native-white conflict," were more likely to overtly support genocidal actions against Indigenous Peoples, while urban papers were less inclined to do so.<sup>58</sup> This is a logical trend; those more directly involved in potentially criminal or immoral behavior were more likely to make a forceful linguistic defense for that behavior.

White Californians sought to reframe genocidal acts as something other than genocide; doing so would provide a means by which disproportionate violence toward Indigenous Peoples would continue to be tolerated. Whereas later generations would claim, as James

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<sup>56</sup> Horsman, *Race and Manifest Destiny*, 104.

<sup>57</sup> Lindsay, *Murder State*, 314.

<sup>58</sup> Lindsay, *Murder State*, 314.

Ayers did, that pioneers did not dominate Indigenous Peoples in their drive toward prosperity, those who lived it presented genocide as a conflict between equally-consenting foes. Benjamin Madley traces the tendency for California's public to brand "the massacre of American Indians as a justifiable military necessity," and "as battles rather than atrocities." Reframing the massacre of Native Peoples as co-equal warfare was utilized since the earliest days of Britain's colonial presence in North America.<sup>59</sup> This is a rationalization of genocide similar to outright denial and inevitability; framing genocide as warfare withdrew human agency or critical rationality from those observing the process. Warfare is inescapably defined by violence, brutality, and death. Indigenous People killing under the guise of warfare raised fewer questions with the public because killing is a natural component of warfare. Madley notes "surprisingly little criticism" in the wake of active vigilante and army campaigns against Indigenous Peoples in Northern California. "Instead, they were the subject of temporizing, silent condoning, and open adulation."<sup>60</sup>

The *Daily Alta California* deserves a modicum of credit for its calls for reason and pause in the state's unrestrained hostility toward Indigenous Peoples. In January of 1851, the San Francisco-based paper addressed "those who hold public and high trust" to "use their influence to prevent the effusion of blood" regarding the interactions between Whites and Indigenous Peoples. The proceeding arguments questioned readers as to whether killing Indigenous Peoples would be

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<sup>59</sup> Madley, *An American Genocide*, 140.

<sup>60</sup> Madley, *An American Genocide*, 138.

in the interest of Anglo California society. “It is not for the benefit of our state, viewed even in a pecuniary light, to annihilate these poor creatures.” Further, “Is it not time to pause and inquire if might is right in this matter?”<sup>61</sup> Even when ostensibly trying to defend Indigenous Peoples’ right to life, this newspaper fed into several key tenets of genocidal ideology. Juxtaposed with calls for “reason and justice,” the paper refers to Indigenous Peoples as “ignorant starving savages” and “these poor untaught children of nature,” reinforcing the widely-accepted belief at that time in an Anglo-centric racial hierarchy. This author noted the consistency by which Americans had “robbed and murdered them without compunction” since the nation’s earliest days. Specific to California, whites drove away the game Indigenous Peoples depended on, and robbed “the very graves of their sires . . . for the glittering gold which lay beneath.” What followed is noteworthy: “The reckless of our people have not stopped at these inevitable results.” It was commendable for this author to acknowledge white depredations against Indigenous Peoples as immoral. Yet, framing these depredations in terms of inevitability cannot be considered an effective means to blunt their continuance.<sup>62</sup>

## **Conclusion**

My hope is that this article brings into focus the importance of language in moving communities and nations to action. Human actions are tethered to the stories they create. The imagined

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<sup>61</sup> “Our Indian Difficulties,” *Daily Alta California*, January 15, 1851.

<sup>62</sup> “Our Indian Difficulties,” *Daily Alta California*, January 15, 1851.

frameworks humans construct become the basis for action in the physical world. Neither inherently beneficial or harmful, the seeds of ideology inevitably spur individuals and nations to action. Ideology, according to Francis Fukuyama, “*in the long run necessarily becomes manifest in the material world, indeed creates the material world in its own image.*”<sup>63</sup> The consciousness of Americans since the nation’s founding has been defined by a very specific set of ideological underpinnings, including that of a special national role in the world, and of a providence-directed destiny. As cogently stated by historian John Lewis Gaddis, “Ideologists convince themselves, and seek to convince others, that history is on their side, that progress toward the goal they have chosen is inevitable and therefore irresistible.”<sup>64</sup> Though Gaddis speaks of ideology in the context of the Cold War, the early Euro-American experience in California was borne from a similar process. For Californians to believe in the inevitable doom of the state’s Indigenous Peoples was to remove human agency from the flow of material events. Doing so renders one a helpless bystander to crime, perhaps capable of sympathy to those victimized, and yet unable to act.

The foundations for a California history morally favorable to the United States and its legacy were being built prior to, during, and following the Indigenous Peoples’ genocide of 1846-1873. The arguments that served as pillars of the rationalization of genocide

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<sup>63</sup> Francis Fukuyama, “The End of History?” *The National Interest*, no. 16 (1989): 6.

<sup>64</sup> John Lewis Gaddis, *We Now Know: Rethinking Cold War History* (Oxford and New York: Oxford University Press, 1997), 5.

were conceived to preserve a national identity and a national story, those which rose to the founding American ideals of freedom, liberty, and the intrinsic pursuit of economic opportunity. Generations of Americans have put forth a determined effort to preserve this version of history. Further, the strains of rationalization that were used to propagate a movement of genocide in the mid-1800s are still utilized in reinforcing a specific rendition of American history. In this sense, the genocide that took place during California's formative years is still being carried out to this day.

When examining these pillars through an apolitical and objective lens of human decency (and a growing body of historical research), the foundations begin to crack. The "territory wild and virgin as it came from nature's mould" existed only in the imaginations of Euro-American settlers, whether they believed it at the time or not. Warfare was conflated with genocide as a means for white Californians to shield themselves from the burden of openly condoning large scale violence against Native Peoples. In so doing they became accessory to genocide. The efforts to reinforce an American story absent of genocide were being employed while genocide was being carried out. They are still being employed in textbooks and schools in the present day. The inevitable Euro-American westward triumph is a story that spans centuries, one that was conceptualized and reinforced from colonial times (and likely before). The faulty revisionist history that is perpetuated in the present day was similarly reinforced in the early days of California's Gold Rush period. Efforts to bring to light the genocide that occurred in California (and those elsewhere in the

*By This Barbarous Practice*

United States), then, stand in the face of a fabricated story that has been aggressively defended for generations. As stated by James Baldwin, “Not everything that is faced can be changed, but nothing can be changed until it is faced.” For the United States to live up to its founding ideals, and for the process of legitimate healing and reparations to take place, its people must first come to terms with a colonial past that has to this point been largely masked and obscured. The power of language that was made apparent during the Indigenous Peoples’ genocide in California remains equally powerful today. The burden remains on the masses to recognize how language is being employed by the government, news media, and themselves, and to act accordingly for the betterment of humankind.





Illustration by Atley Sakamoto, CSU Chico

# Inalienable Rights: The Bay Area's Impact on Civil Liberties During Japanese Internment and the War on Terror

By Ben Spears

A time of war presents a nation with some of its most difficult challenges. War is demanding. War requires sacrifice. In the United States, we have spent more than one-fifth of our time as a nation at war.<sup>1</sup> Starting with the Sedition Act of 1798, which prohibited criticism of the government, there have been sweeping violations of free speech and civil liberties during every major war the US has fought. The public often deems these actions as necessary at the time, but would never consider them during times of peace, which demonstrates this country's long history of being gripped by the fear and fury of war. In the words of Supreme Court Justice William Brennan, there is "a good deal to be embarrassed about, when one reflects on the shabby treatment civil liberties have received in the United States during times of war and perceived threats to national security."<sup>2</sup> It is only later that the government, and often its citizens, come to regret the course of action taken during the war.

The Bay Area was deemed one of the most high-risk areas during World War II because of its Japanese American population, but the

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<sup>1</sup> Geoffrey R. Stone, *Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism* (New York: W.W. Norton & Co., 2005), 2.

<sup>2</sup> Tom Bingham, *The Rule of Law* (London: Penguin Books, 2011), 134.

### *Inalienable Rights*

internment of these citizens should serve as a powerful reminder of the consequences when the government seeks sweeping violations of constitutional rights during a time of war. People like Fred Korematsu and Norman Mineta, who both suffered the injustice of internment directly and indirectly, ensured that measures taken during the War on Terror were not as extreme as those of the past, they helped protect this country's path towards slow but inevitable progress in guaranteeing the promise of inalienable rights for all.

Despite the panic in the immediate aftermath of Pearl Harbor, there were no calls to arrest anybody, because it was understood that the act was one of military aggression from Japan and not one that relied on sabotage from American citizens. Eleanor Roosevelt reassured the nation that “no law-abiding aliens of any nationality would be discriminated against by the government.”<sup>3</sup> Attorney General Francis Biddle echoed the same sentiments when he promised that there would be “no indiscriminate, large-scale raids.”<sup>4</sup> On December 8, just one day after the attack at Pearl Harbor, congressman John M. Coffee foreshadowed what was to come when he said that it was his “fervent hope” that “residents of the United States of Japanese attraction will not be made the victim of pogroms directed by self-proclaimed patriots and by hysterical self-anointed heroes.”<sup>5</sup> Judge Jerome Frank said pointedly, “If ever any Americans go to a concentration camp, American democracy will go with them.”<sup>6</sup>

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<sup>3</sup> Geoffrey R. Stone, *War and Liberty: an American Dilemma: 1790 to the Present* (New York: W.W. Norton & Co., 2007), 68.

<sup>4</sup> Stone, *War and Liberty*, 68.

<sup>5</sup> Stone, *Perilous Times*, 289.

<sup>6</sup> Stone, *War and Liberty*, 68.

## Inalienable Rights

Of course, the camps that the Japanese Americans were sent to were not death camps. However, when President Roosevelt signed Executive Order 9066 in February of 1942 (no more than three months after Pearl Harbor), American citizens were locked up with no evidence of guilt, no hearing, and no charges brought. They were told to bring what they could carry, and many of them lost everything because of their internment.

There are many reasons for this dramatic shift in policy. First, there was longstanding racial tension in California, particularly towards Asian immigrants, given the fervor of the “Yellow Peril” movement. Two decades before, James Phelan had served as mayor of San Francisco and senator from California on a platform of “keeping California white” and saving the state from “Oriental aggression.”<sup>7</sup> Certainly, many of the same sentiments existed at the start of the war. Concerning internment, the manager of the Salinas Vegetable Grower-Shipper Association said, “It’s a question of whether the white man lives on the Pacific Coast or the brown men... And we don’t want them back when the war ends, either.”<sup>8</sup> *San Francisco Examiner* reporter Henry McLemore said, “I hate the Japanese. And that goes for all of them.”<sup>9</sup> General John DeWitt, head of the War Relocation Authority, which was in charge of the removal and internment of the Japanese, said, “We must worry about the Japanese all the time until he is wiped off the map.”<sup>10</sup> Racism alone, however, cannot fully explain the move towards internment. In addition, many public figures seemingly lost

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<sup>7</sup> Kevin Starr, *California: A History* (New York: Random House, 2007), 222.

<sup>8</sup> Stone, *Perilous Times*, 293.

<sup>9</sup> Stone, *Perilous Times*, 292.

<sup>10</sup> Stone, *Perilous Times*, 292.

their ability to think logically and rationally. Testimony from Admiral Harold Stark proved that there was no evidence of espionage or sabotage.<sup>11</sup> Even J. Edgar Hoover concluded that the FBI had already detained anyone who could pose a reasonable threat to national security.<sup>12</sup> Businessman Charles Munson, sent to the West Coast by FDR to assess the “Japanese Problem,” wrote, “The Japanese are in more danger from the whites than the other way around.”<sup>13</sup> But somehow, the belief that Japanese American citizens were dangerous only became more widespread. Reporter Walter Lippmann said, “Since the outbreak of the Japanese war there has been no important sabotage on the Pacific Coast.” But astonishingly, he believed that this only proved “that the blow is well-organized and that it is held back until it can be struck with maximum effect.”<sup>14</sup> Even those remembered for their liberal jurisprudence, such as Earl Warren, then Attorney General of California, said, “I believe that we are just being lulled into a false sense of security... Our day of reckoning is bound to come.”<sup>15</sup> Perhaps some of this rhetoric should be expected from an easily excited journalist. But even Earl Warren, the future chief justice for landmark civil rights decisions such as *Brown v Board of Education*, was convinced that no evidence must mean only that the evidence was hidden well. One of the greatest legal minds of the time was able to be convinced of a certain outcome despite no evidence in its favor. If he could be convinced, who could not?

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<sup>11</sup> Stone, *War and Liberty*, 73.

<sup>12</sup> Stone, *Perilous Times*, 289.

<sup>13</sup> Stone, *Perilous Times*, 289.

<sup>14</sup> Stone, *Perilous Times*, 294.

<sup>15</sup> Roger Daniels, *Prisoners Without Trial: Japanese Americans in World War II* (New York: Hill and Wang, 2004), 37.

### *Inalienable Rights*

On May 30, 1942, Fred Korematsu was stopped by police in San Leandro, California, because of his Japanese ancestry. Korematsu, born in 1919 in Oakland, had tried to enlist in the military months before Pearl Harbor but was turned down due to health problems. While the rest of his family was moved to internment camps, he evaded transportation until his arrest. Maintaining his stance that the exclusion order was unlawful, he challenged his case to the Supreme Court. Justice Hugo Black, in his opinion for the court in *Korematsu v. United States* wrote, “It should be noted, to begin with, that all legal restrictions which curtail the civil rights of a single racial group are immediately suspect... Courts must subject them to the most rigid scrutiny. Pressing public necessity may sometimes justify the existence of such restrictions; racial antagonism never can.”<sup>16</sup> Despite this seemingly favorable opening, the court ruled 6-3 that the arrest and internment was lawful. Justice Black claimed that the court could not deem the actions unjustified because doing so would only be “by availing ourselves of the calm perspective of hindsight.”<sup>17</sup> In his dissent, Justice Owen Roberts wrote, “I need hardly labor the conclusion that Constitutional rights have been violated.”<sup>18</sup> In another scathing dissent in which he called the court's ruling “legalization of racism,” Justice Frank Murphy wrote that, “No reasonable relation to an ‘immediate, imminent, and impending’ public danger is evident to support this racial restriction, which is one of the most sweeping and complete deprivations of constitutional rights in the history of this

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<sup>16</sup> *Korematsu v. United States*, 323 U.S. 214 (1944), 216.

<sup>17</sup> *Korematsu v. United States*, 216.

<sup>18</sup> *Korematsu v. United States*, 226.

### *Inalienable Rights*

nation.”<sup>19</sup> Continuing further, he notes that, “To give constitutional sanction to [the inference that individual disloyalty proves group disloyalty and justifies discrimination]... is to adopt one of the cruelest of the rationales used by our enemies to destroy the dignity of the individual and to encourage and open the door to discriminatory actions against other minority groups in the passions of tomorrow.”<sup>20</sup>

As the most independent branch of government, the Supreme Court is left with special duties and powers that the other branches are not. Justice Black was wrong in claiming that the court had no power in this case. The entire process of judicial review, which is amongst the most important duties of the court, is to apply “the calm perspective of hindsight.” Justices are not elected officials. They do not have to worry about the opinions of the public. Because of this, they can place potentially unpopular limits on the executive and the legislature when constitutional boundaries have been crossed. But in *Korematsu*, they failed.

To some extent, it is understandable that the masses got swept up in the pandemonium of Pearl Harbor. Any attack on American soil will inevitably drive a considerable portion of the population to consider extreme countermeasures to ensure safety. Driven by the same anger and fear felt by the general public, politicians all too often follow the tide of public opinion to whatever conclusions are deemed expedient at the time. It is also true that Presidents often spearhead the most extreme measures in the name of national security. Being that they will face the sharpest scrutiny if something were to go wrong, they

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<sup>19</sup> *Korematsu v. United States*, 235.

<sup>20</sup> *Korematsu v. United States*, 240.

## *Inalienable Rights*

have often deemed a temporary infringement on the civil liberties of citizens as acceptable, and even necessary, in a time of war. But it should be obvious that some measures are unacceptable no matter the circumstances that led to them. In the words of historian Christopher Dawson, “As soon as men decide that all means are permitted to fight an evil, then their good becomes indistinguishable from the evil that they set out to destroy.”<sup>21</sup> As constitutional law expert Geoffrey Stone explains, it is normal for a nation to seek increased security in a time of war. It may even be acceptable to keep tabs on non-citizens. But as Stone writes, “How a nation addresses these risks speaks volumes about its values, its sense of fairness, and its willingness to judge individuals as individuals.”<sup>22</sup> It seems obvious that a country must hold themselves to a higher standard than their enemy, but time and again this nation has failed.

Sixty years after the events at Pearl Harbor, the United States suffered its deadliest terrorist attack ever. Though the events shocked and horrified the nation, the country’s leaders were not without precedent, as there were already routes to determine the best course of action. After all, just a year and a half before 9/11, Madeleine Albright, Secretary of State under Bill Clinton, said,

One of the most dangerous temptations for a government facing violent threats is to respond in heavy-handed ways that violate the rights of innocent civilians. Terrorism is a criminal act and should be treated accordingly— and that means applying the law fairly and consistently... The best way to

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<sup>21</sup> Bingham, *The Rule of Law*, 159.

<sup>22</sup> Stone, *War and Liberty*, 64.

### *Inalienable Rights*

defeat terrorist threats is to increase law enforcement capabilities while at the same time promoting democracy and human rights.<sup>23</sup>

In the wake of 9/11, the Bush administration did not follow the guidelines of its predecessor. Just a week after the attacks, Congress passed the Authorization for Use of Military Force (AUMF), granting the executive branch whatever powers it deemed necessary against those involved in the attacks. This unprecedented and sweeping legislation was the first measure in the War on Terror.<sup>24</sup> The AUMF may not seem like a severe measure at first glance, and if it were only applied in foreign countries, perhaps it would not have been. But the Bush administration sought a broad application of the AUMF. Indeed, as historian Jane Dailey writes, “The ‘war on terror’ announced on September 20, 2001, was more than a rhetorical device to rally the American people. It enabled the Bush administration to claim the extraordinary powers reserved to the executive in wartime.”<sup>25</sup> Furthermore, “The administration repeatedly declared that the terrorists had taken ‘advantage of the vulnerability of an open society’ and that Americans must therefore accept encroachments on their freedoms.”<sup>26</sup> The deprivation of American citizens’ civil liberties, short

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<sup>23</sup> Bingham, *The Rule of Law*, 133.

<sup>24</sup> Though there have been many other instances of the derogation of civil liberties during the War on Terror, including the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act, as well as the events at Guantanamo Bay and Abu Ghraib, it is only within the scope of this paper to focus on the AUMF and its immediate effects. See Jane Dailey, *Building the American Republic. Vol. 2: A Narrative History from 1877* (Chicago: University of Chicago Press, 2018), 396.

<sup>25</sup> Dailey, *Building the American Republic*, 395.

<sup>26</sup> Dailey, *Building the American Republic*, 396.

## Inalienable Rights

of declaring martial law, should have no acceptable application, even in a state of war. Rations on essential goods might be considered a necessary wartime sacrifice. To claim that “encroachment on freedoms” come remotely close to meeting the same criteria is false.

An open society is the entire premise from which American liberty and democracy is built. To put this in the words of the founders themselves, Alexander Hamilton said, “Liberty and security can be reconciled; and in our system they are reconciled within the law.”<sup>27</sup> Benjamin Franklin said simply, “He who would put security before liberty deserves neither.”<sup>28</sup> The most heinous example of the misapplication of the AUMF came to light in the Supreme Court case *Rumsfeld v. Padilla*. In this case, José Padilla, an American-born citizen, was seized at O’Hare airport on suspicion of having a dirty bomb. The rule of law dictated that he should have been arrested and charged with a crime so that he could stand trial. But given the wide application of the AUMF, he was labeled an enemy combatant. According to the Bush Administration, this meant that he could be taken to a military brig where he was held for three years without communication to anyone. He had no access to counsel, let alone a trial, and nobody was ever informed of his whereabouts during his detention. He was simply treated as guilty because the government said so. As Justice Antonin Scalia wrote in a separate case, “Dispensing with confrontation because testimony is obviously reliable is akin to dispensing with jury trial because a defendant is obviously guilty.”<sup>29</sup> Padilla was afforded neither of these rights guaranteed by the fifth and

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<sup>27</sup> Bingham, *The Rule of Law*, 147.

<sup>28</sup> Bingham, *The Rule of Law*, 136.

<sup>29</sup> *Crawford v. Washington*, 541 U.S. 36 (2004), 27.

sixth amendments. To put the full effect of this in perspective, Geoffrey Stone writes, “Even the World War II internment was a public act that did not hold anyone incommunicado. With the wave of his hand, Bush made an American citizen *disappear*. This is the closest we have ever come to what might fairly be described as a ‘Gestapo-like tactic.’”<sup>30</sup> Though the court threw the case out on a technicality, it did make an important ruling in a similar case which also dealt with an American citizen being held captive without trial. In Justice O’Connor’s plurality opinion she wrote, “It is during our most challenging and uncertain moments that our Nation’s commitment to due process is most sincerely tested, and it is in those times that we must preserve our commitment at home to the principles for which we fight abroad.”<sup>31</sup> She followed that up by declaring that, “A state of war is not a blank check for the President when it comes to the rights of the Nation’s citizens.”<sup>32</sup>

Perhaps one of the only reasons that more draconian measures were not taken during the War on Terror was because of one of the Bush administration’s cabinet members. Norman Mineta, Bush’s Secretary of Transportation at the time of 9/11, was sent with his family to an internment camp as a young boy. Born in San Jose, he would later become mayor of the city and member of the House of Representatives before becoming the first Asian-American to serve in the cabinet. Shortly after 9/11, Mineta recalled that, “[People demanded], ‘Keep Muslims off airplanes, ban Middle Easterners from

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<sup>30</sup> Stone, *War and Liberty*, 135.

<sup>31</sup> Hamdi v. Rumsfeld, 542 U.S. 507 (2004), 25.

<sup>32</sup> Hamdi v. Rumsfeld, 29.

flying.”<sup>33</sup> Recalling his thoughts from the time, he said, “I don’t believe this happening in 9/11/2001, given what I had experienced in 1942.”<sup>34</sup> As evidence of these sentiments, Peggy Noonan, former speechwriter for President Reagan wrote, “I was relieved at the story of the plane passengers a few weeks ago who refused to board if some Mideastern looking guys were allowed to board.”<sup>35</sup> Similar sentiments were felt in other areas of the country as well. In the Bay Area, BART riders were warned to be on the lookout for bombs or suspicious activity.<sup>36</sup> Mineta himself suggested that military commandos should be on every civilian flight in order to subdue potential terrorists.<sup>37</sup> Shortly after Bush’s inauguration, Mineta said that he had a conversation with the President in which he told him about his experience of internment.<sup>38</sup> The impact of this conversation obviously could not have been known at the time, but its importance after 9/11 is immeasurable. As Mineta states, “We were having a cabinet meeting on Thursday, Sept. 13, with the House and Senate Republican and Democratic leadership. The President said we are concerned about all this rhetoric we’re hearing on electronic media and the print media, and we don’t want to have

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<sup>33</sup> Patt Morrison, “Norman Mineta on Internment, 9/11 and a Life Spent in the Vortex of American Politics,” *Los Angeles Times* (May 8, 2019).

<https://www.latimes.com/opinion/op-ed/la-ol-patt-morrison-norman-mineta-politics-20190508-htmllstory.html>

<sup>34</sup> Morrison, “Norman Mineta on Internment.”

<sup>35</sup> Peggy Noonan, “Profiles Encouraged,” *The Wall Street Journal* (October 20, 2001). <https://www.wsj.com/articles/SB122410282778637653>

<sup>36</sup> Michael Cabanatuan “Bay Area’s New Efforts in the War on Terror/ Sign of the Times” *SF Gate* (August 10, 2005). <https://www.sfgate.com/bayarea/article/BAY-AREA-S-NEW-EFFORTS-IN-THE-WAR-ON-TERROR-2649073.php>.

<sup>37</sup> Gene Healy, “Deployed in the USA: The Creeping Militarization of the Home Front,” *Policy Analysis* 503 (2003): 7.

<sup>38</sup> Morrison, “Norman Mineta on Internment.”

### *Inalienable Rights*

happen to people today what happened to Norm in 1942.”<sup>39</sup> It is impossible to say whether more extreme measures would have been adopted by the Bush administration had Mineta not shared his experience, but it is important to remember that an extreme move would have almost certainly been accepted by the majority of the American public at the time.

One of the indelible marks of American history thus far is the vitiated treatment that civil rights have received in times of war. Though the events of both Pearl Harbor and 9/11 were shocking, and traumatized a nation, they do not give leaders free rein to do as they please. So far, this country has not been able to reconcile this conundrum. As Justice Brennan writes, “After each perceived security crisis ended, the United States has remorsefully realized that the abrogation of civil liberties was unnecessary. But it has proven unable to prevent itself from repeating the error when the next crisis came along.”<sup>40</sup> This is not to say that taking no action is the proper recourse: in immediate response to such extreme events, the public turns to its leaders and demands safety. But all too often, this country’s leaders get swept into the ensuing panic and follow the blind will of the masses. Restrictive legislation often flies through Congress on near unanimous votes. As Dailey writes, there are “no hearings, no debate, no deliberation, and almost no opposition.”<sup>41</sup> In fact, given the public’s

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<sup>39</sup> Morrison, “Norman Mineta on Internment.”

<sup>40</sup> Bingham, *The Rule of Law*, 134.

<sup>41</sup> Dailey, *Building the American Republic*, 396; As an interesting aside, Robert Byrd, Democratic senator from Virginia and the lone dissenter of the Iraq War said, “There is no debate, no discussion, no attempt to lay out for the nation the pros and cons of this particular war. We stand passively mute... paralyzed by our own uncertainty, seeming stunned by the sheer turmoil of events,” quoted in Dailey, *Building the American Republic*, 393.

### *Inalienable Rights*

demand for immediate action, legislation often goes unread before legislators vote on it.<sup>42</sup> Of course, this is assuming that these actions do not bypass Congress altogether. Given the power of the Executive Order, many extreme measures can be put in place with a single signature. Executive Order 9066 stands as proof. In more recent times, the same impetus towards safety still exists. As Justice Robert Jackson writes, “It is easy, by giving way to passion, intolerance and suspicions of wartime, to reduce our liberties to a shadow, often in the answer to exaggerated claims of security.”<sup>43</sup> Though spared from racially based mass internment in the twenty-first century, as former ambassador James Goodby has noted, “Under George Bush, fear has too often been ‘the underlying theme of domestic and foreign policy.’ The bottom line has been ‘you are scared— trust us.’”<sup>44</sup> For many, this is an easy temptation. Someone may reason, “I am not the enemy, I have nothing to hide, why should I care about civil liberties when my life could be at stake?” But as both the examples of Japanese-American internment and the *Padilla* case demonstrate, these acts were committed against American citizens without any proof of guilt. While someone may not be the target today, it is impossible to define the enemy of tomorrow. Civil liberties and the rule of law are the only things that separates this country, and others like it, from tyranny. Said in another way by political theorist John Keane, “Fear eats the soul of democracy.”<sup>45</sup>

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<sup>42</sup> Stone, *War and Liberty*, 131.

<sup>43</sup> Stone, *War and Liberty*, 166.

<sup>44</sup> Stone, *War and Liberty*, 129.

<sup>45</sup> Stone, *War and Liberty*, 167.

## Inalienable Rights

All of this being said, there is still reason to be cautiously optimistic about this country's future treatment of civil liberties in wartime. First, there is the power of the Supreme Court. Though the *Korematsu* case shows the power of this institution at its worst, it is important to remember that there are many more cases in which the nine justices fall on the side of civil liberties. Indeed, *Korematsu* still stands as a dark stain on the legacy of the court, and is held in the same vein as *Dred Scott* and *Plessy*. But much more often, there are decisions like *Hamdi v. Rumsfeld*, which reaffirm and uphold the importance of civil liberties in this nation. In fact, upon hearing of the court's ruling in *Hamdi*, Fred Korematsu wrote, "By recognizing the overriding importance of civil liberties even in wartime, the Supreme Court has taken a critical step away from some of its more regrettable decisions of the past... Perhaps more importantly, it has learned the lesson of our own history— that especially in wartime, the nation depends on independent federal courts to guard the liberties of all and to be skeptical of claims of military necessity."<sup>46</sup> As an attest to the power of the judiciary, Stone writes, "Even in wartime, presidents have not attempted to restrict civil liberties in the face of settled Supreme Court precedent. Although presidents often push the envelope when the law is unclear, they do not defy established constitutional doctrine."<sup>47</sup> Another reason that one should believe in the system is because of the overwhelmingly courageous individuals who rise to the challenge of overcoming injustice. Current and former Congress members from the Bay Area like Norman Mineta, Mike Honda, and Bob and Dorris Matsui, all spent time in internment camps as children. It is

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<sup>46</sup> Stone, *Perilous Times*, 556.

<sup>47</sup> Stone, *War and Liberty*, 182.

### *Inalienable Rights*

people like this, who, because of their life experiences, work every day to create a brighter future and to prevent this country from repeating its regrettable mistakes of the past. Progress in politics often seems impossibly slow, yet it is individuals like the aforementioned Congress members who continue to make progress possible at all. They, and others like them, continue to embody the American ideal every day. As Judge Learned Hand wrote, “Some of us have chosen America as the land of our adoption; the rest have come from those who did the same...We sought liberty— freedom from oppression, freedom from want, freedom to be ourselves...Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it.”<sup>48</sup>

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<sup>48</sup> Learned Hand, “The Spirit of Liberty,” Digital History, n.d.



Illustration by Josh Lake, CSU Chico

# The Politics of Racism: A Brief Comparison of Anti-Semitic Nazism in WWII Germany and Anti-Immigrant Propaganda in the United States

By Jennifer Shaw

America's legacy of hatred towards outsiders like immigrants is based on fear mongering. The rhetoric and lies spread by leaders like former President Trump and Adolf Hitler can offer hope and comfort to those who are economically broken. If someone has been unemployed for several years and was repeatedly told that immigrants had taken away the jobs, then the average individual may begin to succumb to the propaganda as a means of coping.<sup>1</sup> In 2015, at a rally in Phoenix, Arizona, Trump made the statement, "They're taking our jobs, they're taking our manufacturing jobs, they're taking our money, they're killing us."<sup>2</sup> Studies have found no relationship between immigrants and unemployment rates, and native-born Americans do not compete for the same jobs as foreign-born individuals.<sup>3</sup> Fear mongering, propaganda, xenophobia, and rhetoric

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<sup>1</sup> Markus Appel, "Anti-Immigrant Propaganda by Radical Right Parties and the Intellectual Performance of Adolescents," *Political Psychology* 33, no. 4 (2012): 483-93. <http://www.jstor.org/stable/23260373>.

<sup>2</sup> Ben Schreckinger, "Donald Trump Storms Phoenix," last modified July, 2015, <https://www.politico.com/story/2015/07/donald-trump-storms-phoenix-119989>.

<sup>3</sup> "The Economic Blame Game: Immigration and Unemployment," *American Immigration Council*, last modified June, 2013, <https://www.americanimmigrationcouncil.org/research/economic-blame-game-immigration-and-unemployment>.

directed at the working class helped men like Hitler and Trump rise to power and paved the way for racist laws to take hold.

The Nazi Party and Hitler, much like former President Trump, did not grow to power on a platform of racism alone. They milked the sorrows of a nation that was broken, desperate, and left with little after World War I. Signed on June 28, 1919, the Treaty of Versailles officially ended the war, holding Germany responsible and requiring compensation for Allied nations. In 1921, Allied nations settled on the sum of \$33 million to be paid out by Germany as reparations. The treaty also restricted Germany's military to 100,000 men and its navy to 15,000 men. The treaty articles included limited government positions, a redistribution of territory, and prohibited the manufacturing of any weapons, vessels of war, or ammunition.<sup>4</sup> In 1924, Hitler gave a speech illuminating his feelings on the Treaty of Versailles, arguing, "And what did we get? World peace, but world peace in exchange for the demise of our nation. Disarmament, but only the disarmament of Germany so that it could be plundered."<sup>5</sup> These restrictions placed on Germany led Hitler to believe that the Treaty of Versailles partially caused Germany's economic depression.

The mentality of the Allied Nations, that Germany was to blame for World War I, aided Hitler's rise to power. World leaders did not view him as a threat as they believed Germany subservient after accepting the blame for WWI. American Journalist Louis P. Lochner resided in Germany for 21 years during the rise of Hitler, describing his rise to

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<sup>4</sup> Norman A. Graebner and Edward M. Bennett, *The Versailles Treaty and its Legacy: The Failure of the Wilsonian Vision* (New York: Cambridge University Press, 2011.) Accessed March 8, 2021. ProQuest Ebook Central.

<sup>5</sup> Adolf Hitler, "Failure of Weimar Republic," 1924. <http://www.worldfuturefund.org/>

power by writing, “Adolf Hitler rode into power because, on the one hand, he proved to be the cleverest and most unscrupulous politician in Europe and because, on the other hand, the victors of World War I not only offered no real encouragement to the struggling young German republic, but totally misjudged Hitler as a crackpot and a fool.”<sup>6</sup> Dismissing Hitler proved to be a dangerous mistake.

The Treaty of Versailles only functioned as one of the scapegoats blamed for Germany’s economic status. Hitler’s condemnation targeted European Jews and played into the preexisting stereotype that Jews sought monetary power. Hitler attacked and blamed Jews for all that was wrong with Germany, and the world, including Germany losing World War I.<sup>7</sup> In 1939, Hitler said while speaking to Czech Foreign Minister Chvalkovsky, “We shall exterminate the Jews. The Jews shall not get away with their responsibility for November 9, 1918 – this day will be avenged.”<sup>8</sup> Hitler’s antisemitism was shared with the German people, but they did not know how extreme Hitler was willing to take his hatred. In 1933, Heinrich Himmler became the leader of the German Police. He shared Hitler’s antisemitic views and helped facilitate plans for the extermination of European Jews.

The Nazi Party promised economic stability and a return to law and order. Hitler’s speeches fostered growing fears felt by the German people.<sup>9</sup> German men feared returning to war and serving in the

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<sup>6</sup> Louis P. Lochner, *What About Germany?* (New York: Dodd, Mead & Company, 1942), 19.

<sup>7</sup> Lochner, *What About Germany?*, 13.

<sup>8</sup> Michael Robert Marrus, *The Nazi Holocaust. Part 3: The “Final Solution,”* Vol. 1 (Munich, Germany: Walter de Gruyter GmbH & Co KG, 1989), 91.

<sup>9</sup> Alex Gendler and Anthony Hazard, “How Did Hitler Rise to Power?” *Youtube.com*. July 18, 2016. <https://www.youtube.com/watch?v=jFICRFKtAc4>.

military. This fear led to ordinary men joining the Order Police, which enacted some of the most vicious war crimes of WWII.<sup>10</sup> By building up the German police force rather than the military, Hitler circumvented the Treaty of Versailles. Between 1938-1939 Germany offered men that joined the Order Police to be exempt from military service. Along with a promise of military exemption, the Nazi Party promised those who joined the Order Police would be stationed locally. The working class, and those who faced economic impairment, tend to be more accepting of diversity, so those joining the Order Police and many members of the Nazi party were not antisemitic, yet they were swayed to enact atrocities as a means of their own survival.<sup>11</sup> These men were placed in a situation where they thought they were making the best decision for themselves as an individual without looking at what was best for the country.

As the war progressed, the Nazis militarized the Order Police and utilized it to facilitate the Final Solution, or the extermination of European Jews. The Nazi Party successfully murdered over 6 million Jews, but not all died in concentration camps. In March 1942, only 20 to 25 percent of the victims of the Holocaust had been murdered. Between March 1942 and February 1943, the Order Police blazed through Jewish communities enacting mass murders. Reserve Police Battalion 101 of the Order Police consisted of average men not trained to kill en masse, but by the end of their service the initial hesitation and ill feeling from their first extermination disappeared.<sup>12</sup> In 1942, Józefów in Poland became the first village that the Reserve Police

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<sup>10</sup> Christopher R. Browning, *Ordinary Men* (Chicago: First Harper Perennial, 1992), xvii.

<sup>11</sup> Browning, *Ordinary Men*, 71.

<sup>12</sup> Browning, *Ordinary Men*, xvii

Battalion 101 executed. The Police rounded up approximately 1800 men, women, and children for slaughter. The Order Police were not designed or trained for this task, but self-preservation outweighed justice at that first initial massacre.<sup>13</sup>

Propaganda is a powerful tool. The Nazi Party sold themselves to fellow Germans by calling for *Volksgemeinschaft*, a national community. Advertised as a unity that was above social and class divisions, Germans embraced this national community. Historian David Welch explained the propaganda of the Third Reich was successful because, “A society that was still suffering from a deep sense of national humiliation, and weakened by inflation, economic depression and mass unemployment, was perhaps not surprisingly attracted to a National Socialist revival that proclaimed that it could integrate disparate elements under the banner of national rebirth for Germany.”<sup>14</sup> Hitler belittled Marxists while claiming the Nazi Party was in favor of socialism and for the people. Joseph Goebbels served as the Minister of Propaganda for the party, focused on combining propaganda with daily activities and the reeducation of German citizens. Goebbels and Hitler used public opinion to fuel their propaganda campaigns to keep the Nazi Party popular.<sup>15</sup>

Just as Hitler understood what the Nazi Party needed to be in the public eye, President Trump understood that his propaganda brand required staying in the spotlight. For a man like Trump, the message

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<sup>13</sup> Browning, *Ordinary Men*, 56.

<sup>14</sup> David Welch, "Nazi Propaganda and the Volksgemeinschaft: Constructing a People's Community," *Journal of Contemporary History* 39, no. 2 (2004): 213-38. Accessed March 8, 2021. <http://www.jstor.org/stable/3180722>.

<sup>15</sup> Welch, "Nazi Propaganda," 213-38.

did not matter. He was selling himself. Before venturing into the political arena, Trump established himself with the middle class through his reality show *The Apprentice*. After announcing his candidacy for president in 2015, Trump had more airtime than any other republican nominee receiving 76.9% of candidate mentions in news segments.<sup>16</sup> President Trump's brand of propaganda sold anti-professionalism. Philosopher Cory Wimberly pinpointed the popularity of anti-professionalism, "Trump's anti-professionalism, which is communicated in his off-the-cuff and unscripted messaging, has shown deep appeal for those voters who resent professionals, especially working-class white men and those without a college degree."<sup>17</sup> In a simple yet brilliant marketing move, Trump's campaign reused President Reagan's slogan, "Make America Great," by turning it into "Make America Great Again." Conservatives view the Reagan Era as a golden age. Drawing this parallel allowed Trump's campaign to be void of substance. President Trump's propaganda style is like that of P.T. Barnum.<sup>18</sup> All show, all circus.

This sentiment of "Make America Great Again" is equivalent to saying make America white again as crowds chanted it following speeches about building a wall along the Mexico border. Most immigrants arrive in the United States via airplane with China being the origin for the majority of new immigrants in the U.S.<sup>19</sup> Having a

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<sup>16</sup> Cory Wimberly, "Trump, Propaganda, and the Politics of *Ressentiment*," *The Journal of Speculative Philosophy* 32, no. 1 (2018): 179-199. [muse.jhu.edu/article/687876](https://muse.jhu.edu/article/687876).

<sup>17</sup> Wimberly, "Trump," 179-199.

<sup>18</sup> Wimberly, "Trump," 179-199.

<sup>19</sup> Abby Budiman, "Key Findings About U.S. Immigrants," August, 2020. <https://www.pewresearch.org/fact-tank/2020/08/20/key-findings-about-u-s-immigrants/>

border wall between Mexico and the United States would not decrease immigration. In fact, building a wall would violate existing treaties with indigenous tribes who live on reservations along the border.<sup>20</sup> It would also devastate ecosystems by destroying thousands of acres of land. Despite the negative effects of building a wall, it was one of the platforms that raised Trump up in popularity.

Alongside Latino marginalized groups, Trump targeted Muslims. One of his first acts as President in January 2017 was to issue a Muslim Ban, or Executive Order 13769. American Muslims have faced persecution in the United States ever since the acts of September 11, 2001 when Taliban terrorists flew planes into the Twin Towers in New York City. Stoking fears of immigrants, Trump claimed the ban prevented terrorists from entering the United States. Although quickly rescinded by the Supreme Court, the damage of having a travel ban was done. Muslim women who follow religious based dress and wear hijabs are more easily identifiable to those who want to harass them, and have become the victims of hate crimes.<sup>21</sup> Since the election of former President Trump, hate crimes have risen 20% according to FBI reporting. In 2018, the FBI reported the highest record of hate crimes in over a decade. This not only includes Muslims and Latinos, but also

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<sup>20</sup> Melissa W. Wright, "Border Thinking, Borderland Diversity, and Trump's Wall," March, 2019, <http://web.a.ebscohost.com.proxylib.csueastbay.edu/ehost/detail/detail?vid=0&sid=b6ae2e29-f2e6-4d9c-b13d-4ce282be9451%40sessionmgr4006&bdata=JnNpdGU9ZWwhvc3QtbGl2ZSZZY29wZT1zaXRl#AN=135476904&db=eih>.

<sup>21</sup> Banu Gökariksel, "The Body Politics of Trump's 'Muslim Ban'," *Journal of Middle East Women's Studies* 13, no. 3 (2017): 469-471. [muse.jhu.edu/article/677746](http://muse.jhu.edu/article/677746).

gendered hate crimes, and hate crimes against members of the LGBTQIA community.<sup>22</sup>

The parallels between Nazi Germany and Trump's America have been recognized since he announced his candidacy in 2015. Not everyone who supports a racist authoritarian is racist, but those who do allow xenophobia, propaganda, and rhetoric to occupy a space in their mind. When electing a leader to power, the question should be, is this person the best fit for all? Since the end of WWII, in Germany, it is an educational requirement to teach children how to spot media lies and dangerous propaganda. As the United States moves forward from four years of ethnonationalism,<sup>23</sup> the country should look towards Germany as an example. By acknowledging the devastation of the Holocaust, Germany has helped to facilitate healing and prevent genocide. It has taken years to reach that point, but the result is worth the effort. Dangerous leaders will always have the potential to rise. Recognizing the dangers that come with them is the key to preventing authoritarianism. To heal from racism, xenophobia, Muslim bans, and racist pandemic rhetoric, the United States needs to acknowledge its mistakes, stop relying on fear, and start moving forward with education.

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<sup>22</sup> Daniel Villarreal, "Hate Crimes Under Trump Surged Nearly 20 Percent Says FBI Report," *Newsweek* (November, 2020). <https://www.newsweek.com/hate-crimes-under-trump-surged-nearly-20-percent-says-fbi-report-1547870>

<sup>23</sup> Ethnonationalism is nationalism based on ethnicity.



# We the People

*of the United States, in Order to form a more perfect Union,  
establish Justice, insure domestic Tranquility, provide for the  
common defence, promote the general Welfare, secure the  
rights and blessings of Liberty to all*



Illustration by Sydnee Evans, CSU Chico

# Federal Slavery and An American Insurgency

By Andrew Gillies

The United States Constitution seeks to create a “more perfect Union” by relying on spaces for public discourse as well as federal consensus through legislation. This clearinghouse of public discourse and dissent is exemplified by routine elections, legal protections of enumerated and implied rights, and peaceful transitions of power. These venues for expression can be acted on by people individually or collectively through organizations built to win elections called political parties. Political parties and the politicians they endorse, have been an important aspect of the political culture our Constitution established. This system has been pretty effective, and peaceful transitions of power are an integral part of the success our system has had, but we must also recognize when our system has failed.

The most famous of these systemic failures follows the Election of 1860 and the subsequent secession of multiple states in 1861. The succeeding conflict we know as the Civil War. This failure of our political system can be traced directly to the practice of slavery and the protection that the exercise of state sovereignty on the national level afforded it. The institution of slavery in the United States coexisted within the same framework of our current government, ensuring that the historic sources of political violence remain a feature

dependent on the vigilance of an informed citizenry. Uniquely, the broader institution around protecting the practice of slavery was able to field an insurgent military force and government that conducted a multi-year war, and galvanized Americans for generations into its impassioned defense. The Civil War in this context is merely a flashpoint where political calculations involved, and popularly justified, the use of violence in defense of state sovereignty in a broad sense; a political discussion that predated the violence and importantly, outlasted the formal conflict as well as the practice of slavery.

The power of the institution of slavery over the American government begins at its creation, during the Constitutional Convention of 1787. In James Oakes' *Freedom National*, he details a coordinated and impassioned abolition movement from the inception of the United States, but so too, indirectly, there is the impassioned defense of slavery. Oakes writes, "Charles Cotesworth Pinckney of South Carolina, one of a handful of slavery's forceful defenders in Philadelphia, had threatened to vote against the proposed Constitution if it 'should fail to insert some security to the Southern states against an emancipation of the slaves'...In as many as a dozen other places the Constitution recognized slavery indirectly."<sup>1</sup> Charles Cotesworth Pickney's cousin, Charles Pickney, a delegate of South Carolina, was even more forthright about protecting non-nationwide practices, of which slavery is an obvious example, within the context of protecting state sovereignty in a new national government by proposing one of the earliest drafts of a new federal system.

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<sup>1</sup> James Oakes, *Freedom National* (New York: W. W. Norton & Company Inc., 2014), 2.

This proposed system had some key distinctions from our eventual Constitution, as detailed by Richard Beeman in *Plain, Honest Men*:

The South Carolina delegates, though steadfast in their desire to strengthen the central government, never made the conceptual break from the idea of a confederation of states to that of a truly national government charged with the task of serving the public good of the people of the nation as a whole. Their commitment to nationalism always stopped at the point where a proposal to strengthen the power of the central government threatened to work against their state's interests. In this regard, the difference between Charles Pickney's initial draft for a Constitution and Madison's are noteworthy. Madison's draft scrapped the structure of the Confederation government altogether and created a government founded primarily upon "we the people" of the nation.<sup>2</sup>

Although Charles Pickney's draft was rejected in favor of Madison's more sweeping change, the importance of state sovereignty as a counter to popular sovereignty was critical at the inception of the new government and to this day is a fundamental part of American political culture.

State sovereignty does not imply a support for the practice of slavery or attitudes on race, but the most vociferous defenders of slavery were, not coincidentally, the most prominent defenders of state sovereignty. This *explicit* defense of state sovereignty was a form

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<sup>2</sup> Richard Beeman, *Plain, Honest Men* (New York: Random House Inc., 2009), 332.

of *implicit* defense of slavery in the nation's founding document. Without *explicitly* outlawing the practice and shoring up representation based on state sovereignty, the implication was that its existence, in some parts of the future country, would be a part of the political landscape.

In spite of the deliberate exclusion of direct references to slaves or slavery, and the replacement term of “persons held to service or labor” found in the U. S. Constitution, some early American politicians were still not satisfied. A public statement read aloud on behalf of Thomas Jefferson in 1800 explained to nervous pro-slavery constituents, “the Constitution has not empowered the federal legislature to touch in the remotest degree the question of the condition of property of slaves in any of the States, and that any attempt of that sort would be unconstitutional and a usurpation of rights Congress does not possess.”<sup>3</sup> James Oakes, in *Freedom National*, finds that despite these implicit protections of slavery and a federal consensus on the subject of its legal status, the forces of abolition actually won some political concessions. The *explicit* exclusion of the term slavery in the Constitution provided the ability to create a “cordon of freedom” around slaveholding states that would entice those “held to service or labor” in perpetuity. The idea that success for abolitionists can be found in the semantics over explicit versus implicit Constitutional consent for or against slavery seems almost asinine, but our legal system is dedicated to this conflict over the definition of terms within the Constitution.

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<sup>3</sup> Oakes, *Freedom National*, 3.

The semantics of the Constitutional Convention became the legal and political battlegrounds of the new Republic. This Constitution-based protection for where slavery was already practiced ensured the future battlegrounds for slavery would be everywhere state sovereignty was up for debate. This included the high seas, the unincorporated territories westward of the original states, the national banning of international slave trading by Congress in 1808, the direct dissolution of slavery during the Civil War through military emancipation, and eventually, the Emancipation Proclamation itself issued by President Lincoln. These coordinated political and legal efforts against the institution of slavery, though not its practice where it already existed, up to and during the Civil War was founded in the political belief that, “Slavery... was too feeble to survive on its own. Stripped of federal protection, slavery would collapse beneath its intrinsic weaknesses. It had always been propped up by the Slave Power, whose strength depended on its control of the presidency, Congress and the courts. Slavery needed the steadying hand, the stabilizing force, of the national government.”<sup>4</sup>

These political victories, celebrated among abolitionists at the founding of the country, were eloquently reiterated by Abraham Lincoln, a candidate for one of Illinois’ Senate seats in 1858, explaining, “there should be nothing on the face of the great charter of liberty [the U. S. Constitution] suggesting that such a thing as negro slavery ever existed among us. This is part of the evidence that the fathers of the Government expected and intended the institution of

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<sup>4</sup> Oakes, *Freedom National*, 69.

slavery to come to an end.”<sup>5</sup> This position, that slavery as a practice was not formally part of the American political culture, is very clearly a position that was not only politically charged among contemporaries, but a perpetual legal battleground, at least since the Constitutional Convention, that any licensed practitioner of the law could see. Rather than a professional analysis, senate-candidate Lincoln was not describing the contemporary legal status of slavery, but was instead making a political statement during an election cycle.

Indeed, the Presidential Election of 1860 was won by a candidate only receiving a plurality of electoral votes and not a majority. This four-way election was a clear indication that no political block could muster a definitive consensus. The impetus for all parties was on preserving power where it was held and entertaining alternative means to power outside of electoral results. The explicit link of apportionment to partially counting slaves as humans had the long-term effect of creating a self-fulfilling national electoral strategy centered on the preservation and extension of the practice of slavery. In *Plain, Honest Men*, Robert Beeman writes:

Between 1788 [the first year of the Constitutional Convention] and 1808 [the year Congress outlawed the importation of slaves to the United States], the number of African slaves imported to the United States numbered something in excess of two hundred thousand, only about fifty thousand fewer than the total number of slaves imported to America in the preceding 170 years...the dramatic increase in slave numbers

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<sup>5</sup> Beeman, *Plain, Honest Men*, 335-336.

in conjunction with the operation of the Constitution's three-fifths provision, further strengthened the political power of the slave-owning South, making a political solution to the problem of slavery in the United States all the more difficult.<sup>6</sup>

Contemporary slave-ownership in 1858 did not sway the political principle for abolitionists and their political allies that slavery was doomed to fail and simply not part of American political culture. However, contemporary slave-ownership in the 1780s had a definitive political impact both on the drafting of the Constitution and the subsequent political system it facilitated.

Abolition as a political belief, from the inception of the country to Lincoln's time, was premised by the faith in inherent weaknesses of the practice of slavery against federal consensus. This belief in the inevitability of the practice of slavery's collapse should be contrasted with this account from Sergeant James Monroe Trotter of the Massachusetts 54<sup>th</sup> Infantry regiment during occupation of the slave-holding regions during the last stages of the Civil War, "we found the old system of slavery in full operations as it had always been."<sup>7</sup> Even at its most dire status after years of war, slavery as a practice continued. This belief was more than likely born out of politically-motivated rhetoric intended to both undermine slavery wherever it existed across the life of the young Republic and galvanize political opposition to the broader and politically connected *institution* of slavery.

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<sup>6</sup> Beeman, *Plain, Honest Men*, 333.

<sup>7</sup> Douglas R. Egerton, *Thunder at The Gates* (New York: Basic Books, 2016), 2.

This rhetorical flourish of relegating slavery as a practice unique to certain regions, but with little to no impact on the nation as a whole, ignored the sheer power of the slave societies of the eventual confederacy, “With four million slaves in 1860, the South was by far the largest slave society in the world, possibly the largest in the history of the world.”<sup>8</sup> This enormous source of wealth and strength also lent itself to effective political organization. Entrenched monied interests that crossed state boundaries effectively coordinated around the establishment of state sovereignty on the national level and perfectly lends itself, even today, for extremely effective lobbying and factional coordination efforts. In fact, modern political terminology has a name for this phenomenon, a wedge issue. Over time, policy discussions can be elevated in cultural and social importance and used as a political tool.

The non-state entity of the national pro-slavery political block routinely blunted legislative efforts to stymie slavery’s existence and expansion. It also had a national network of empowered elites that ensured that the institution of slavery, its embedded power structure and use as a political tool, posed an existential threat to the United States Federal government and vetoed the possibility for a political solution. The inability of Congress to move beyond discussions of slavery resulted in the use of the Gag Rule, a procedural limitation on floor debates over slavery related legislation, literally paralyzing a pivotal venue for national discourse over slavery. Suddenly, constitutionally inherently prescribed solutions, like secession and state-based nullification became increasingly justifiable for interested

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<sup>8</sup> Oakes, *Freedom National*, 396.

parties. The importance of coordinated political calculations on the national level elevated the *practice* of slavery, something not unique to the United States, to the *politics* of slavery in a uniquely American representative government. Tellingly, it became vital for political leaders to have a clearly defined belief on slavery that had to compete in elections with more vociferous defenders that, over time, elevated and even romanticized these policy discussions to that of a fundamental source of identity.

The existential threat the institution of slavery posed to the federal government is matched by the existential threat that non-slaveholding states posed to the institution of slavery, the aforementioned “cordon of freedom.” The short-term causation due to the impact of the practice of slavery, is perfectly illustrated in Stanley Harrold’s *Border War*. This is where the concept of state sovereignty as a feature of the American Republic is important. Much like the existence of atheism is at least as old as the earliest religious beliefs, state sovereignty is inherently limited by the existence of opposing states. Put simply, as long as somebody has fervently found a faith in something, other people have just as passionately declined to believe it, as long as some states formulate a political block, opposing states can form an opposing political block.

During the Civil War, as some states declared a separation from the federal government, other states maintained the federal government. Instead of the boogey-man of American politics, state sovereignty carries the political check of its own and other excesses within our system. The expansion of the United States west of the Appalachian mountain range not only challenged how/if slavery

would be extended, but also how/if slavery would travel. It additionally propelled these already sticky issues to the forefront with the ascension of additional territories to statehood and, vitally for national politics, federal representation. Although not geographically impassable, the divisions between the original colonies east of the Appalachian Mountains did limit travel and interaction, indirectly encouraging interactions on a North-South axis. The new states west of the Appalachian Mountains engendered a great deal of interaction and travel among each other, especially within the Ohio River Valley which naturally challenged the unresolved extent of slavery on both federal and interstate levels.

Eventually, as violence between fugitive slave catchers, slaves, freed people, and non-slaveholding locals escalated, constituents demanded response on the federal level, “The failure of interstate diplomacy helps explain the leadership exercised in 1850 by otherwise moderate politicians of the Border South in Congress’s passage of a new *national* [italics original] fugitive slave law that relied on U. S. marshals for enforcement.”<sup>9</sup> This new fugitive slave law was, once again, a compromise born out of intransigence in Congress, this time though, it required explicit federal support of the institution of slavery. It did so by ensuring that the “cordon of freedom” that abolitionists assumed would eventually cause the collapse of slavery could no longer exist, even as it was extended all the way to the Pacific Ocean, with the acceptance of California as a non-slaveholding state. Oakes identifies abolitionists attempts to carve out the limits or borders of

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<sup>9</sup> Stanley Harrold, *Border War* (Chapel Hill: The University of North Carolina Press, 2013), 93.

slavery as an important precursor to conflict, while Harrold's emphasis is on what physically and legally happened where bordering states turned to violence and demanded a federal response. This extension of federal enforcement exacerbated existing political divisions, as it simultaneously expanded the direct impact of slavery to a national level and hamstrung the essential promise the "cordon of freedom" once held. Critically, this expansion directly undercut and transformed the middle-ground of political compromise on the question of slavery into more of a political no-man's-land.

This expansive view of slavery as an institution is matched by apt descriptions of slavery as a domestic practice. The best example of the power of slavery as a practice is none other than South Carolina. In 1850, the majority of South Carolina's human residents were slaves, and at a national level, "at least 40 percent of the Africans imported into North America came ashore on that island"<sup>10</sup> outside of Charleston, South Carolina. It should not come as a surprise that South Carolina also happens to be the home state of some of the most prominent state sovereignty espousing politicians such as the aforementioned founding fathers, the Pickney cousins, firebrand politician John C. Calhoun and into modernity through Senator Strom Thurmond, a prominent leader against introducing federal civil rights legislation in the twentieth century. Additionally, "Unlike other Southern states, South Carolina apportioned representation under the federal three-fifths formula and not the 'white basis' system that just counted white population. The counting of property and white

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<sup>10</sup> Egerton, *Thunder at The Gates*, 270.

population inflated the power of low-country districts where slaves were most numerous.”<sup>11</sup>

South Carolina was not incidentally the source of the Nullification Crisis of the 1830s, a state sovereignty-based undermining of federal legislation over inter-state commerce and the first state to open the formal hostilities of the Civil War with the attack on Fort Sumter in Charleston Harbor in 1861. McCurry explains that just prior to elections in 1860:

Using the traditional form of the militia beat company, fire-eaters managed to build a massive political network. The minute men companies represented, if anything, a more overt bid for the non-slaveholder’s vote than vigilant associations. They formed, tellingly enough, on October 3, the very eve of legislative elections in the state. Their political purpose was acknowledged in the original Constitution drawn up in Columbia by Robert Barnwell Rhett and James Hopkins Adams. In it, every district in the state was called on to prepare for immediate resistance to the election of a Black Republican president by forming volunteer infantry and cavalry companies...In the critical last few months of 1860, armed companies of Minute Men shadowed political events large and small. When the newly elected state legislature met in Charleston in November to decide whether to call a secession convention, armed companies of Minute Men drilled outside the hall, issuing threatening resolutions and demanding

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<sup>11</sup> Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South* (Cambridge: Harvard University Press, 2012), 42.

decisive action when legislators hesitated. They also exerted a muscular presence at public meetings in the countryside to nominate delegates to the state convention in December, insisting, as in Charleston, that they would vote only for those who favored immediate state separation.<sup>12</sup>

These vigilante militia groups actively subverting democratic will, enforced the outcome of cessation born from political conclusions and not popular elections. “Like secession, independence was not an end in itself, or even a justification for acting, but rather a means to secure for southerners the autonomy to create a society of their own design. Confederates desired political freedom, protection of slavery, and economic autonomy.”<sup>13</sup> Unfortunately for millions of enslaved people, this desire for autonomy, both political and economic, centered around the empowerment of existing state structures in defense of the institution of slavery.

This undemocratic process towards secession was not isolated to South Carolina. Militias and politically-motivated crowds formed outside of secession conventions and were an integral part of understanding the role a non-state actor can play in routine and improvised political events. In fact, “Only a small minority of the Southern people - fewer than 2 million adult white men out of a population of 12 million - had ever been consulted about the wisdom of secession and the risk of war.”<sup>14</sup> This successful “lobbying” effort

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<sup>12</sup> McCurry, *Confederate Reckoning*, 48.

<sup>13</sup> Aaron Sheehan-Dean, *Why Confederates Fought: Family & Nation in Civil War Virginia* (Chapel Hill: University of North Carolina Press, 2007), 190.

<sup>14</sup> McCurry, *Confederate Reckoning*, 77.

towards secession is a testament to the power of the institution of slavery as a non-state actor to effectively subvert voting processes across the seceding states. Dialing up the political heat through discourse and direct physical confrontation undermined the previous success of elections as consistent venues for popular sentiment in addition to having, at the very least, some impact on the outcomes of said conventions voting results.

The inability to subvert democratic actions in border states was a combination of less entrenched interests, as well as literal proximity to federal military forces. State sovereignty here was part of a critical strategic success that prevented the U. S. capitol itself from being enveloped in seceding states. Far from a spontaneous response to the election of Abraham Lincoln, these organized forces were effective leading up to the election, and had already assumed that independence, and the risk of war, was necessary to save the institution of slavery and not simply their political autonomy or local practices. Indeed, this defense utilized anti-democratic solutions like organized intimidation and secession to further its goals. Although anti-democratic from its inception, the seceding states relied on a dedicated largely volunteer forces that understood or were led to assume that the protection of slavery and the existing federal apparatus were irreconcilable. The explicit enshrinement of slavery in Article IV, Section 2, Subsection 1 of the Constitution of the Confederate States is direct about its attitude on a “cordon of freedom” as a means to undermine slavery, “The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States; and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the

right of property in said slaves shall not be thereby impaired.”<sup>15</sup> The emphasis within the founding documents of the Confederacy, the timeline detailed above, and the pre and post existence of state sovereignty as a competing American political concept exclude the idea of a novel or spontaneous independence movement within the existing political culture.

Just why exactly Confederates joined this independence movement despite having nominally shared religious/linguistic/political similarities to their counterparts in the North is an obvious question and strikes at the heart of the concept of the Civil War. Aaron Sheehan-Dean’s *Why Confederates Fought: Family & Nation in Civil War Virginia* arrived at three pivotal reasons why Virginians, who constituted a majority of confederate forces, volunteered en masse:

In considering why Virginians initiated the war, three elements of antebellum Virginia form an especially important backdrop for understanding the decisions of soldiers and their families during the war. The first is the one that historians typically focus on: southern white men lived within a liberal, rights-based democracy that granted them wide autonomy in political decision making..The second element plays a prominent role in the literature on antebellum Virginia but rarely figures in wartime explanations: the late antebellum period was economically productive for many Virginians..The third context crucial for understanding Virginian’s decisions to

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<sup>15</sup> *Confederate States of America, Constitution Of the Confederate States of America*: Adopted by the Congress of the Confederated States, at the City of Montgomery, Ala., March 11th, 1861. New Orleans: Printed and sold by S.S. Callender Co., 1861.

support the Confederacy was the rise of companionate marriage in the late eighteenth and early nineteenth centuries.<sup>16</sup>

These first two reasons provided by Sheehan-Dean are inexorably tied to the preservation of slavery as an institution and culturally significant practice, as well as slavery's expansion westward. Virginia's economy came to rely not just on the export of raw materials, but also increasing slave exports into new states the decades immediately prior to the Civil War.<sup>17</sup> The third reason for support provided by Sheehan-Dean is the movement towards romantic love and personal passion. The elevation of service in a politically motivated insurgency to that of a romanticized understanding above basic political differences, speaks to the elevation of the practice of slavery to one of cultural importance. This romanticization of politics and violence over slavery as a practice or even state sovereignty upgraded to underpinning understandings about race relations and cultural identity is notable.

Sheehan-Dean's work punctures the idea that those who served in the Confederate forces from Virginia were largely coerced or fringe members of society disconnected by being unmarried, unemployed or impoverished. In fact, "One important index of the willingness of Virginians to support the Confederacy can be seen in the massive mobilization of men to serve in Confederate armed forces: nearly 90 percent of military-age men in those parts of Virginia controlled by the

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<sup>16</sup> Sheehan-Dean, *Why Confederates Fought*, 3-4.

<sup>17</sup> Harrold, *Border War*, 40.

Confederacy served in the army.”<sup>18</sup> Additionally, “A majority of the men who enlisted in Virginia forces were the heads of their households and most were in their mid-twenties...The average age of Virginia soldiers was twenty-six, not the eighteen-year-olds of legend. The traditional notion that Civil War armies were composed overwhelmingly of single men and younger sons does not apply.”<sup>19</sup>

This caricature of the majority of soldiers from Virginia (the largest contributor of all Confederate states) has several key indicators that support an understanding of the Civil War. It was less of a spontaneous independence movement populated by untethered young men interested in violence, and more of informed and willing citizens participating to protect their social status, political authority and economic stability. “[Virginians’] antebellum families were organized within a slave society and the two were inseparable, as Virginians recognized. The interdependence of Virginians’ intimate households and the slave society that sustained them compelled Virginians to reject return to the Union.”<sup>20</sup> These informed and determined agents not only volunteered at extraordinary levels but, “An important part of this process was the fact that a significant majority – roughly 70 percent – of all the men who served in Virginia forces during the war enlisted before the Draft Act was passed.”<sup>21</sup> This determined and informed group of initial volunteers formed the nucleus of Virginia’s, and the broader insurgency’s, forces through the

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<sup>18</sup> Sheehan-Dean, *Why Confederates Fought*, 3.

<sup>19</sup> Sheehan-Dean, *Why Confederates Fought*, 135.

<sup>20</sup> Sheehan-Dean, *Why Confederates Fought*, 194.

<sup>21</sup> Sheehan-Dean, *Why Confederates Fought*, 69.

entirety of the war as draftees never became a majority of those serving.

The course of the physical conflict of the Civil War may draw most of the interest in remembrance, but the resulting peace is the far more important aspect of the conflict. Kidada William's *They Left Great Marks On Me: African American Testimonies of Racial Violence from Emancipation to World War I*, details the post-war environment for African-Americans attempting to navigate the contours of a post-emancipation south:

The Ku Klux Klan was the perfect organization to service the southern Democratic Party's objectives for white southerner's economic, political, and social supremacy and to shield from prosecution whites who terrorized and attacked black people. With quasi-organized campaigns to dominate local and state elections and to force African Americans to accept a subjugated place in southern life, white conservative Democrats raised and planted banners of white supremacy across the South, scapegoating black men as the source of white southerner's social and economic problems. These whites identified suffrage as the nucleus of black people's power that needed to be broken. Thus, violence and intimidation became a feature of southern elections that restored white Democrats to power. Now, whites who had run-ins with defiant blacks could use the

cloak of political violence to exact revenge in what amounted to an insurgency against Reconstruction.<sup>22</sup>

The same exact playbook of subversive anti-democratic actions on behalf of a non-state actor continued, to devastating effect, and indeed ensured its political entrenchment through direct and indirect acts of terror. Even after the surrender of Robert E. Lee at Appomattox courthouse, “Jefferson Davis planned to shift the war to the trans-Mississippi. Davis cabled [Joseph] Johnston, ordering him to disband his infantry, then re-form them at a designated rendezvous point to fight on as guerillas.”<sup>23</sup> These quotes are key to understanding the claims of insurgency that Williams details about the post-Civil War occupied regions in her work. Just as importantly is that, much like more modern examples of insurgencies, the traditional end of hostilities and loss of major physical possessions did and does not mean the end of counterinsurgency operations.

If politics is war by other means, perhaps the inverse is just as true here, that war was politics by other means. Even with formal cessation of hostilities by organized military leaders, the institution of slavery, the slave society it fostered, the belief in racial superiority it underpinned, and the over-arching necessity of a state sovereignty-based national political block in its defense would only be effectively checked by long-term counter-insurgency efforts more in line with modern operations rather than what the Reconstruction became. Williams continues, “The Federal government’s counterinsurgency ...

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<sup>22</sup>Kidada E. Williams, *They Left Great Marks On Me: African American Testimonies of Racial Violence from Emancipation to World War I* (New York: New York University Press, 2012), 29.

<sup>23</sup> Egerton, *Thunder at The Gates*, 279.

restored a degree of order to the South, but testifiers' accounts suggest that the violence had devastated victims and had disfranchised some black men who were afraid of enduring the potentially violent consequences of voting."<sup>24</sup> With their only venue for agency found in the national government against state and local authorities actively resisting reconstruction, emancipation and the importance of limiting political agency from those empowered by the Reconstruction became a key form of political expression against the aims of Reconstruction.

The same attitude was already summed up by members of Massachusetts 54<sup>th</sup> Infantry regiment manned exclusively by African Americans at the enlisted level, as one soldier explained that they understood themselves to be "soldiers of the Union, not of a State."<sup>25</sup> Suddenly, the newest members of the electorate sought redress and agency through the federal government, and the popular sovereignty it claimed, in direct contrast with the existing structures of a state-sovereignty based political block. Williams accurately describes this insurgency of forces dedicated to racial inequality that used the power of both the ballot box and violence. The necessity for federal civil rights legislation would become increasingly clear following the early abortion of Reconstruction through a concerted state and local effort to undermine its aims.

Far from being off-base, William's characterization of Reconstruction as a federal counterinsurgency failure is incredibly astute. If extended beyond the limits of Reconstruction, the entirety of

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<sup>24</sup> Williams, *They Left Great Marks On Me*, 51.

<sup>25</sup> Egerton, *Thunder at The Gates*, 206.

the Civil War could be studied as an insurrectionary conflict and that prism of evaluation is more valuable for us today. From the indirect protections within the Constitution, to volunteer militias and eventually informed soldiers of a confederacy of states, these examples are at the forefront of a non-state political block's decision to seek political authority through rebellion and the elevation of a non-unique practice to that of an enduring understanding of racial identity. This characterization of the United States Federal government against the institution of slavery and not simply its practice, checks the willingness among some to render the real reasons for the conflict into competing political futures of America.

Giving equal footing in teaching, popular remembrance, and political discourse to a variety of interpretations, that do not acknowledge the aforementioned causes, allows the obfuscation of a belief in racial superiority and the undermining of popular sovereignty through elections and peaceful transitions of power. Fears of the past remain apt, “[Fredrick] Douglass and other African Americans worried that the seeds of their resubjugation were being sown in the language of ‘fraternal feeling’ between the North and the South.”<sup>26</sup> The bifurcation of our political power into two distinct and competing camps sets the inevitable conclusion of justified violence when the shared understanding of our political system is not universal. If your minority political faction has little or no chance of becoming the federal consensus, the willingness to use extra-Constitutional means to retain power becomes increasingly attractive. If our political

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<sup>26</sup> Williams, *They Left Great Marks On Me*, 57.

discourse centers around a zero-sum game of winner-take-all, routine elections become dangerously elevated as cultural battlegrounds, creating less and less ground for peaceful solutions within our national political framework.

Williams and these other contributing authors describe the conflict of the Civil War in ways that puncture continued use of the Civil War as war, politics and culture simply by other means. This information must counter narratives that cloud American cultural consensus as to the nature and causes of the Civil War as well as the path for the continuation of the promise of liberty and justice through democratic means. The truest danger then and today within our system, is not direct violence, recently witnessed during the certification of an election as you dear reader might wisely assume. Instead, it is the decision by a national political party to sanction said violence by not holding those responsible to account under the rule of law, elevating policy to identity and both explicitly and implicitly delegitimizing the democratic aspects of our Republic protected within the Constitution.

Claims of massive voter fraud are, much like the political claims detailed above, intentionally non-factual and instead, require faith. They are a political litmus test indicating a commitment to disenfranchisement that strikes at the very heart of our Republic's expressed source of authority from "We the People." It was not that some votes were cast fraudulently, it was and is an argument that certain voters and their votes are inherently fraudulent. When a national political party and its leaders declare that the only legitimate votes are ones it receives, there is no appetite for cooperation and

*Federal Slavery and An American Insurgency*

every election is a must win, no-holds-barred, identity defining event. This passion can even lead our fellow citizens to the point of believing in ending the democratic aspects of our system to preserve their power. Our Republic's defense, as always, depends on those willing to accept the sharing of power through deliberation and not subjugation.



Illustration by Anne Chamberlain, CSU Chico

# The Significance of The Legal Tender Act of 1862 on Victory of The Union During the American Civil War

By Fahim A. Khan

The American Civil War impacted people's lives for generations to come. When President Abraham Lincoln moved into the White House in 1861, he inherited a government and a country scarred by civil differences. The North (the Union) and the South (the Confederate States of America) had different views on the centuries-old institution of slavery. The North preferred to abolish slavery, whereas slavery had an overwhelming presence all over the South. To preserve democratic values and the United States Constitution, the North went to war with the South. Congress brought about its first paper currency with the *Legal Tender Act of 1862* to financially manage the Union with a scrupulous hand. Subsequently, the Union side won the war.

In the beginning, it was mostly the members of Congress that helped achieve victory in the Civil War. Namely, Secretary of the Treasury, Salmon P. Chase, and United States Senator William Pitt Fessenden of Maine. These men were instrumental in passing several bills and measures deemed important to deal with war issues.<sup>1</sup> Fessenden was an excellent legislator but not a financial expert at the

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<sup>1</sup> Robert Cook, "Stiffening Abe: William Pitt Fessenden and the Role of the Broker Politician in the Civil War Congress," *American Nineteenth Century History* 8, no.2 (2007): 145-167.

### *The Legal Tender Act of 1862*

time, which made him a great pair with Chase. Together they helped secure \$500 million in long-term bonds and \$150 million in legal-tender government money. Over time, it boosted the economy and funded the war effort with the South. Senator Fessenden was quite authoritative among the Republicans of Capitol Hill; especially with the New England moderates. He agreed to any legislation that everyone else would go along with.<sup>2</sup> In doing so, he helped make the Union side of the war more popular and victorious.

When the American Civil War broke out, the largest pre-war liability was that the country was deeply in debt. United States Senator John Sherman of Ohio, noted that the country was in so much debt that the treasury was empty, and there were insufficient monetary funds to even pay the salaries of the Members of Congress for their work. The Buchanan Administration had incurred debts with progressively unfavorable rates causing the government to owe more money than they had in hand.<sup>3</sup> When Abraham Lincoln took office in 1861, he inherited expenses far exceeding the income of \$25.2 million and had debts valued at \$76.4 million.<sup>4</sup> Thus, the *Loan Act* passed in July 1862 came to the rescue by having more currency printed to circulate nationwide and jolt the economy to lather up the war effort. It consisted of \$25 million in bonds and treasury notes for 20 years, bearing 3% or less in interest. Interestingly, Chase also approved a \$20 million direct tax to the South, which Congress thought would not be collectible. However, the South would eventually pay the tax, as they

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<sup>2</sup> Cook, "Stiffening Abe," 153.

<sup>3</sup> Rogers D. Bridges, "Salmon P. Chase and the Legal Basis for the U.S. Monetary System," *Northern Kentucky Law Review* 39, no. 4 (2012): 737-1473.

<sup>4</sup> Bridges, "Salmon P. Chase and the Legal Basis," 2.

### *The Legal Tender Act of 1862*

would rejoin the Union in time.<sup>5</sup> Finally, the wrangling among congressmen and Treasury officials helped bring more money into existence. These reasons are why printing more money to jolt the nineteenth-century economy helped win the Civil war.

President Lincoln called on Congress to discuss the financing of the war effort, and with the help of Chase, Congress authorized Demand Notes: America's first issue paper currency for the Civil War effort, in denominations of \$5, \$10, \$20 notes, but today they are rare; that had no interest and were redeemable in Specie currency.<sup>6</sup> Almost instantly, these Demand Notes became unfavorable by banks who feared they would have to redeem the Notes in species on demand if local creditors rejected them. The banks were afraid that they would be considered unpatriotic, and if they accepted it, they would go through some financial woes. By December 31, 1861, because of depleted species reserves, their redemption ceased to exist. When the Demand Note became problematic, Secretary Chase began a proposal for a national banking system, which was approved by the House of Representatives Ways and Means Committee. Congress began the Legal Tender Bill through both bodies of Congress. Chase eventually authorized creating \$100 million United States Notes for payments of demand debts, private or public, on January 28, 1862. The Senate passed the Legal Tender Bill through a 30 to 7 vote, and included \$150 million in new Legal Tender Notes. Of these new Notes, \$50 million replaced the old problematic Demand Notes that Congress had issued

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<sup>5</sup> Bridges, "Salmon P. Chase and the Legal Basis," 4.

<sup>6</sup> Specie is another term for redeeming American paper money by banks or the United States Treasury in metallic or gold coins. See, Ajit V. Pai, "Congress and the Constitution: The Legal Tender Act of 1862," *Oregon Law Review* 77, no. 3 (Summer 1998): 535-600.

### *The Legal Tender Act of 1862*

earlier. On February 25, 1862, President Lincoln signed the Legal Tender Bill into law and implemented it the following day.<sup>7</sup>

Enlightened by new tax revenues, Congress became more and more eager to raise money to fund the Union army during the Civil War. When the United States Congress passed the *Revenue Act of 1862*, all Members of Congress had established the mentality that everyone could pay one's fair share of taxes. This raised the overall ability for citizens to pay taxes, which was the main concept in Adam Smith's 1776 ubiquitous treatise, *Wealth of Nations*, a published authority on classical economics that explained how tax revenue streams should be collected by the federal government.<sup>8</sup> This form made it possible to raise any amount of taxes throughout the Union and swiftly pay the long and costly battle with the intention of becoming financially victorious. Moreover, the concept of the people's ability to pay was mostly a vertical equity collection scheme aimed at the wealthiest of Americans in the North. This scheme of collecting revenue made the *Revenue Act* successful in usage and was an ingenious way to constantly pay war-time expenses by the Union. Members of Congress preferred the ability to pay format for most Americans in the higher tax brackets.<sup>9</sup>

Interestingly, The Demand Note of 1861 was technically the first paper money in the United States. The government printed them in a way that people could redeem them for gold, and later, for Greenbacks that the Federal Reserve printed the following year. The Greenbacks

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<sup>7</sup> Bridges, "Salmon P. Chase and the Legal Basis," 5.

<sup>8</sup> Gary Giroux, "Financing the American Civil War: Developing New Tax Sources," *Accounting History* 17, no. 1 (February 2021): 85.

<sup>9</sup> Giroux, "Financing the American Civil War," 85.

### *The Legal Tender Act of 1862*

replaced the Demand Note in 1862 and became the most sought-after currency in tax collection, paying debts, and financing the Union's war efforts against the Confederacy.<sup>10</sup> When the war broke out, the Union's treasury was empty and termed the "North's empty purse." President Lincoln eventually borrowed nearly \$250 million in Notes, with \$50 million as non-interest incurring notes. The Demand Note could be received to pay custom duties on par with coin currency. These notes were an emergency tool to replenish the already depleted treasury with extra reserves to help lower the widening spread of expenses compared to tax revenue.<sup>11</sup> The Greenbacks and the Demand Note were both important; however, it was the Demand Note that was used exclusively to pay customs duties, which was a good source of revenue for the government to pay for the war. Additionally, the Demand Note was used by the Union army to pay the two million soldiers in battle with the South to encourage loyalty, trust, and bravery to the Union,<sup>12</sup> whereas the South had a little less than a million soldiers fighting their northern rivals.

Overwhelmingly, the *Legal Tender Act of 1862* had a drastic effect on the war-time experience and effort. Thankfully, due to the North's robust economy, industry, and quick printing of money in 1862, the Union was provided with a clean sweep to triumph.<sup>13</sup> By the time the

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<sup>10</sup> William Bomberger and Gail Makinen, "Seigniorage, Legal Tender, and the Demand Notes of 1861," *Economic Enquiry* 48, no. 4 (October 2010): 917.

<sup>11</sup> "Bomberger and Makinen, "Seigniorage, Legal Tender, and the Demand Notes of 1861," (October 2010): 919.

<sup>12</sup> "Bomberger and Makinen, "Seigniorage," 919.

<sup>13</sup> Richard Striner, "How to pay for what we need: Congress could create money, as it did during the Civil War, funding public projects that shock the economy back to life," *American Scholar* 81, no. 1 (November 30, 2011): 32-41.

<https://theamericanscholar.org/how-to-pay-for-what-we-need/>.

### *The Legal Tender Act of 1862*

*Revenue Act of 1862* took effect the following summer, the Union had won several battles with the South, which created a very positive and confident public image for the North. The Union had gained more tax revenue in creating this new law than by printing more money, or so-called “Greenbacks.” The *Revenue Act* absorbed all the inflationary pressure caused by the extra Greenback currency the Union printed.<sup>14</sup> The Confederate South had a weak agrarian economy and a notorious slave trade that was to be expunged by President Lincoln’s *Emancipation Proclamation* once the South reunited with the Union. The South had its own currency for a while but was not legal tender,<sup>15</sup> and it mostly used \$24 million in specie currency.<sup>16</sup> Over time, Lincoln formed a plan to regain the South’s border states that were battling the Union. His aims were to restore the United States Constitution, reunite the Union with the South, keep slavery intact and later hold on to Virginia, Kentucky, Maryland, and Missouri as Union strongholds. Virginia being General Robert E. Lee’s birth state in the Union.<sup>17</sup>

In stark contrast to the South, the North had highly sophisticated and industrialized technologies such as textile mills and ironworks, as well as a centralized railroad system, used for decades preceding the war.<sup>18</sup> The North was more advanced than the South thanks to the printing of the Demand Note of 1861. Even if the Union had to print money or not, they still had an upper hand industrially than the South.

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<sup>14</sup> Striner, “How to pay for what we need,” 33.

<sup>15</sup> Gail Makinen and G. Thomas Woodward, “Use of Internet-bearing Currency in the Civil War: The Experience Below the Mason-Dixon” *Journal of Money, Credit and Banking* 31, no. 1 (February 1999): 121.

<sup>16</sup> Bomberger and Makinen, “Seigniorage,” 916-932.

<sup>17</sup> Louis P. Masur, *The Civil War: A Concise History* (Oxford, UK: Oxford University Press, 2011), 24.

<sup>18</sup> Masur, *The Civil War*, 25.

### *The Legal Tender Act of 1862*

According to the nineteenth-century historian, Charles Beard, the *Legal Tender Act* was seen mostly as an infusion of the United States government into the economy of the country.<sup>19</sup> More precisely, the act was a deep contrast to the *laissez-faire* policy to win and unite the Union. If the government never issued such an act, there probably would not have been a Union victory, and history would have unfolded differently. This victory has, over the decades, affected Americans and the economy into the modern-day.

Other legislation was also put into effect, such as the *Crittenden-Johnson Resolution*, which called for the reunion of both the North and South, protection of the United States Constitution, the upholding of slavery, and the dual objective of preserving loyalty in slave-owning border states and convincing Northerners to fight for and save the Union without freeing any slaves. Lincoln did not want to lose the border slave states of Kentucky, Missouri, and Maryland as Kentucky was his birthplace, and if Maryland went to the Confederacy, then Confederate territory would surround Washington. That would leave the possibility that Washington, D.C., and Capitol Hill could be influenced by Southerners' views of financial passiveness, giving them access to managing the monetary policy of the North. The North being more economically prudent than the South, it would slowly topple away into financial disarray. To clearly understand the *Crittenden-Johnson Resolution*, President Lincoln wrote a letter to United States Senator Orville Browning of Illinois, who became Senator upon

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<sup>19</sup> Michael T. Caires, "Rethinking the Second American Revolution: Legal Tender and National Banking in the Civil War Era," *Constitutional Commentary* 29, no. 3 (2014): 514, <http://www.law.umn.edu/constcom/v29n3.html>.

### *The Legal Tender Act of 1862*

Senator Stephen Douglas's untimely death. In an excerpt from the letter, Lincoln points out:

I think to lose Kentucky is nearly the same as to lose the whole game. Kentucky gone, we cannot hold Missouri, nor Maryland. These all against us, and the job on our hands is too large for us. We would as well consent to separation at once, including the surrender of this capitol.<sup>20</sup>

Lincoln wanted to make sure the border states were intact with the ideology of the North. The resolution basically acted as a social shield on the legislation of banking and the *Legal Tender Act of 1862*. It ensured that the Union's goals and objectives were upheld and that the financial vivacity of the North stayed robust and perpetual for future reference, discourse, and contemplation.

Obviously, the *Legal Tender Act of 1862* was made slowly to help circulate more money into the American economy and add more money to pay for war expenditures. The *Legal Tender Act* was, in short, only a thorough war measure.<sup>21</sup> Its effect was in balance with the *Revenue Act of 1862*, which absorbed much of the inflation caused by the printing of paper currency to fund the Union during the war. Transitionally, the new paper United States Note currencies were not on the gold standard of traditional antebellum monetary policies.

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<sup>20</sup> Roy P. Basler, Marion Dolores Pratt and Lloyd A. Dunlap, *Collected Works of Abraham Lincoln*, Vol. 4 (Ann Arbor, MI: University of Michigan Digital Library Production Services, 2011), 533, <http://quod.lib.umich.edu/cgi/t/text/text-idx?type=simple;rgn=div2;c=lincoln;cc=lincoln;idno=lincoln4;q1=533;submit=Go;view=text;subview=detail;node=lincoln4%3A1003.1>.

<sup>21</sup> Christopher Tiedemann, "Silver Free coinage and legal tender Decisions," *Annals of the American Academy of Political and Social Science* 9 (March 1897): 33.

### *The Legal Tender Act of 1862*

Without a doubt, the *Legal Tender Act of 1862* showed how it affected all walks of life. It politically strengthened the legislation of the *Crittenden-Johnson Resolution* that helped shape the *Legal Tender Act's* enforceability. The Civil War would have been a complete loss to the Union without the act. Over time it helped boost the economy and bureaucratically end slavery, which in turn helped give birth to capitalism as we know it today. Again, it was the strength of the North's economy, the exact timing of the legislation right after Union victory in the spring of 1862, and the dual combination of printing money and raising tax revenue that drastically diminished inflationary pressure on the new currency, which made the Union more monetarily desirable. There were two types of currency that circulated during the American Civil War were firstly the Demand Note, which was used by the Union to pay customs duties, and secondly, the new Greenbacks which replaced the Demand Note in 1862 by the *Legal Tender Act*, that were used by the Union for all other purposes and the war effort. Also, the North had substantially advanced industrialized technologies and established transportation networks that gave it an upper hand in mobility, to the complete chagrin and humility of the South. With the extra cash flow, new currencies, narrow inflationary risk, and advanced technology, the Union was destined to win the American Civil War.



Illustration by Gracie Gomes, CSU Chico

# Forging Artistic Exceptionalism: Dmitri Shostakovich and His Symphony No. 5 in D-minor

By Yukai Chen

The Great Purge under the leadership of Joseph Stalin carried out one of the deadliest political campaigns in twentieth-century Europe. On Sunday, November 21, 1937, while the terror of Stalin's Great Purge unfolded across the Soviet Union, a very different feeling was spreading throughout the city of Leningrad. That afternoon, the premiere of composer Dmitri Shostakovich's Fifth Symphony was presented to the public by the Leningrad Philharmonic Orchestra. With his music previously demonized as "formalist" and "anti-people," and after almost two years of psychological torture, this day marked Shostakovich's long-awaited rehabilitation. Moreover, to the Leningraders who attended this historic event, the Fifth Symphony was a resounding yet deeply personal victory. It was, to them, a collective moment of relief and vindication.

With regard to western art music, Shostakovich's Fifth Symphony follows the traditional structure of a typical four-movement symphony, which often has three fast movements that are lively and energetic and one slow movement that is smooth and highly lyrical. In the Fifth Symphony, the first, second, and last movements are the fast ones, with the third as the slow movement. The term "minor" from the

### *Forging Artistic Exceptionalism*

title indicates that the piece has an overall somber and sorrowful emotional outlook, with the musical note D as its primary key and tonal center. The opposite of minor would be major, which represents an overall bright and jubilant sonority.<sup>1</sup>

As the world's first socialist state, the Soviet Union served as a precedent for how government monopoly could shape every aspect of the arts from the intelligentsia to the entertainment industry. To understand the Soviet society and its constituents, one must be familiar with concepts such as authority and bureaucracy. Despite the tremendous political and ideological burden placed on the lives of Soviet composers, the Stalin regime ironically contributed to such exceptional artistic achievements as Shostakovich's Fifth Symphony, paving the way for a collective aesthetic ground that was both political and intellectual by nature. By composing the Fifth Symphony, Shostakovich was talented enough to weather the biggest crisis of his life - a detrimental Stalinist intervention - by creating a powerful harmonic language that adhered both to the appropriate Soviet ideological guideline and his personal artistic temperament, registering a seismic shift in the nation's collective cultural identity.

### **A Scholarly Literature Review**

When referring to arts in the Soviet Union, terms such as “autonomy” and “repression” are synonymous with historical narratives dominated by western academia. Due to the Soviet government's obsession with control and propaganda, Soviet arts are often associated with the indoctrination of the masses. While

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<sup>1</sup> A quality performance of the symphony conducted by Maestro Kirill Kondrashin can be accessed here: (<https://www.youtube.com/watch?v=qWCfl17QyXw>).

### *Forging Artistic Exceptionalism*

unjustified government intervention was one distinctive aspect characterizing the intellectual sphere under the Stalin regime, such narratives usually lead to the oversimplified analysis of Soviet music. This essay avoids these narratives and instead focuses on the historical significance of Soviet music, with the aim of providing multifaceted analysis into Dmitri Shostakovich's Fifth Symphony. Ironically, the oppressive nature of the Soviet regime under Joseph Stalin contributed to profound artistic achievements such as Shostakovich's Fifth Symphony when looking at it through the lens of socialist realism.

Contrary to popular historiography, which places Shostakovich at the center of an overly victimized Soviet intelligentsia, this essay seeks to decipher the potential socio-political factors that amounted to the triumph of the Fifth Symphony. It is important to note that the profundity of Soviet music never manifested itself through a composer's overall talent or from the approval of the Party. The aesthetic value of Soviet music depended heavily on the actual reception of the music - how it was received by the general public. During the Stalin era, a piece of music could be well received by the public but vehemently rejected by Party elites. While on the other hand, party elites might laud some purely propagandist songs only to be received poorly by the public. In light of these absurd circumstances, Shostakovich's Fifth Symphony was a unique departure. The symphony not only showcased the composer's compositional talent but was received passionately by its audience while also completely adhering to the Communist Party's ideological guidelines. This paper aims to explain all the important historical elements behind the "exceptionalism" of Shostakovich's unique

harmonic language, while on the other hand offering analysis into one of the most important musical events of the twentieth century.

In doing so, this paper makes significant reference to Soviet literature during the early 1930s, which presents a major departure from the popular historiography of Shostakovich. This paper uses literature to show that musical arts are deeply connected with literary arts. The iconic Russian music of Pytor Ilyich Tchaikovsky and Nikolai Rimsky-Korsakov all indeed trace their roots back to the great literary heritage of Anton Chekov, Nikolai Leskov, and Fyodor Dostoevsky. Furthermore, for the music of the Stalin era, the great compositions of Dmitri Shostakovich and Sergei Prokofiev are grounded in the artistic expressions of Maxim Gorky, Nikolai Ostrovsky, Anna Akhmatova, and Mikhail Zoshchenko.

For scholarly secondary sources, this paper uses the work *A Shostakovich Casebook* edited by musicologist Malcolm Hamrick Brown. Brown's book is a collection of a wide array of articles written by Russian and American scholars and musicians. It serves as a supplement to two other books that were also referenced throughout the paper: Laurel Fay's scholarly biography - *Shostakovich: A Life* and Elizabeth Wilson's compiled oral history - *Shostakovich: A Life Remembered*. A good example from *A Shostakovich Casebook* was an article entitled "A Perspective on Soviet Musical Culture during the Lifetime of Shostakovich," which talks about how the West often misconceives the spiritual experiences of Soviet artists in the oversimplified context of "empty shops and endless lines, the dismal faces of passers-by in the streets, and bombastic propaganda about

the regime's successes."<sup>2</sup> In the article, Levon Hakobian argues against these perceptions because they subsequently lead to a one-sided perspective on Shostakovich's music.

Another important secondary source is Kiril Tomoff's *Creative Union: The Professional Organization of Soviet Composers, 1939-1953*. In his book, Tomoff recounts the history of the Union of Soviet Composers as a unique cultural institution serving various needs within the Soviet bureaucratic system. Central to Tomoff's argument is the importance of a state-monopolized management system in contributing to the success of Soviet music, at home and abroad. While artists were always in danger of unforeseen party interventions, a Stalinist cultural institution had paradoxically enlarged and incentivized artistic creativity in many ways. This book reflects in detail the inner workings of Soviet society at large.

The organization of this paper is both chronological and thematic. "Early Revolutionary Russia and the Rise of Stalinism" discusses the historical background on which the paper is based. "New Age, New Style" examines the influence of proletariat literature on the Soviet intelligentsia. "Citizenship and Musicianship" delves into Shostakovich's personal artistic identity as a member of the Soviet intelligentsia, shedding light on the specific musical analysis offered in "On Road to Victory." Lastly, the "Conclusion" talks about the legacy of Stalinism, the influence of Shostakovich's musical language, and the historical significance of the Fifth Symphony. This paper will use

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<sup>2</sup> Levon Hakobian, "A Perspective on Soviet Musical Culture during the Lifetime of Shostakovich," in *A Shostakovich Casebook*, ed. Malcolm H. Brown (Bloomington and Indianapolis: Indiana University Press, 2005), 216.

### *Forging Artistic Exceptionalism*

the case of the Fifth Symphony as an epitome that reflects a larger picture of Soviet intellectual history under the Stalinist cultural bureaucracy. The goal is to recount the story of the Fifth Symphony in a way that builds up excitement and emotional intensity, just as how one would feel during a live symphonic performance.

### **Early Revolutionary Russia and the Rise of Stalinism**

Dmitri Dmitriyevich Shostakovich was born in St. Petersburg in 1906 as the second child of Sofiya Kokaoulin and Dmitri Boleslavovich Shostakovich - a respected middle-class family. The Russia where Shostakovich was born was corroded by the incompetent and corrupt leadership of the last Russian tsar in the Romanov Dynasty: Nikolai II. With the failed experimentation of a new legislative branch of government called Duma, tsarist prestige and reputation were further damaged due to an ill-advised war with Japan as well as the laborious engagement in the First World War. Social upheaval, revolutionary premonition, and cultural anarchy ensued.<sup>3</sup>

The city of St. Petersburg was then renamed Petrograd, later Leningrad. Many liberal intellectuals, including the Shostakovich family, eagerly embraced newly emerged art styles and political ideologies. The 1910s displayed an era of “-isms” in painting and literature - symbolism, futurism, constructivism, suprematism, etc. Musical culture at the time had temporarily departed from the Russian traditions left by Modest Mussorgsky and Alexander Borodin in order to embrace the wildly dissonant compositions of Nikolai Roslavets. Aside from the new inspirations in arts, it was the era when Marxism

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<sup>3</sup> Irene Masing-Delic, *From Symbolism to Socialist Realism: A Reader* (Brighton: Academic Studies Press, 2012), 16-19.

### *Forging Artistic Exceptionalism*

was seen as the hope of future politics, and many Russians at the time were fighting to put it into practice. Shostakovich had two aunts. One married a Bolshevik revolutionary, and the other became a Bolshevik herself. This shows that Shostakovich's upbringing was deeply grounded in the liberal social atmosphere of pre-revolutionary Russia.<sup>4</sup>

The 1917 Bolshevik Revolution led by Vladimir Lenin changed the course of world history. The imperial government was finally overthrown. Russia withdrew from the First World War. A provincial government was established while a long and bloody civil war ensued until the Soviet Communist Party eventually took power. Vladimir Lenin, Leon Trotsky, and other socialist revolutionaries envisioned a new, affluent society with land, peace, and bread.<sup>5</sup>

Lenin revitalized Russia's new intellectual world. However, the material reality proved cruel: economic instability as a result of the early domestic unrest. Hunger prevailed. To remedy the new economy, Lenin redistributed land and enacted the New Economic Policy (NEP), which displayed a laissez-faire attitude with an attempt to stimulate the fragile economy. The reforms did not prove very effective. Lenin died not long after the founding of the Union of the Soviet Socialist Republics. A new and very different leader soon resumed power. His name was Joseph Stalin, nicknamed "man of steel." While Lenin's policy proved somewhat moderate, Stalin's policy

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<sup>4</sup> Elizabeth Wilson, *Shostakovich: A Life Remembered*, 2nd ed. (Princeton: Princeton University Press, 2006), 3-13.

<sup>5</sup> M.T. Anderson, *Symphony for the City of the Dead: Dmitri Shostakovich and the Siege of Leningrad* (Somerville: Candlewick Press, 2015), 31-32.

was an ultimate shift to the political left.<sup>6</sup> Stalinism was characterized by a “cult of personality.” Namely, Stalinist bureaucracy perpetrated consistent political purges to consolidate the definitive authority of the central government, collectivize farming at great human costs to ensure consistent supply of food, and replace the NEP with new economic plans that solely concentrated on the industrialization of the Soviet Union.<sup>7</sup> This was a new age for the Soviet Union. More importantly, it was a new era of artistic creativity that significantly differed from previous decades.

### **New Age, New Style: Artistic Monopoly Under the Stalinist Apparatus**

After the enthusiasm for the early avant-garde art movement, futurist sentiments diminished as the death of Lenin only contributed to the country’s economic uncertainty and material deprivation. A communist utopia seemed out of reach. Disillusionment among the general public and splits within the ruling elite resulted in more decisive policy-making and a more radical shift in the political and economic spectrum. Lenin’s New Economic Policy was replaced by a series of highly centralized five-year plans, which were characterized by the mobilization towards the development of heavy industry, often at great human costs. Alongside changes in the nation’s economy, reforms also began on the ideological front. Among different forms of art, literature played the primary role in reorienting the country’s

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<sup>6</sup> Peter Kenez, “The First Five-Year Plan,” in *A History of the Soviet Union from the Beginning to its Legacy* (New York: Cambridge University Press, 2017), 80-83.

<sup>7</sup> Kiril Tomoff, epilogue to *Virtuosi Abroad: Soviet Music and Imperial Competition During the Early Cold War, 1945-1958* (Ithaca and London: Cornell University Press, 2015), 177-186.

### *Forging Artistic Exceptionalism*

educational direction, in which writers should constitute, as Stalin himself remarked, the “engineers of the human soul.”<sup>8</sup> Understanding key themes in Soviet literature establishes a close tie between literary and musical arts in order to decipher Shostakovich’s harmonic language in a socio-political context.

The early 1920s saw the proliferation of small arts organizations such as the Russian Association of Proletarian Writers (RAPP). These independent associations dissolved in the early 1930s in order to form, on Joseph Stalin’s initiative, a more unified cultural institution controlled by the central government. As a result, the Union of Soviet Writers, as a direct counterpart to the Union of Soviet Composers, was founded in 1934 with the aim of building up the country’s ideological front. Some may argue that Stalin’s monopoly on arts serves only political and propagandist purposes. While this is true in many ways, the 1934 move towards unionization had laid, after all, the groundwork for future achievements not only in literature but also in music. In August 1934, during the First All-Union Congress of Soviet Writers, Maxim Gorky, chairman of the Union and pathfinder of socialist realist literature, elaborated on the inner workings of the Union:

If these aims are directed towards only the professional welfare of literary workers, then the game has hardly been worth the candle. It seems to me that the Union must set before itself not only the professional interests of writers, but the interests of literature as a whole. To a certain extent the Union must

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<sup>8</sup> M.T. Anderson, *Symphony for the City of the Dead: Dmitri Shostakovich and the Siege of Leningrad* (Somerville: Candlewick Press, 2015), 79.

### *Forging Artistic Exceptionalism*

assume leadership over the host of beginners, organize them, distribute their forces on different jobs and teach them how to work on the material of both the past and the present.<sup>9</sup>

Gorky's explanation shows that the goal of a centralized bureaucratic apparatus was to reorganize leadership, accumulate resources, and incentivize creative approaches. While such goals inevitably catered to the political atmosphere of the time, they were set to incentivize the “engineers of the human soul” and to cultivate their talents.<sup>10</sup>

The artistic temperament of the Stalin era had gradually turned from the early avant-garde styles of symbolism and constructivism to a more concrete and unified ideological outlook: socialist realism. As the name itself implies, such writing style pertains to the depiction of the reality of human society. Nevertheless, compared to the pre-revolutionary Russian society of the late 19th century, the socialist “realism” in the Stalin era should instead be understood as a form of socialist “idealism.” Contrary to the realistic writing styles invigorated by Fyodor Dostoyevsky and Lev Tolstoy, whose works primarily portrayed the impoverished Russian lives in the late Romanov Dynasty, the realism of Stalin's time focused on the optimistic depiction of a socialist society while fostering a belief in the central government, its leaders, and its policies. The socialist realist writing method usually contains an intricate storyline that foreshadows a bright, post-industrialized utopia. As Gorky reiterated the ideological

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<sup>9</sup> Maxim Gorky, “Soviet Literature: Address Delivered to the First All-Union Congress of Soviet Writers, August 17, 1934,” in *From Symbolism to Socialist Realism: A Reader*, edited and compiled by Irene Masing-Delic (Brighton: Academic Studies Press, 2012), 417.

<sup>10</sup> Anderson, *Symphony for the City of the Dead*, 79.

### *Forging Artistic Exceptionalism*

direction that would pave the road for the future of Soviet literature, he emphasized the tremendous responsibility that writers should be able to undertake:

We must make labor the principal hero of our books, i.e., man as organized by labor processes, one who, in our country, is equipped with the might of modern techniques, and is, in his turn, making labor easier and more productive, and raising it to the level of an art. We must learn to understand labor as a creative art ... Hence each of us is responsible for errors, shortcomings, spoilage in production, and all manifestations of philistine vulgarity, meanness, duplicity and unscrupulousness.<sup>11</sup>

Gorky's remark illustrates the role of artists in a socialist labor process: one that is responsible for constructing the intellectual infrastructure of a country. In that sense, artists, as intellectual laborers, were no different from the everyday factory workers of the time. Writers, along with painters and musicians, were expected to create works that could boost morale and raise spirits to build the future of communism. In sum, literary and musical artists in the Stalin era were an indispensable part of the Soviet society because they were the de facto cultivators of communist values, proletariat pride, and "red" spirits.

Nikolai Ostrovsky's celebrated novel *How the Steel Was Tempered* is widely considered paradigmatic of socialist realism in literature. The

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<sup>11</sup> Gorky, "Soviet Literature: Address Delivered to the First All-Union Congress of Soviet Writers," 412.

### *Forging Artistic Exceptionalism*

story of the novel serves as a semi-autobiography that tells the life and spiritual experience of Pavel Korchagin, a Bolshevik revolutionary who dedicates his entire life to the development of his country, engaging in various revolutionary and industrial activities. Ostrovsky's novel does not talk about the actual process of how steel is tempered but rather uses the concept of steel as a metaphor for the valor and perseverance of the proletariat class. There is a well-known excerpt in the book that illustrates this "red" spirit: "Man's dearest possession is life. It is given to him but once, and he must live it so as to feel no torturing regrets for wasted years . . . so live that, dying, he might say: all my life, all my strength were given to the finest cause in all the world—the fight for the Liberation of Mankind."<sup>12</sup> Here, the term "liberation" is the key to the literary method of socialist realism. During the Stalin era, when the literacy rate was extremely high among the general population, Ostrovsky's words were, for better or for worse, imprinted in virtually every Soviet citizen's mind. Though *How the Steel Was Tempered* served only for educational purposes in the Soviet Union, the book itself ultimately became, particularly under Stalin's reign of incessant terror and enforced labor productivity, the greatest representation of the unique Soviet identity - one that had developed through "peculiar demands, human contacts, and civic duties."<sup>13</sup>

During the mid-1930s, musicians had not played as much of a prominent role in ideological consolidation as did thousands of writers. The role of composers as intellectual laborers had not been

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<sup>12</sup> Nikolai Ostrovsky, *How the Steel Was Tempered*, trans. Communist Party of Australia (Sydney, Australia: Communist Party of Australia, 2002), Part Two.

<sup>13</sup> Wilson, *Shostakovich: A Life Remembered*, 47.

### *Forging Artistic Exceptionalism*

crystallized until the end of the decade. Likewise, under Stalin's consistent political purge, composers did not have to fear for their existence as much as the writers did, partly due to the abstract nature of musical arts but also owing to the Party's prioritization on literary education, since Composer's Union was not established until 1939, five years after the founding of the Writers' Union. Although the early 1930s saw the proliferation of experimentalist music and patriotic songs, real "Soviet sound" was still loosely defined, and there had not been such a genre as "socialist realist music." Many independent, municipal music organizations were still active during this time, seeking to expand their base and artistic vision. Similarly, this was the time Dmitri Shostakovich enjoyed wide-ranging creative and experimental freedom.

### **Citizenship and Musicianship: The Conflicted Soviet Cultural Identity**

Shostakovich's childhood was filled with music. His mother was a professional pianist. During his childhood, Shostakovich's father would sing opera arias and traditional Russian romances to his wife's piano accompaniment. The family was of Siberian roots, and Shostakovich's parents would often invite people over - friends and relatives from all social, ethnic, and political backgrounds - to organize Siberian evenings at home when they would celebrate until 6 a.m. Shostakovich himself also recalled the instrumental music soirees organized by his childhood neighbor, cellist Boris Sass-Tisovsky, during which Shostakovich could "listen for hours to the trios and quartets of Mozart, Haydn, Beethoven, Borodin, and [Tchaikovsky]."<sup>14</sup>

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<sup>14</sup> Laurel Fay, *Shostakovich: A Life* (New York: Oxford University Press, 2000), 9.

### *Forging Artistic Exceptionalism*

Aside from the prominence of music and the spirit of a nurturing family, it was the parents' common Siberian heritage that shaped a unique cultural identity and the liberal atmosphere of the Shostakovich household.<sup>15</sup> The young Shostakovich was observant and showed curiosity about all his surroundings. Shostakovich's music is full of contrasting emotions that make up a huge sound palette, and it is difficult to know what he really said and meant in his music without understanding different aspects of his personality.

Even though Shostakovich had preserved a witty mind under his parents' liberal upbringing, there was a very different side to his complex psychological make-up. His father died when Shostakovich was only fourteen. In his adolescent years, during which time a bloody civil war was disrupting the already fragile economy of post-revolutionary Russia, Shostakovich had to take mundane jobs to support himself and the rest of the family. Food was so scarce that ration cards eventually served as scholarships that art students like Shostakovich had no choice but to apply to.<sup>16</sup> As a result, personal and familial hardships played a significant role in the polarities reflected in Shostakovich's musical expression. Namely, one can sense his ambivalent artistic temperament from many of his compositions: "at one moment, jolly and easy, the next pensive; then suddenly he would switch off altogether."<sup>17</sup> Maxim Shostakovich, Dmitri's Shostakovich' son, who also pursued a successful musical career as an orchestral conductor, reminisced about this trait during an interview:

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<sup>15</sup> Fay, *Shostakovich: A Life*, 11-15.

<sup>16</sup> Wilson, *Shostakovich: A Life Remembered*, 46-50.

<sup>17</sup> Wilson, *Shostakovich: A Life Remembered*, 7.

### *Forging Artistic Exceptionalism*

Dmitri Dmitrievich had a very wry sense of humor, and it affected all his music. And at the same time his music was overwhelmingly tragic, showing constant struggle. The scale of his emotions was incredibly broad: humor and tragedy, everything to the maximum, everything on the verge of breakdown, the uttermost tension. But externally he was very reserved. Everything was seething inside. He liked jokes, anecdotes, but if he grieved, he grieved to heartbrokenness; if he laughed, he laughed to tears. Everything was in extremes.<sup>18</sup>

Maxim's remark is indicative of the polarity and ambivalence embedded in his father's music. It is important to establish such a connection between Shostakovich' personality and the meaning behind his music so that his compositions could be interpreted through various perspectives.

Shostakovich possessed a witty sense of humor throughout his life. He loved the satirical literature of Nikolai Gogol and Mikhail Zoshchenko. He was clearly an introvert. Nevertheless, when he composed, he expressed his emotions to the fullest extent. As one of the most celebrated composers in the Soviet Union, he did not shy away from the political correctness of his time, composing in a manner that reflected the absurdity of his surrounding social climate as well as "a parodying use of Soviet officialese."<sup>19</sup> In a letter to his friend Isaak Glikman, Shostakovich confessed his appreciation for the politically incorrect writing style of poet Yevgeny Yevtushenko, whose

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<sup>18</sup> Maxim Shostakovich, interview by Vadim Prokhorov, *American Record Guide* 60, no. 2: 24.

<sup>19</sup> Wilson, *Shostakovich: A Life Remembered*, xii.

poetry did not submit to the anti-Semitic ideological outlook of the day:

What draws me above all is the ethical basis of his poetry. His brain may still have a few holes in it, through which leaks the occasional foolishness, but in time the holes will be darned. It's my belief that those who reject Yevtushenko's poetry are not in fact legion; they are far fewer than that. Among them, of course, are those who reject it on aesthetic grounds ... Sadly, such people utterly fail to appreciate the ethical basis of poetry, not only Yevtushenko's but that of many other poets as well.<sup>20</sup>

Not surprisingly, because of his fascination with Yevtushenko, Shostakovich composed an unusual piece in which he incorporated lyrics from Yevtushenko's poem "Babi Yar" that commemorated the Babi Yar massacre in Kiev during the Second World War. The piece was sure to spur controversy at the time, and even Shostakovich's life-long friend, conductor Yevgeny Mravinsky, refused to conduct the premiere of the piece due to tremendous political pressure. Without a doubt, many of Shostakovich's creative impulses were actually derived from personal struggles as well as empathy with the masses, and it was the concept of populism that ultimately shaped the emotional trajectory of his compositions.

In addition to Yevtushenko's poem, Shostakovich also made a surprising reference to Ostrovsky's *How the Steel Was Tempered* in his

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<sup>20</sup> Dmitri Shostakovich and Isaak Glikman, *Story of a Friendship: The letters of Dmitry Shostakovich to Isaak Glikman with a commentary by Isaak Glikman*, trans. Anthony Philips (Ithaca: Cornell University Press, 1993), 119.

memoir<sup>21</sup> edited by Russian musicologist Solomon Volkov. In his memoir, Shostakovich recounted his friendship with theatre director Vsevolod Meyerhold: “Naturally, I didn’t write the music for Meyerhold’s production of *One Life*. That was a terrible creation based on Ostrovsky’s horrible novel *How the Steel Was Tempered*. Meyerhold wanted to disassociate himself from formalism with this play. He ordered realistic scenery so that everything looked real.”<sup>22</sup>

It is easy, sometimes even encouraging, to infer that these populist sentiments that Shostakovich expressed were a sign of his dissident position against party ideology. While many of his works are clearly indicative of the human catastrophes caused by the state production goals of the Stalin era, they should not be interpreted simply as dissenting political views, since doing so would result in a different cultural context that leads to radical reevaluations of the great composer. Dmitri Shostakovich was a citizen of the Soviet Union - more so than he was an artist, and the two concepts were always interrelated with regard to the themes in his music. The role Shostakovich played in a communist totalitarian state was to cultivate a collective aesthetic ground that would positively contribute to the moral construction of its citizens. This was the position he as a

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<sup>21</sup> The Shostakovich *Testimony* edited by musicologist Solomon Volkov has been the subject of controversy ever since its publication in 1979. Scholars have questioned from the source’s authenticity to Volkov’s scholarly method used for research. However, with the collapse of the Soviet Union and the uncovering of internal information, scholars have come to the basic agreement that Shostakovich’s overall image presented in *Testimony* is authentic, though Volkov’s scholarly method to this day is still debated and questioned by prominent musicologists. For this reason, I decide to cite the work in Volkov’s name instead of Shostakovich. But on the other hand, I do acknowledge the significance of this work for Shostakovich studies and believe in the work’s authenticity in depicting Shostakovich’s personality.

<sup>22</sup> Solomon Volkov, *Testimony: The Memoir of Dmitri Shostakovich as Related to and Edited by Solomon Volkov*, trans. A. W. Bouis (New York: Harper and Row, 1979), 82-83.

### *Forging Artistic Exceptionalism*

composer successfully fulfilled. In fact, when his son Maxim was asked during an interview why his father did not ever choose to flee the Soviet Union to pursue a musical career in the West, Maxim simply answered, “He was needed there. He knew that ... This is about my father. He was with his people. He didn’t leave Russia because of his civic position.”<sup>23</sup> Maxim’s remark explains his father’s unique national identity as an indispensable member of the Soviet intellectual world. Whether Shostakovich was a faithful Marxist - we would never know. What we do know is that Shostakovich had always been writing for his motherland and for the people living in it.

Was Shostakovich a political dissident? Such is the question that nobody is able to answer. In a society of excessive government intervention and censorship, every Soviet citizen lived an abnormal life. Such “abnormality” was not simply about a repressive and incompetent government that only taught its constituents the subjects of dialectical materialism and Marxist-Leninism. The abnormality was in fact much more profound and complex, to the extent that personal opinions and emotions could only be centered around “the paramount subjects of existentialist philosophy: the tragic splitting of the human soul between good and evil, the impossibility of reaching complete mutual understanding with one’s fellow man, and the search for self-identity in an alien and absurd world.”<sup>24</sup> The term “existential philosophy” here eschews the conventional definition of existentialism that became standardized

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<sup>23</sup> Maxim Shostakovich, interview by Vadim Prokhorov, *American Record Guide* 60, no. 2: 24.

<sup>24</sup> Hakobian, “A Perspective on Soviet Musical Culture during the Lifetime of Shostakovich,” 218.

under French philosopher Jean-Paul Sartre. In the context of the Soviet society, “existentialism,” as the name itself suggests, was an elemental phenomenon which corresponded to people's daily consciousness of their surroundings as well as their own existence. And when that very consciousness affected behavior and language, which in this case could be seen as Shostakovich’s creative impetus, a powerful spiritual experience was subsequently formed, amounting to a collective “Soviet cultural identity.”

### **On Road to Victory: The Triumph of the Fifth Symphony**

On January 28, 1936, Dmitri Shostakovich’s composition was officially condemned. This day also marked the first major government intervention in the field of musical arts. To Shostakovich, this meant that both his career and life were in jeopardy - he had no choice but to struggle for a rare chance of reprieve. Furthermore, to every other Soviet composer at the time, the case of Shostakovich meant an unofficial resolution in which the ideological direction in music must be resolved to formulate a united stylistic approach.

On the day of his condemnation, a *Pravda* article entitled “Muddle Instead of Music” viciously condemned Shostakovich’s opera *Lady Macbeth of the Mtsensk District*.<sup>25</sup> Because of party officials’ dissatisfaction with the opera’s “western” sentiments, they decided to censor further productions of the opera. As expressed in the article, the Party’s discontent with both the opera and its general reception was clear: “The young composer, instead of hearing serious criticism, which could have helped him in his future work, hears only

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<sup>25</sup> *Pravda* (the “Truth”) was the official government news agency in Soviet Union.

### *Forging Artistic Exceptionalism*

enthusiastic compliments.”<sup>26</sup> Since then, Shostakovich’s opera had been labeled as the notorious hallmark of “formalism” that became the negative example for the entire Soviet music industry. In other words, *Lady Macbeth of the Mtsensk District* was said to embrace western bourgeois traditions while completely ignoring the appropriate ideological direction of socialist realism.

Overnight, *Lady Macbeth* turned from one of the most popular Soviet operas to the hallmark of formalism, and Shostakovich suddenly became the enemy of the Soviet people. In fact, *Lady Macbeth* was so successful before its denunciation that Soviet music critics envisioned it as the pinnacle of proletariat opera. The general population also enjoyed it. Professional and amateur musicians also embraced it. However, one specific aspect of the opera that could hardly abide by the rules of socialist realism: its harmonic dissonance and emotional ambiguity. The opera was based on the realistic novella of 19th-century Russian writer Nikolai Leskov. Many sexual and violent scenes from the novella were amplified through loud and dissonant sounds that particularly appealed to the general public. The Soviet citizens loved Shostakovich’s style. Nevertheless, it did not appear to be a politically correct style to party officials, particularly in Stalin’s opinion. As the Pravda article decried different aspects of the work, a reference to the “primitive” western bourgeois tastes was made clear:

The singing on the stage is replaced by shrieks. If the composer chances to come upon the path of a clear and simple melody,

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<sup>26</sup> “Muddle Instead of Music,” *Pravda*, Jan. 28, 1936. Quoted in *Arnold Shalks Internet Archive* (<https://sutalkmusic.files.wordpress.com/2012/11/muddle-instead-of-music.pdf>).

### *Forging Artistic Exceptionalism*

he throws himself back into a wilderness of musical chaos - in places becoming cacophony. The expression which the listener expects is supplanted by wild rhythm. Passion is here supposed to be expressed by noise... This music is built on the basis of rejecting opera - the same basis on which “Leftist” Art rejects in the theatre simplicity, realism, clarity of image ... The danger of this trend to Soviet music is clear. Leftist distortion in opera stems from the same source as Leftist distortion in painting, poetry, teaching, and science.<sup>27</sup>

As such, criticism indicates, the ideal style of Soviet music, according to the authority, should pertain to simple melodies, easily tappable rhythms, and distinctive emotions. Works not corresponding to such guidelines were deemed “formalist” and “leftist distortion,” and anti-people. From January 1936, Stalin’s intervention had completely changed the course of Soviet music history, narrowing down the proper ideological and stylistic boundaries of musical composition. Likewise, Shostakovich was never the same artist as he had been before the ruthless denunciation. His earlier career, as her sister Zoya recalled, was of “mischief and good spirits” and “remained so until they started beating the fun out of him.”<sup>28</sup> Now that the early excitement about the Leninist avant-gardism was over - it was time for some serious reforms in music. The Pravda decree had beaten the fun out of Shostakovich.

To strive for a reprieve after denunciation, Shostakovich had to abide by the general stylistic elements of socialist realism and follow

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<sup>27</sup> “Muddle Instead of Music.”

<sup>28</sup> Wilson, *Shostakovich: A Life Remembered*, 8.

### *Forging Artistic Exceptionalism*

the implied guidelines from the Pravda article. Namely, he was obliged to write a large-scale symphonic work that, musically, incorporates comprehensible melodies and straightforward rhythms and, ideologically, caters to the emotional trajectory of such literary works as Ostrovsky's *How the Steel was Tempered*. The final product became known as the Symphony No. 5 in D minor, Op. 47.

On Sunday, November 21, 1937, the day of the Fifth Symphony's premiere, the Leningrad concert hall was full; Shostakovich and his friends also showed up. The audience was nervous about what would ensue. This particular premiere was an unusual experience not only for Shostakovich himself but also for all the listeners and the musicians who were about to witness the young composer's musical response to the authority. No one knew what would happen to Shostakovich after this since another denunciation could totally cost the young composer's life. No one knew what the future of Soviet music might look like. While confusion and uncertainty prevailed, there was a sense of hope in everyone - the hope that the Fifth would be later accepted by the Party and that Dmitri Shostakovich could pave the way for the future of Soviet music.

The performance started, Shostakovich could not go back now. As soon as the music began, certain moods were easily recognizable to a typical Leningrader: a confrontational fugue depicting the proletariat "red" spirit, intertwined violin passages illustrating the unprecedented mobilization speed at a modern factory, a sour march representing some militant assemblies or revolutionary events. It is important to note that, unlike written forms of literature, music is an abstract form of art that evokes scenes and emotions through

### *Forging Artistic Exceptionalism*

continuous sounds. While a piece's general mood is easy to discern, the real meaning behind every note is up to the interpretations of individual listeners. So, the actual definition of these musical passages - whether a sour march represents the Soviet Red Army or the secret police or even a mocking depiction of Stalin himself - depends on the understanding of those who attended the Fifth's premiere. With that said, it was the very abstraction that made Shostakovich's artistry unique. Every audience member at this premiere understood that the symphony was an unequivocal depiction of the mass - their gain and loss, their hope and grief, their optimism and disillusionment.

Towards the middle of the performance, many listeners burst into tears during the third movement.<sup>29</sup> This slow, lyrical section of the symphony was often interpreted as a eulogy<sup>30</sup> of the victims during the Great Purge. Shostakovich later in his life recalled the political atmosphere at the time of the Fifth Symphony: "In Leningrad, there probably wasn't a single family who hadn't lost someone [due to the Great Purge]. Everyone had someone to cry over, but you have to cry silently, under your blanket..."<sup>31</sup>

When words are censored, music reaches a wider audience. The premiere provided the audience with an opportunity to grieve together, collectively. Without a doubt, it was the deeply heart-wrenching populist sentiment that shaped Shostakovich's creative impulse in the Fifth. The music truly represented the sounds of the

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<sup>29</sup> Wilson, *Shostakovich: A Life Remembered*, 151.

<sup>30</sup> *Keeping Score*, "Dmitri Shostakovich: Symphony No. 5," directed and performed by Michael Tilson Thomas and the San Francisco Symphony, <https://www.youtube.com/watch?v=e3RbWSfhlp4&t=209s>.

<sup>31</sup> Anderson, *Symphony for the City of the Dead*, 134.

### *Forging Artistic Exceptionalism*

mass - a symphonic answer to both the Party and the commoners. It resonated with every Leningrader who witnessed the peculiar political atmosphere under the Stalin regime. More importantly, the overall sonority of the Fifth Symphony also corresponds perfectly with the politically correct style of socialist realism, amounting to the pinnacle of artistic achievement under the Stalinist cultural apparatus. At the end of the day, whether these musical passages meant a vicious attack against the absurd status quo or a sincere apology to the authority, the true answer was written by Shostakovich and every audience member at the 1937 premiere.<sup>32</sup>

The last chord sounded. The entire audience soon erupted into a wild standing ovation that lasted well over thirty minutes. That chord was in D-major instead of D-minor. Shostakovich ended the symphony in the way opposite of what the title suggests. It was a bombastic, electrifying last note. Whether this last chord portrayed the image of a dark Orwellian dystopia or a bright industrial future of communism, let the Leningraders at the premiere decide.

One of the audience members recounted this historic scene: “The listeners started to rise automatically from their seats during the finale, one after another. The music had a sort of electrical force. A thunderous ovation shook the columns of the white Philharmonic hall.”<sup>33</sup> After the premiere, a message started circulating, and “everybody repeated the same phrase over and over again: ‘[Shostakovich] has given [the authority] his answer, and it’s a good

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<sup>32</sup> Much of the musical analysis presented here draws on the author’s interpretation of the Fifth Symphony, given the cultural and political context from previous sections of the paper.

<sup>33</sup> Wilson, *Shostakovich: A Life Remembered*, 151.

one.”<sup>34</sup> To the Leningraders who attended this concert, that moment meant spiritual liberation. To Shostakovich, his musical answer to the “anti-people” denunciation brought him reprieve and rehabilitation.

### **Conclusion: A Life Remembered**

Shostakovich’s Fifth Symphony represents a significant change that sheds new light on the legacy of Stalinism. Throughout the Stalin age, cultural purges had continuously dominated the Soviet intelligentsia and ruined the careers of great individual artists. Most of the Party’s interventions did indeed prove incompetent or even ridiculous. However, the Party could only play a role of setting up proper ideological boundaries. The final products would always depend on individual artists’ creativity to manifest their expressions within this ideological boundary. In that sense, party elites were merely advocates for socialist realism. The actual stylistic construction was done by individual artists, not the politicians. And an artist’s creative ability to maneuver within that boundary proved crucial to his or her very existence under the powerful cultural bureaucracy. Here, artists were the real engineers of the human soul. Unbelievably, the exceptional artistry exhibited in the Fifth was cultivated under a highly centralized bureaucratic apparatus typical of Stalinist cultural policies. It was Shostakovich’s surroundings, both personal and political, that ultimately led to his unsurpassed musical achievements domestically and abroad.

More than forty years have passed since Shostakovich’s death. Now that the mighty communist empire has collapsed, and there has

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<sup>34</sup> Wilson, *Shostakovich: A Life Remembered*, 151.

been a surge of interest in the life and music of Dmitri Shostakovich. When appraising the composer, general perceptions tend to focus on two mutually exclusive categorizations: either a communist sympathizer<sup>35</sup> or a courageous dissident<sup>36</sup> against an incompetent regime. Such perceptions prove not only insensitive to the lives of brave Soviet men and women who had lived through the Great Purge and the Second World War, but also completely misleading with regard to the interpretations of Soviet music in the Stalin era. Instead, Shostakovich should be seen as somebody in between the spectrum so that the music could be heard not only through a personal lens but also from a collective, socio-political aesthetic base. When evaluating the composer, the debates should be centered around the historical significance of his compositions rather than his ideological inclination. Musical compositions under the influence of Stalinism were the greatest representation of a sophisticated era. And in order to better understand the profound expressions in the music, one has to cast down the tendency of presentism in order to see through the eyes of the Soviets. As Soviet violinist Zoya Leybin solemnly remarked, “[Shostakovich’s] music is a hymnal, to all of us, who lived, survived and passed on.”<sup>37</sup>

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<sup>35</sup> Fay, “Shostakovich versus Volkov,” 11-12.

<sup>36</sup> Allan B. Ho and Dmitry Feofanov, *Shostakovich Reconsidered* (London: Toccata Press, 2006), 22.

<sup>37</sup> *Keeping Score*, “Dmitri Shostakovich: Symphony No. 5,” directed and performed by Michael Tilson Thomas and the San Francisco Symphony, <https://www.youtube.com/watch?v=e3RbWSfhlp4&t=209s>.





Illustration by Jenna Lateano, CSU Chico

# Inherited Traits: The Legacy of the Eugenics Movement and Sterilization of Women

By Alberto Mora

Since the late-nineteenth and early-twentieth century, the use of sterilization for solving social problems has always been a contentious issue. More specifically, the sterilization of men and women without consent, for the sole purpose of social and behavioral control, raises contemporary issues that encompasses reproductive rights, sex, class, race, and gender. Sterilization, however, is not a new phenomenon, as it has its roots in the eugenics movement, which is a term coined by Sociologist Francis Galton (1822- 1911), who defined it as “all influences that tend in however remote a degree to give to the more suitable races or strains of blood a better chance of prevailing over the less suitable.”<sup>1</sup> In short, eugenics was a pseudoscience that popularized the idea that certain races or classes of people were inherently superior based on their genetic makeup. More importantly, however, it influenced sociological theories in that people who engaged in immoral or illicit behavior did so because of inferior traits inherited from their families. The eugenics movement is more closely remembered today in the context of World War II, where similar claims

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<sup>1</sup> Paul Lombardo, *Three Generations, No Imbeciles: Eugenics, the Supreme Court, and Buck v. Bell* (Baltimore: Johns Hopkins University Press, 2008), 7

### *Inherited Traits*

were made by the Nazis as justification for the extermination of people who they deemed lesser. It also promoted the myth of Aryan superiority over other races despite no clear or coherent scientific evidence to support the idea. The study of eugenics also paved the way for sterilization procedures as doctors and physicians readily took up eugenics philosophy as a way to combat what they deemed to be the moral degradation of society. In a 1969 article in the *British Medical Journal*, called “Sterilization of Women,” doctors C.P. Blacker and John H. Peel asked several obstetricians, gynecologists, and other medical doctors in a survey about their attitudes of performing sterilizations on women. Of 882 replies, “96% said they were not debarred by any matter of principle from carrying out the operation of sterilization of women, 83% were prepared to carry out the operation at their own discretion without seeking a second opinion.” More importantly, though, the survey also asked why women were seeking sterilizations. The survey gave four possible explanations including: (a) physical diseases or defects making further pregnancy dangerous to health, (b) a psychiatric indication, (c) domestic and family problems, including high parity, marital stress, or (d) in association with repeat cesarean section, in association with therapeutic termination of pregnancy. From the survey, 48.7% indicated that sterilization was a solution to social issues like family or domestic problems, therefore implying that sterilization treatments went beyond the scope of a simple medical procedure and more akin to the solution of a social problem. By the early twentieth century, the sterilization of criminals and the mentally disabled gained traction as many states throughout the U.S passed legislation that promoted vasectomies, tubal ligations, or hysterectomies. By the mid-twentieth

### *Inherited Traits*

century, however, sterilization laws were fiercely opposed as the nature of sterilization changed. Marginalized groups of people, specifically women of color, were overwhelmingly targeted or overrepresented when it came to sterilization cases. In many of those cases, sterilization was linked to racial and ethnic discrimination as it was seen as a remedy to prohibit women of color who engaged in crime, drugs, prostitution, or living in poverty from having children. The legacy of the eugenics movement and evolution of sterilization procedures evolved into a systematic method in which certain types of women were exclusively targeted for the sole purpose of controlling, containing, and limiting them from procreating.

### **The Eugenics Movement**

The eugenics movement has its roots in the early study of genetics. Based on Charles Darwin's Evolutionary theory and pioneering Geneticist Gregor Mendel's work on the heredity of pea plants, eugenics was established as a way to study inherited traits in humans. In much the same way in which cattle or dog breeding led to certain favorable traits in animals, early eugenicists sought to explain physical and behavioral traits in people and see whether the selection of favorable mates could reproduce better people. Early on, doctors and theorists linked the idea of behavioral traits through the use of genetic maps like pedigrees or genealogies. Doctors like Oliver Wendell Holmes and John Harvey Kellogg theorized that moral ills and/or physical/mental defects were the result of inherited abnormalities. Kellogg states, "The throngs of deaf, blind, crippled, idiotic unfortunates who were 'born so,' together with a still larger class of dwarfed, diseased, and constitutionally weak individuals, are

### *Inherited Traits*

the lamentable results of the violation of some sexual law on the part of their progenitors.”<sup>2</sup> The most famous quality that emerged during this era was the idea of “feeble-mindedness,” in which eugenicists believed that certain people with low intelligence or mental deficiencies were the result of various generations of “low stock” breeding. Other eugenicists of the era supported this claim by tracing the lineages of people in mental hospitals, particularly those with mental disabilities. For example, Psychologist and Eugenicist Henry H. Goddard recorded the family history of one of his patients at the Home for the Education and Care of Feeble-minded Children mental institution in New Jersey. Using the pseudonym Kallikak for the family name, Goddard surmised that his patient “Deborah Kallikak’s” feeble-mindedness resulted from her great-great-great-grandfather cheating on his wife with a feeble-minded barmaid. Moreover, this caused a split in the Kallikak family tree where the barmaid’s descendants (including Deborah) wound up poor, delinquent, and showcasing mental disabilities. On the other hand, the descendants of Deborah’s great-grandfather and his lawful wife grew up in a “wholesome,” respectable, New England lifestyle with no abnormalities whatsoever.<sup>3</sup>

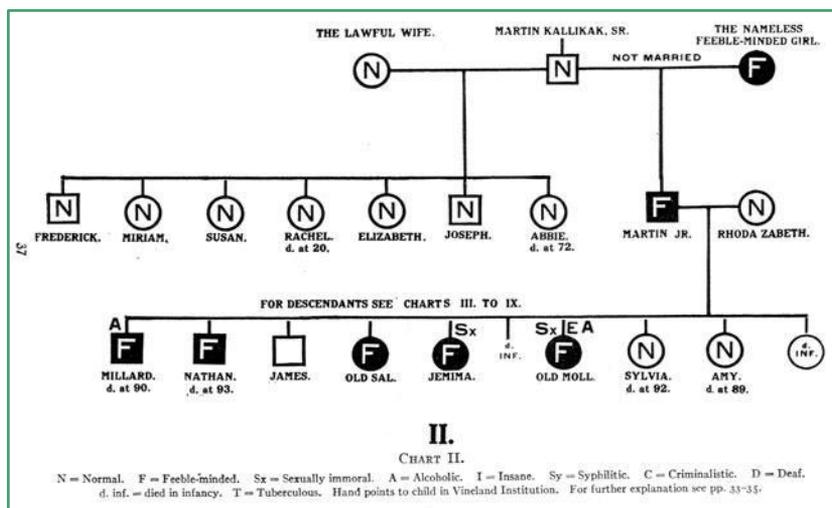
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<sup>2</sup> Lombardo, *Three Generations, No Imbeciles*, 10

<sup>3</sup> Henry Herbert Goddard, *The Kallikak Family; a Study in the Heredity of Feeble-mindedness* (New York: The Macmillan Company, 1912), 18-30.

## Inherited Traits

More importantly, though, individuals with feeble-mindedness were said to place an unnecessary burden on society.<sup>4</sup> According to Massachusetts Physician Walter Fernald, those defined as feeble-minded endured all manner of “congenital defect” ranging from “the simply backward boy or girl but little below the normal standard of intelligence to the profound idiot, a helpless, speechless, disgusting burden, with every degree of deficiency between these extremes.”<sup>5</sup> More importantly, however, was the idea that feeble-mindedness was linked to a woman’s sexual proclivities and promiscuity. For eugenicists, prostitutes and streetwalkers embodied the very worst of sexual misconduct as they engaged in various forms of immoral and degenerate behavior. According to Eugenics Historian Paul Lombardo, “more than a dozen studies of prostitutes by leading researchers



*The Kallikak Family Chart. 1912*

<sup>4</sup> (Photo) Goddard, *The Kallikak Family*, 37.

<sup>5</sup> Lombardo, *Three Generations, No Imbeciles*, 15

### *Inherited Traits*

supposedly demonstrated that up to 98 percent of all streetwalkers were of “subnormal” mentality... the image of the “moral degenerate,” a woman defective in mind as well as morals, remained a powerful rallying point for various kinds of reformers who would ultimately endorse the twin policies of segregation and sterilization.” Sterilization, therefore, became imbued as a tool to correct social ills that doctors readily sought to use against sexually deviant women.

As eugenics became more normalized and seen as a science that linked the sociological problem of feeble-mindedness to sexual misconduct, doctors were at the forefront to fix and correct the problem of “breeding undesirables.” For example, Dr. Joseph Price removed the ovaries of four mentally disabled women in a mental facility with the hopes of restoring their sanity.<sup>6</sup> This idea was especially controversial, as opponents objected to the use of sterilization as a cure for mental disorders. The *Journal of the American Medical Association* concurred, noting that most medical superintendents in mental hospital settings regarded with disfavor “the castration of a woman as a cure for mental disorders.”<sup>7</sup> Several doctors, however, used sterilization as a cure-all not only for the mentally disabled but also people afflicted with other medical problems like epilepsy or chronic masturbation. Eventually, the use of sterilization would go on to move from the mental facility into prisons, hospitals, and clinics, specifically for the purpose of ceasing reproduction. In 1897, Michigan proposed a bill that called for the “asexualization” of felons and convicts in order to prevent “such

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<sup>6</sup> Lombardo, *Three Generations, No Imbeciles*, 20

<sup>7</sup> Lombardo, *Three Generations, No Imbeciles*, 20

persons ... to reproduce their kind.”<sup>8</sup> The bill was widely supported in the medical field. Eventually, several states followed suit and proposed legislation in favor of sterilization at the turn of the twentieth century.

The first state to pass sterilization laws was Indiana in 1907, yet it was not without its legal challenges. In 1920, Eugenicist Harry Hamilton Laughlin was one of the most prominent experts on sterilization practices in the world. A frequent contributor to the Eugenics Record Office (ERO), a research institute dedicated to the study of eugenics, Laughlin had proposed a model law by which several states could base their sterilization laws.<sup>9</sup> Since then, twelve states had enacted sterilization laws, with several more states passing their own following the publication of Laughlin’s book, *Eugenical Sterilization in the United States*. In 1924, Virginia passed a law based on Laughlin’s model law that allowed for the sterilization of those deemed feeble minded. Certain legal challenges, however, left the Virginia law questionable, as ethical issues over the sterilization of the mentally impaired were raised. For superintendent Albert Priddy of the Virginia State Colony for Epileptics and Feebleminded, it would not be until his petition to sterilize an eighteen-year-old girl named Carrie Buck that the legal justifications over the Virginia statute would pass muster under the U.S Supreme Court.

### **Court Cases and Involuntary Sterilizations**

Perhaps the most infamous court case that provided the growth of sterilization laws in the country was the *Buck v. Bell* case. In 1924,

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<sup>8</sup> Lombardo, *Three Generations, No Imbeciles*, 21

<sup>9</sup> Lombardo, *Three Generations, No Imbeciles*, 42

### *Inherited Traits*

an eighteen-year-old girl named Carrie Buck challenged the Virginia statute that allowed superintendents of institutions for the mentally disabled to sterilize mentally impaired individuals so long as it is for the “best interest of the patient and society.”<sup>10</sup> Carrie Buck was due to be sterilized only after it was determined that she, along with her mother and illegitimate child, were labeled as feeble minded. As the case traveled up the Virginia courts and eventually to the Supreme Court of the United States, concerns over Buck’s fundamental right to procreate and the equal protection clause of the 14<sup>th</sup> amendment were raised. Nevertheless, in 1927, the Supreme Court ruled in an 8-1 ruling that the Virginia state colony had the right to sterilize Buck for public welfare.<sup>11</sup> Supreme Court Justice Oliver Wendell Holmes famously stated in his opinion:

We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if it could not call upon those who already sap the strength of the State for these lesser sacrifices, often not felt to be such by those concerned, in order to prevent our being swamped with incompetence. It is better for all the world if, instead of waiting to execute degenerate offspring for crime or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind... Three generations of imbeciles are enough.<sup>12</sup>

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<sup>10</sup> Photograph was provided by the M.E. Grenander Department of Special Collections, State University of New York at Albany. Hilary Eisenberg, “The impact of dicta in buck v. bell. *Journal of Contemporary Health Law and Policy* 30, no. 1 (2013): 184-221.

<sup>11</sup> Buck v. Bell, [274 U.S. 200](#) (1927)

<sup>12</sup> Buck v. Bell, [274 U.S. 200](#) (1927)

### *Inherited Traits*

The Supreme court case legitimized sterilization laws in the United States, allowing states to pass legislation without constitutional scrutiny.

With the growing appeal for sterilization laws, many states in the U.S followed suit in the early twentieth century. California, specifically, led the way in terms of sterilization application and breadth. California's sterilization laws in the



*Photograph of Carrie and Emma Buck at the Lynchburg Colony. 1924.*

early 1900s covered anyone from prison inmates to the mentally disabled (including those feebleminded), as well as those deemed to be sexually promiscuous. Moreover, as the sterilizations laws in California came to encompass a more eugenics overtone, subsequent sterilizations now pertained to those, "afflicted with mental disease which may have been inherited and is likely to be transmitted to descendants, the various degrees of feeblemindedness, those suffering from perversion or marked departures from normal mentality or from disease of a syphilitic nature."<sup>13</sup> With the expansion of sterilization laws, the number of sterilizations in California grew. In the 1920s, California accounted for over 80% of all sterilization cases in the United States.<sup>14</sup> Eventually, other states soon saw sterilization as

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<sup>13</sup> Paul Lombardo, *A Century of Eugenics in America: From the Indiana Experiment to the Human Genome Era* (Bloomington, IN: Indiana University Press, 2011), 100.

<sup>14</sup> Lombardo, *A Century of Eugenics in America*, 91.

a necessary measure to control behavior, which in turn allowed California to lead the way in the number of sterilizations performed. There were 800 cases in the 1930s, becoming 18,000 sterilizations by 1950, far ahead of all other states.<sup>15</sup> By the 1960s, however, the appeal of sterilization diminished in context to the rise of the Civil Rights movement, the Women's Liberation Movement, and subsequent reproductive milestones like *Roe v. Wade*.

In 1975, several working-class, predominantly Latina women, filed suit against the Los Angeles County hospital for nonconsensual sterilization. In *Madrigal v. Quilligan*, surgical residents were instructed to meet a quota of tubal ligations at the behest of the supervising physicians, despite racially-biased viewpoints in regard to population control.<sup>16</sup> A notable figure and whistleblower behind the hospital's tubal ligation policy was Dr. Bernard Rosenfeld, who recorded the county hospitals records from July 1968 to July 1970 and found that there was a 742% increase in elective hysterectomies, a 470% increase in elective tubal ligations, and a 151% increase in post-delivery tubal ligations.<sup>17</sup> At trial, issues of the plaintiffs' civil and constitutional rights to procreate were raised. The majority of women only spoke Spanish, and the tubal ligations were performed only after physicians requested signed consent forms in English, in the midst of going into labor. The combined physical stress, coupled with a lack of translation services and the promise of easing labor pains, constructed an environment of coercion that led to many of these

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<sup>15</sup> Lombardo, *A Century of Eugenics in America*, 100.

<sup>16</sup> Alexandra Mina Stern, "Sterilized in the Name of Public Health: Race, Immigration, and Reproductive Control in Modern California," *American Journal of Public Health* 95, no. 7 (2005): 1134.

<sup>17</sup> Stern, "Sterilized in the Name of Public Health," 1134.

### *Inherited Traits*

women not fully understanding that sterilization through tubal ligations was a permanent procedure. A key witness during the trial, former medical student Karen Benker, supplied testimony that the LA County hospital supported “an entrenched system of forced sterilization based on stereotypes of Mexicans as hyperbreeders [*sic*] and Mexican women as welfare mothers in waiting.” She also supplied testimony that Dr. Edward James Quilligan, the lead defendant and head of Obstetrics and Gynecology at County General, stated that, “poor minority women in L. A. County were having too many babies; that it was a strain on society; and that it was good that they be sterilized.”<sup>18</sup> In a similar vein, African American women and Native American women were also targeted for involuntary



*Minnie and Mary Alice Relf*

sterilizations. In *Relf v. Weinberger*, 14-year-old Minnie Lee Relf and her 12-year-old sister, Mary Alice, were surgically sterilized after their mother accidentally signed consent forms. Being illiterate and believing that the doctors would give them a contraceptive device known as Depo-Provera, Mrs. Relf signed the consent forms with an

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<sup>18</sup> Stern, “Sterilized in the Name of Public Health,” 1135.

“X” as her signature.<sup>19</sup> Similarly, Native American women were also sterilized without their knowledge. Medical care for Native American women fell under the Indian Health Services (IHS), a government program that was established in conjunction with the Bureau of Indian Affairs (BIA) and the Public Health Service, in order to provide adequate medical services to Native Americans on reservations. According to Jane Lawrence, Native Americans accused the IHS of sterilizing around 25% of Native American women between the ages of fifteen to forty-four years old during the 1970s. Methods used by physicians include the use of coercion, improper consent forms, failure to provide accurate information, and a lack of a waiting period for the surgical procedure.<sup>20</sup> Several studies have indicated that sterilization has more often than not been brought on through force or coercion, specifically as a way to target certain women such as racial or ethnic minorities, poor women, or women showcasing certain disabilities.<sup>21</sup> This coercion took the following forms:

- The women’s consent was obtained under duress. In such cases, women were asked to sign consent forms while in labor or on their way to the operating theatre or were told or given the impression that to obtain another medical

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<sup>19</sup> Sally J. Torpy, "Native American Women and Coerced Sterilization," *American Indian Culture and Research Journal* 24, no. 2 (2000): 1–22. Photograph provided by the Smithsonian’s National Museum of American History; “Experimenting on Girls of Color,” National Museum of American History, September 15, 2020, <https://americanhistory.si.edu/girlhood/wellness/talking-about-sex/experimenting-girls-of-color>

<sup>20</sup> Jane Lawrence, “The Indian Health Service and the Sterilization of Native American Women,” *The American Indian Quarterly* 24, no. 3 (2000): 400-419.

<sup>21</sup> Priti Patel, “Forced Sterilization of Women as Discrimination,” *Public Health Reviews* (2017): 38.

### *Inherited Traits*

procedure, such as an abortion or caesarian section, they had to consent to sterilization.

- The consent was invalid because women were asked to sign a consent form for sterilization without being provided full and accurate information regarding the sterilization procedure.
- The women's consent was not obtained. In such cases, women had never been asked if they wanted to be sterilized but were informed of their sterilization after having undergone a cesarean section. In some instances, women were unaware they had been sterilized until they tried to access contraceptives and were then informed that they had been sterilized.

The involuntary sterilization of women of color becomes even more stark as we examine sterilization procedures in prisons where many of their constitutional rights were limited.

### **Sterilizations in Prisons**

The coercive nature of sterilization procedures like tubal ligations are especially prevalent with the rise of mass incarceration of women of color. According to Women's Studies and Gender Scholar, Dr. Jess Whatcott, "the criminalization of black, Latina/Latinx, Native American, and some Asian women has led to a disproportionate number of people of color in women's prisons in the United States."<sup>22</sup>

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<sup>22</sup> Jess Whatcott, "No Selves to Consent: Women's Prisons, Sterilization, and the Biopolitics of Informed Consent," *Signs: Journal of Women in Culture and Society* 44, no. 1 (2018): 131-153.

Moreover, this disproportionate number of women of color in prisons are at an especially high risk of losing their rights and privileges. This loss of rights is especially crucial as we examine the effects it has on women and their reproductive rights. Reproductive justice, in this case, is defined as: (1) the right not to have a child; (2) the right to have a child; and (3) the right to parent children in safe and healthy environments.<sup>23</sup> Reproductive rights and justice, however, take a back seat, especially as women continue to face inadequate healthcare in prisons. According to Attorney Lillian Hewko from the Incarcerated Parents Project, widespread abuses of women in prisons include unwarranted sexual and physical violence from correctional officers. Often, complaints levied against officers are rarely followed through with punishment. In 2004, only one-third of accused staff were referred for prosecution. Of those referrals, half were discharged, and one-tenth were disciplined but not discharged. Other issues that plague incarcerated women include medical issues like HIV, Hepatitis C, and other sexually transmitted infections (STIs).<sup>24</sup> According to Hewko, “six percent of incarcerated women are pregnant at any given time, but do not have access to prenatal care or birthing options, such as midwives or birthing centers. As a result, the health of those who carry their baby to term and the fetus’s health are at risk.”<sup>25</sup> In terms of birth control, women in prisons are severely limited in their options, such as a lack of contraceptives or abortions, and nonconsensual sterilization procedures are a common feature. In fact, an independent

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<sup>23</sup> Loretta Ross and R. Solinger, *Reproductive Justice: An Introduction* (Berkeley: University of California Press (2017), 9.

<sup>24</sup> Lillian Hewko, “Reproductive (In)justice: Women & Mothers In Prison,” *The Women’s Health Activist* 39, no. 3 (2014), 1-4,10.

<sup>25</sup> Hewko, “Reproductive (In)justice,” 1-4,10.

investigative report revealed that California prisons had done tubal ligations on 148 women between 2006 and 2010 without following the approval process established by state law to protect them from coercion.<sup>26</sup> In White County, Tennessee a judge issued a standing order that allowed inmates to voluntarily enter a sterilization procedure in exchange for jail credit time of approximately thirty days.<sup>27</sup> The program entailed long term birth control procedures in the form of vasectomies for men, and a contraceptive implant is known as Nexplanon for females that make women infertile for around three years. The inmates at White County, Tennessee, could also receive two days' credit for enrolling in a neonatal syndrome program and an additional thirty days' credit if they underwent a long-term birth control procedure. While the order was in effect, thirty-two women received Nexplanon implants and thirty-eight men signed up to receive vasectomies. While the judge's standing order was later rescinded, it raised legal and ethical concerns about the coercive nature of sterilization practices in prisons. The fact that men and women were placed in an unfortunate situation in which agreeing to a permanent sterilization procedure could be traded in for a reduced sentence, could be defined as coercive. It also raises the question of prisoners' fundamental right to procreate.

In the article "Are We Sterilizing Prisoners?: Why Courts Should Prevent Prison Administrators from Denying Prisoners the Fundamental Right to Procreate," Tanner Minot examines the issue of

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<sup>26</sup> Hewko, "Reproductive (In)justice," 1-4,10.

<sup>27</sup> Elise B. Adams, "Voluntary Sterilization of Inmates for Reduced Prison Sentences," *Duke Journal of Gender Law & Policy* 26, no. 1 (2018): 23-44.

prisoners' rights to procreate. In the United States, prisoners are often the first to lose their constitutional rights as citizens. In the matters of reproduction, the Supreme Court ruled in *Skinner v. Oklahoma* (1942) that involuntary sterilization of prisoners violated their constitutional right to procreate. The issue, however, rested on whether the fundamental rights to procreate trumps the loss of certain rights once people enter prison. For example, while forced sterilization in prisons/on prisoners was prohibited, the physical action of trying to procreate while in prison was another story. In *Goodwin v. Turner*, and *Gerber v. Hickman*, male prisoners were denied the request to mail sperm to their spouses. In both cases, it was ruled that a prisoner's right to procreate could not survive incarceration, and that allowing Goodwin or Gerber the right to procreate while incarcerated would raise equal protection issues in which female inmates could claim the right to procreate in prison.<sup>28</sup> In short, while the fundamental right to procreate does stand, it does not apply in the context of prison and therefore severely limits prisoners' abilities to exercise their rights.

It is important to note, however, that in the context of prison, the use of sterilization is a mixed issue. In the article "Factors associated with sterilization use among women leaving a U.S. jail: a mixed methods study," Criminal Justice Professors Patricia Kelly and Megha Ramaswamy conducted a study in which women in prisons and correctional facilities sought voluntary sterilization. They used a cross-sectional survey with 102 jailed women in Kansas City, Missouri who were participating in a study about contraceptive use after

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<sup>28</sup> Tanner Minot, "Are We Sterilizing Prisoners?: Why Courts Should Prevent Prison Administrators from Denying Prisoners the Fundamental Right to Procreate," *Journal of Gender, Race & Justice* 16, no. 1 (2013): 323–348.

### *Inherited Traits*

release from jail, and then conducted semi-structured interviews with twenty nine of those women after their release from jail. Kelley and Ramaswamy used logistic regression and analytic induction to assess factors associated with self-reported sterilization use. Their study sought to answer the question as to why voluntary sterilization use was high among incarcerated women and whether coercive measures were used. The study concluded that while coercion may not have been the principal factor in explaining high sterilization rates, other factors like financial concerns, past trauma, pressure from interpersonal relationships, and the nature of their criminal involvement play a larger role.

Stepping outside of prisons, the sterilization of marginalized groups of women is not solely exclusive to the United States. In her study of sterilization practices of Romani/Gypsy women in Finland, researcher Markku Mattila sought to answer whether the high reports of sterilization among Romani women were the result of directed discriminatory actions by Finnish Medical institutions. In her article, “Sterilization policy and Gypsies in Finland,” Mattila argues that Romani women were targeted for sterilization in order to address social problems in Finnish Society. Romani women are described as a social group linked to many social problems in Finland. Moreover, the sterilization practices of Finland, like sterilization practices in other countries, tend to target specific ethnic/cultural groups. In Finland, this included nomadic people like the Romani and the tattareltater (Swedish/Norwegian). Norway had a low number of sterilization cases. Even so, the conclusion has been drawn that tater women were more likely to be sterilized than other women. Data yielded from the study concluded that Romani women were singled-out as targets of

sterilization policies not as victims of systematic policy designed to lower the Romani population, but rather because of independent forces and actors like medical personnel/administrators in hospitals, along with the requests from Romani women voluntarily seeking sterilization. Romani women, however, were informed more systematically about voluntary sterilization procedures. Stigma over Roma culture and lifestyle may have influenced a more targeted approach to sterilization, as it certainly carried with it a higher risk of being targeted by sterilization policies under certain circumstances, yet these women were not openly subjected to coercive measures. Explanations for Romani women having a higher rate of sterilization among other groups could be interpreted as due to lower socio-economic status where they experience more poverty, incarceration, or lack of housing.<sup>29</sup>

In a similar vein, Garifuna women in Honduras infected with HIV were pressured into involuntary sterilization procedures. For Garifuna women escaping violence from drug cartels, or gang activity, they were in a position to claim asylum in the United States based on evidence that they suffered forced sterilization procedures. “Forced sterilization has been recognized as grounds for asylum in the United States, having been defined as political persecution in 1996.”<sup>30</sup> According to researchers Holly Atkinson and Deborah Ottenheimer, under the American Immigration and Nationality Act (INA), an asylum

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<sup>29</sup> Marrku Mattila, “Sterilization policy and gypsies in Finland,” *Romani Studies* 28, no. 1 (2018): 109-139.

<sup>30</sup> Holly Atkinson and Deborah Ottenheimer, “Involuntary Sterilization Among HIV-Positive Garifuna Women From Honduras Seeking Asylum in the United States: Two Case Reports,” *Journal of Forensic and Legal Medicine* 56 (2018): 94-98.

seeker can request permission for asylum due to the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) stating:

For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well-founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well-founded fear of persecution on account of political opinion.<sup>31</sup>

The United States even created four specific categories for refugees that sustained or were the victims of involuntary sterilization. This includes potential asylum seekers who have 1) been forced to abort a pregnancy; 2) been forced to undergo involuntary sterilization; 3) been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program; and 4) a well-founded fear that they will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance.<sup>32</sup> For Garifuna women, involuntary sterilization becomes a human rights violation, as women who actively seek to refuse the medical

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<sup>31</sup> Atkinson and Ottenheimer, "Involuntary Sterilization Among HIV-Positive Garifuna," 94-98.

<sup>32</sup> Atkinson and Ottenheimer, "Involuntary Sterilization Among HIV-Positive Garifuna," 94-98.

procedure are in danger of having credible fears of persecution based on their choice to not comply.

## **Conclusion**

The sterilization of women is a multifaceted issue that encompasses several different social issues. It is an issue that intersects reproductive rights, sex, class, and gender that carries devastating effects to those who are ultimately a victim of misinformation or a misguided ideology. The eugenics movement provided the impetus by which doctors, psychologists, and social theorists could not only provide an explanation for what they perceived to be illicit or immoral behavior, but it also allowed them to “solve” the problem through sterilization. Its popularity and growing interest coupled with the emerging study of evolutionary biology and genetics meant that the application of sterilization would come in the form of state legislation that was lobbied by various medical professionals in the early 1900s. Sterilization’s ability to cure and halt “feble-mindedness” and other issues that plagued women, like hysteria or sexual promiscuity, would eventually lose favor as questions over peoples’ rights to procreate came in direct conflict. By the 1960s and 70s, it became evident that sterilization procedures were now being used to curb the growing birth rate of minority women. African American, Hispanic/Latina, and Native American women were overrepresented in tubal ligations and hysterectomies. In many cases, these women were not given consent or were coerced by medical doctors in order to receive treatment. Today, involuntary sterilization is recognized as a legitimate human rights violation as women around the world are persecuted and live in fear of losing their

### *Inherited Traits*

fundamental right to procreate. Sterilization is a very powerful and emotionally draining experience, much like other issues pertaining to reproductive rights like abortion. Moreover, these issues of reproductive rights have become very politicized because they deal with ideas such as the empowerment of women's choice, the right to have a family, and the overall continuation of humans as a species. Sterilization practices in the United States and around the world have been a tool to suppress marginalized groups of women from procreating. It ties in with population control and discrimination, as it is rooted in the belief that undesired women who engage in immoral behavior or are involved in a litany of social problems will inevitably pass it down to their children.



Illustration by Dillon Anderson, CSU Chico

# The Demise of Knights: A Historiography of Men at Arms in Early Modern Europe

By Emil G. Pasion

Mounted warriors encased in steel plates charged in formation through the open field. With lances tucked under their arms, the knights pointed their weapons at full gallop against lines of infantrymen. Volleys from arquebusiers ricocheted off their armor, but still knights fell from their slain mounts. The survivors reached closer to the opposing lines, but in front of them were dense walls of pikes—long spears—held by scores of infantrymen. The heavy cavalry fell as footmen stopped their knightly charge and engulfed their unit.

The fabled European knights mounted on their destriers clad in armor throughout Medieval Europe were the symbol, the unstoppable force, and the coup de grâce of European warfare<sup>1</sup> European knights consisted of heavily armored warrior-nobility who fought on horseback. As heavy cavalry, they charged with lances into the enemy to break opposing lines and formations. Later periods spawned wealthy non-noble men like burghers and merchants. These non-nobles also afforded the high expenses of armor, horses, and servants. Heavy cavalry was no longer exclusively a unit of noble warriors; knights in the battlefield were reclassified as "men-at-arms." All knights were men-at-arms, but not all men-at-arms were knights, and

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<sup>1</sup> Destrier: *noun*, a knight's warhorse.

### *The Demise of Knights*

all were nigh-invulnerable when covered in their steel harnesses.<sup>2</sup> Early Modern Europe saw their demise, and scholars emphasized the ascension of the commoner foot soldier, the knight's antithesis, rather than the fall of these mounted warriors.

Hans Delbrück, a German Historian from the University of Berlin, and former member of the Reichstag and the Prussian House of Representatives in the nineteenth century, had a prominent historiography regarding knights and medieval warfare. His conclusions garnered the attention of historians, where they contested his writings well after his death. *History of the Art of War* was a significant piece of literature referenced and studied by historians. He highlighted the emerging infantry and pike formations as the downfall of the heavy cavalry charge. Delbrück viewed knights to be individualistic as opposed to a tight synergetic unit in combat.<sup>3</sup> Frank Tallett from University of Reading in his book *War and Society in Early Modern Europe* hypothesized that the decline of knights occurred because of economic reasons. The cost of maintaining and equipping men-at-arms did not justify their effectiveness in the Early Modern battlefield of Europe.<sup>4</sup> Brian Sandberg from Northern Illinois University mentioned Europe's famed cavalry units in *War and Conflict in the Early Modern World*. Contrary to the other historians, Samberg's historiography did not paint a decline; instead, he viewed the change

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<sup>2</sup> Hans Delbrück, *History of the Art of War*, vol. 4 (Lincoln: University of Nebraska Press, 1990), 118.

<sup>3</sup> Delbrück, *History of the Art of War*, 53.

<sup>4</sup> Frank Tallett, *War and Society in Early Modern Europe* (London: Routledge, 1992), 4-31.

### *The Demise of Knights*

of men-at-arms as an evolution into medium cavalry and light cavalry in the Early Modern period.<sup>5</sup>

Keith Moxey in *Peasants Warriors and Wives* and J. R. Hale in "The Soldier in Germanic Graphic Art of the Renaissance," like Hans Delbrück, focused on the infantry during the Early Modern period. Their historiography touched on the social change in Germanic Europe. Art depictions of the time showed a social elevation of infantrymen and the decline of knights, which previously held the forefront artistic depictions of medieval soldiery.<sup>67</sup> Pedro De Brito of University of Porto focused on Portugal's aristocracy and their disdain for the infantry, "Knights, Squires and Foot Soldiers in Portugal during the Sixteenth-Century Military Revolution" encompassed Portugal's lack of adaptation in the evolving battlefield. De Brito's historiography criticized Portugal's fervor in knightly charges because men-at-arms declined with the emergence of infantry in the Early Modern battlefield.<sup>8</sup>

### **Economics**

Wars were costly endeavors, and monetary costs were the primary factor for entry into the heavy cavalry. Men-at-arms required several horses to upkeep. Destriers for combat, riding horses for travel, and pack mules or horses for beasts of burden. Each needed horseshoes

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<sup>5</sup> Brian Sandberg, *War and Conflict in the Early Modern World: 1500-1700* (Cambridge: Polity Press, 2016), 41-69.

<sup>6</sup> Keith P. F. Moxey, *Peasants, Warriors, and Wives: Popular Imagery in the Reformation* (Chicago: University of Chicago Press, 2004), 67.

<sup>7</sup> J.R. Hale, "The Soldier in Germanic Graphic Art of the Renaissance," *The Journal of Interdisciplinary History* 17, no. 1 (1986), 85-114.

<sup>8</sup> Pedro de Brito, "Knights, Squires and Foot Soldiers in Portugal during the Sixteenth-Century Military Revolution," *Mediterranean Studies* 17 (2008), 118-47.

### *The Demise of Knights*

and hooves to maintain. Armor was expensive, and man-at-arms wore the best and needed head to toe hardened steel plate coverage. No men-at-arms could have operated without servants. Servants tended to horses, armor maintenance and preparation as knights found it impossible to don full armor alone. It was no surprise that knights kept the heavy cavalry exclusive to nobility for centuries as the philosophy of combat required land and coin to function. Frank Tallett in *War and Society in Early Modern Europe* argues that the key reason for the decline of knights and men-at-arms had everything to do with economics and the ruinous monetary cost of horsemen. Tallett utilized works from scholars who regarded the financial aspect of the militaries during the period. R.J. Bonney in *The King's Debts: Finance and Politics in France, 1589-1661* and R. A. Stradling in "Spain's Military Failure and the Supply of Horses, 1600-1660" paved the way for his economically based hypothesis.

Tallett argued that the effectiveness of the mounted knight did not justify the resources needed to field them, he explained "arguments of economy were compounded by a decline in the military effectiveness of the cavalry in face of the new weaponry. The horse was even more vulnerable to gunfire than its armoured rider: Blaise de Monluc had five horses killed under him in the 1521–2 campaigns; Piccolomini lost seven in a single day at Lützen (1632)."<sup>9</sup> Tallett's historiography on the decline of men-at-arms was due to the costly units and individual riders. However, the reason their cost was no longer justified was because of the emergence of new weaponry, and this new armament he spoke of was black powder weapons.

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<sup>9</sup> Tallett, *War and Society in Early Modern Europe*, 28.

### *The Demise of Knights*

Frank Tallett pointed out that the cavalry charge was stopped by disciplined fire from even a small group of arquebusiers.<sup>10</sup> The gunpowder weapons of Early Modern Europe did not penetrate the plate armor of knights. What gunpowder weapons did succeed in was devastating the beasts these venerable warriors rode upon. Consequently, it made the high cost of men-at-arms unjustifiable relative to their effectiveness on the battlefield. Warfare was evolving, and knights lost their centerstage position.

It made sense for the earlier periods to invest heavily in knights. Heavy cavalry was the primary unit in armies—the alpha and the omega. Supporting the knightly class and their deadly charge meant utilizing other units such as infantry, missile troops, and light cavalry as a supplement. Much like the arms race of weapons against armor, the battlefield, too, adapted to combat the heavy cavalry charge. Men-at-arms were countered by infantry armed with long spears called pikes pioneered by Swiss mercenaries and reproduced by the German Landsknechts. Tallett wrote, "this was proved time and time again: at Marignano, where the Swiss pikemen threw off successive charges by the French cavalry before succumbing to gunfire; at Pavia, where the French cavalry faltered before the Spanish infantry; at Breitenfeld, where Pappenheim's seven charges against Swedish pike and musket brigades were all repulsed."<sup>11</sup> Lines of pikemen stopped the heavily armored horsemen because horses did not run into such heavily dense walls of spikes, which effectively negated the knight's effectiveness in battle. Their purpose and strength were the ability to

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<sup>10</sup> Tallett, *War and Society in Early Modern Europe*, 29.

<sup>11</sup> Tallett, *War and Society in Early Modern Europe*, 30.

### *The Demise of Knights*

break lines with their charge of lances. The cost of heavy cavalry ultimately rendered knights obsolete.

Tallett's thesis on the fall of knights had everything to do with economics, but the emergence of black powder weapons and advancement of infantry tactics made the hefty cost of men-at-arms unjustifiable. Indeed, the economics and cost of horsemen played a significant role in the decline, but only because of the new armament and tactics of foot soldiers—a common denominator in the historiography of scholars.

### **Incline**

Many historians viewed the change of heavy cavalry's effectiveness as a decline. Brian Samberg's historiography in *War and Conflict in the Early Modern World*, on the other hand, showed the change as part of an evolution—an incline into modernity. Samberg argued that the heavily armored cavalry remained a crucial component of many armies in the Early Modern period:

The French and Burgundian gendarmes, fully armored men-at-arms bearing couched lances, provided tremendous shock value on European battlefields. French kings maintained companies d'ordonnance (regular companies) of gendarmes as permanent contingents paid directly by the royal treasury. The Spanish, Milanese, and Venetian armies continued to use their own men-at-arms effectively, especially in the broad plains of northern Italy.<sup>12</sup>

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<sup>12</sup> Sandberg, *War and Conflict in the Early Modern World*, 45.

### *The Demise of Knights*

Samberg still valued the men-at-arms and highlighted successful campaigns in which the heavy cavalry's charge were not obsolete.

Samberg's historiography reinforced the successful units of men-at-arm with how their supporting cast was utilized in the changing battlefield. Commanders used different types of cavalry forces to fight alongside the heavily armored horsemen. A less costly unit of medium armored men mounted atop medium sized horses offered a more mobile and maneuverable force. They filled the gap in capabilities that men-at-arms lacked. These less armored cavalry units later adopted firearms, which offered mobile firepower. Samberg painted a picture of the cavalry's transition into the future. He saw knights in the Early Modern period as a transitional force where commanders still acknowledged the power of horsemen and used mounted soldiers to adapt to the changing tactics of war.<sup>13</sup>

Samberg's historiography also acknowledged the emergence of pikemen and powerful missile units. It seemed that no scholar on this topic ignored the prevalence of unmounted soldiers. Like Frank Tallett in *War and Society in Early Modern Europe*, Samberg mentioned the role of economics. Early Modern Europe saw a growth of wealth, population, and urbanization.<sup>14</sup> It allowed the entry of wealthy non-nobles into the heavy cavalry. No longer were the heavy cavalry exclusive to the knightly class—wealthy burghers and merchants from cities entered these units without such exclusive blood. The increased populations brought a rise to the infantry, and the Early Modern tactics of “pike and shot” allowed men to be trained for war in a matter

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<sup>13</sup> Sandberg, *War and Conflict in the Early Modern World*, 43.

<sup>14</sup> Sandberg, *War and Conflict in the Early Modern World*, 45-46.

### *The Demise of Knights*

of weeks. Longbow training took years to develop the strength to pull the heavy bow weights. Heavy cavalry required years of martial skills and riding.<sup>15</sup> Pike and shot were not only more cost effective, it was also a more efficient use of time. Unlike other scholars, Samberg's historiography focused less on the decline and highlighted more of a broad inclination into modernity. Perhaps it was due to his encompassing the early modern world, as opposed to a concentration of Early Modern Europe where he only drew sources from scholars like J.R. Hale in *War and Society in Renaissance Europe, 1450-1620*, Maurizio Arfaioli in *The Black Bands of Giovanni: Infantry and Diplomacy during the Italian Wars (1526-1528)*.

### **Tactics**

Hans Delbrück's historiography in *History of the Art of War* underlined the changing tactics of Early Modern Europe. He recognized the development of infantry and missile tactics to combat the heavy charge of lances, but his account on the decline of men-at-arms had to do with the transition from knights into "cavalry."<sup>16</sup> According to Delbrück:

We have found the change of warfare from the Middle Ages to the modern period based on the creation of an infantry—foot troops in tactical units. In the course of the sixteenth century a similar procedure takes place among the mounted troops, the transformation of knights into cavalry. The conceptual difference, as it has been repeatedly expressed, is that

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<sup>15</sup> Martial: *adjective*, of or appropriate to war; warlike.

<sup>16</sup> Delbrück, *History of the Art of War*, 147.

### *The Demise of Knights*

knighthood was based on qualified individual warriors, whereas cavalry consists of tactical bodies composed of horsemen.<sup>17</sup>

Historians did not share Delbrück's opinion on knights. Delbrück saw them as powerful, individual warriors who did not fight as a unit. Other historiographical accounts from scholars observed men-at-arms as a fighting unit. Knights' combat prowess was powerful as individual warriors, but in order to perform an effective heavy lance charge, the men-at-arms needed to form as a unit and charge in a synchronous manner.

Delbrück's term for "cavalry" was synonymous with the terms "medium cavalry" or "light cavalry." Scholars used these terms to differentiate men-at-arms from the other types of cavalry units. Delbrück saw the knight's decline as a transformation into the lighter forms of horsemen— similar to Samberg's historiography. "Cuirassiers," he called them, named after the cuirass armor that the horsemen wore.<sup>18</sup> Compared to Samberg's work, Delbrück delved deeper into the advancement of medium cavalry—which made sense considering Delbrück's book concentrated on Europe while Samberg's book encompassed the entire world. Delbrück explains:

The horsemen armed with pistols were called "cuirassiers," and that brought about change in the meaning of this word. Previously, it denoted the knight or the man wearing armor like the knights wore. Now the "cuirassier" was a light horseman—that

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<sup>17</sup> Delbrück, *History of the Art of War*, 117.

<sup>18</sup> Delbrück, *History of the Art of War*, 125.

### *The Demise of Knights*

is, the opposite of the very heavily armored knight on a heavily armored horse. The latter were called men-at-arms (gendarmes), and we now find an army divided into men-at-arms, cavalry and infantry.<sup>19</sup>

Delbrück pointed to the change in tactics regarding horsemen in Early Modern Europe. His narrative showed that lighter cavalry took over the battle space previously held by knights. Men-at-arms were still present; it was the entrance of newer horsemen units that brought the transition of heavy cavalry's demise.

Blocks of infantry pikemen prevented men-at-arms from penetrating their lines, and armies responded with pistol armed cuirassiers.<sup>20</sup> These horsemen developed a maneuver called the "caracole." Cuirassiers attacked enemy formations without penetrating where horsemen rode close to their enemy, fired their pistols, and turned left. The maneuvering first rank turned left after firing their pistols, which then revealed the second rank behind them who were able to fire their shots to repeat the process. The ranks that finished shooting their pistols rode to the rear to reload. The maneuver resembled a wheel or snail-like formation that continued for several ranks.<sup>21</sup>

Unlike other scholars, Delbrück drew his conclusions substantially from primary sources. He analyzed memoirs of commanders who had the caracole used against them and

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<sup>19</sup> Delbrück, *History of the Art of War*, 126.

<sup>20</sup> Delbrück, *History of the Art of War*, 128.

<sup>21</sup> Delbrück, *History of the Art of War*, 128.

## *The Demise of Knights*

commanders that utilized the caracole to counter infantry pike formations.

Delbrück's historiography analyzed the transition from men-at-arms into lighter cavalry through the change in tactics. Horsemen needed to adopt new maneuvers and black powder weapons in order to combat the infantry pike formation. Although Delbrück's analysis consisted of cavalry's transition, knights and their heavy lance charge declined due to the blocks of infantry pike formations faced in the battlefields of Early Modern Europe.

### **Art**

Infantrymen at the battlefield army's center became a prominent theme during Early Modern Europe. The same theme was consistent in the art pieces created during this period. Art helped scholars gain insight on the decline of knights—through the rise of the infantryman. J.R. Hale, in the article “The Soldier in Germanic Graphic Art of the Renaissance,” argues “freed of any challenge from the cavalryman as a figure to be domesticated and seen in genre terms, the portrayal of the infantryman—the Swiss Reslaufer and the German Landsknecht—was unimpededly humanized, all the more freely because in nationalistic Swiss and German eyes, the knight was either a foreign or local oppressor.”<sup>22</sup> The growth in population, economy, and urbanization spawned more non-nobles that did not adhere to manorialism.<sup>23</sup> More relatable to the average citizen, infantrymen became the new main players on the battlefield. Viewed as heroes,

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<sup>22</sup> Hale., “The Soldier in Germanic Graphic Art of the Renaissance,” 86.

<sup>23</sup> Manorialism: *noun*, a political, economic, and social system based on the medieval manor. Manorialism was essential to the feudal system of Medieval Europe.

### *The Demise of Knights*

unlike the social elites, Hale's historiography saw the knightly class as the antagonists against the rising military units that countered the horsemen in war.

Keith Moxey in *Peasants Warriors and Wives* also analyzed art pieces from the period. He observed the portrayal of the non-elites, a prominent theme in the art of the era. Moxey noted that the heroes represented commoner mercenaries and not the mounted warriors of the knightly class:

Who are these soldiers, and why are they presented in heroic light? ...The rise of the mercenary as the primary instrument of warfare is a development of the late Middle Ages, associated with the gradual replacement of a social system based on the feudal obligations with one organized around a principle of monetary exchange. By the sixteenth century armies owed their existence not so much to a network of feudal allegiances as to the investment of capital. Armies no longer consisted of the nobility and their retainers but were made up of hired mercenaries.<sup>24</sup>

Moxey's historiography not only touched on the rise of infantrymen but saw the heavy cavalry's decline in society. The highest bidder paid for and hired soldiers of fortune: the Swiss Reisläufer and the German Landsknecht. Social change was affecting the battlefield. Hired commoners that had no dealings in manorialism became players in battle—the antithesis of the knightly class and their system in armies. Scholars who analyzed Early Modern art acknowledged the narrative

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<sup>24</sup> Moxey, *Peasants, Warriors, and Wives*, 71.

from its pieces: the infantry were the heroes, and the knights were the antagonists.

Though both Hale and Moxey analyzed Germanic art from the same period, they rarely overlapped in the works of art they analyzed. The scholars examined different art pieces from different artists, and both came to very similar conclusions. The men-at-arms competed for space against the rising stars in the Early Modern battlefield, just as they did in Early Modern art.

### **Aristocracy**

Pedro de Brito in “Knights, Squires and Foot Soldiers in Portugal during the Sixteenth-Century Military Revolution” wrote about Portugal’s soldiery during the Early Modern Period. It was evident that battlefield composition and tactics changed. De Brito explains that Portugal refused to recognize the decline of men-at-arms:

One of the main problems with the new kind of warfare was that as the aristocracy had been educated for centuries in the virtues of chivalry and mounted service and had been taught to despise foot soldiers, they could not from one day to another learn to accept them and, still harder, to accept that they might replace aristocratic cavalry as first arm in the field of battle. It took long for them to give up the convictions of knightly individual valor and replace it by the qualities required of a modern leader of soldiers—this evolution was in many cases unattainable.<sup>25</sup>

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<sup>25</sup> Brito, “Knights, Squires and Foot Soldiers,” 135.

The knightly class saw their demise on the battlefield. The Portuguese social ladder and the aristocracy refused to adapt because they saw infantrymen in an inferior light, and a threat to their way of life. De Brito drew analytics from Portuguese documents of knighthood. Charters showed the increase of knighthood during a time when men-at-arms should have been declining.

Similar to Hale and Moxey who analyzed pieces of art, De Brito's historiography criticized the nobles of Portugal—a stubborn and incompetent aristocracy that demonized the foot soldiers. De Brito also focused on a specific lens concentrated on Western Iberia as opposed to the Germanic states. These geographically focused historiographies concentrated on the social convictions regarding the decline of men-at-arms. De Brito differed in his presentation of the infantrymen. The historiographies on Germanic art elevated the foot soldiers as heroic symbols. De Brito did not portray them as heroes, but highlighted their significance in the changing fields of battle and against the changing social climate. The heroic stances of Hale and Moxey were no surprise, as art pieces invoked emotion and symbolism.

## **Infantry**

The fields of war had been evolving. The mercenary pike formations pioneered and utilized by the Swiss and German mercenaries brought ruin to the venerable knights. Historiographies viewed the demise of men-at-arms as tactical, economic, and social ordeals. To Hans Delbrück and Brian Sandberg it was the change of cavalry tactics, to Frank Tallet it was the economic validity, J. R. Hale

### *The Demise of Knights*

and Keith Moxey saw social change. Regardless, the battlefield changed with the common denominator as the rise of infantrymen-- just as Pedro De Brito acknowledged. The rise of infantry in the battlefields of Early Modern Europe were synonymous to the decline of knights.



Illustration by Erick Jauregui, CSU Chico

# The Cristero War Experience

By Adriel Valadez

When studying Mexico's history, one can identify the various events that shaped the country like gaining independence from Spain, the Mexican Revolution of 1910, or the Constitution of 1917. There is one forgotten war in particular that is just as important but rarely spoken about, the Cristero War. The Cristero War was fought in Central and Western Mexico from 1926-1929 between the Cristeros, who were regular citizens fighting for religious freedom, and the Mexican government. The war started because the Catholic Church believed that the goals of articles 3 and 24 in the Mexican Constitution of 1917, the current constitution of Mexico, were going to be used to enforce military power of the State to ban religion in Mexico.<sup>1</sup> Essentially, the reason the Cristero War is not widely discussed is because the Cristeros were able to defeat the State so there were not any major changes to the lives of the Mexican people and the State was not able to spread their anti-clericalism throughout all of Mexico. Although the effects of the Cristero War are not as easy to spot in comparison to other events that occurred in Mexico, their society was still greatly affected by the war and have had a lasting impact on society. Studying the Cristero War gives insight as to why Mexico's society is currently

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<sup>1</sup> E.V. Niemeyer, Jr., "Anticlericalism in the Mexican Constitutional Convention of 1916-1917," *The Americas* 11 (1954): 39-41.

very religious and how a different outcome in the Cristero War would have changed Mexico's future.

When it was becoming well known that the Mexican government was trying to prohibit religion, religious Mexican citizens were ready to risk their lives in order to defend their religious freedoms. Gilberto Hernandez Garcia, a Mexican author that has written a variety of articles about the Cristero War, states that “for many people, the suspension of the cult was the drop that overflowed the cup: People who for many years had been suffering the chaos of the Mexican revolution and who have continued to endure the suffering, people who had not stood up for themselves.”<sup>2</sup> People were tired of being oppressed by the Mexican government for so many years and they were finally ready to rise against them in order to keep their faith. Although many Mexican citizens were ready to defend their religion against the government, others chose to fight for the government instead. Many citizens fighting for the government were once religious people that now had huge remorse against the Church. As Gilberto Hernandez Garcia described, “fifty years of silence from the Church, and a certain resentment was beginning to build.”<sup>3</sup> Many people believed that the Church went over fifty years without doing anything to defend its supporters against an oppressive government. Depending on how a person felt, this was one of the deciding factors as to why people were so divided about who they fought for.

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<sup>2</sup> Gilberto Hernandez Garcia, “La Cristiada Mexicana, ¿Guerra de Religión?,” *Humanitas*, 14 (2009): 190.

<sup>3</sup> Hernandez Garcia, “La Cristiada Mexicana,” 189. All translations done by the author unless otherwise noted.

### *The Cristero War Experience*

A huge factor that led to the Cristero War was that the Mexican government did not recognize the Church as an entity before the war. Throughout Mexico's history, religion had played such a pivotal role in its citizen's upbringing but there was no clear boundary between which decisions the Church should take and which decisions the State should take in Mexico's policies. Not having clear roles and boundaries between the Church and State in Mexico led to the government not respecting the Church and stepping on their unwritten rights of being able to freely practice and spread their religion, which led to war. Paolo Valvo, an Italian writer that focuses on religious freedom, did an excellent job in describing the situation between the Church and State as follows: "The analysis of everything that happened in the following decades makes us presume that, politically, they learned to at least respect and coexist peacefully with one another... it recognized the Catholic Church and other religious organizations as a legal entity in the eyes of the Mexican law."<sup>4</sup> In other words, the outcome of the Cristero War created a pathway to have a country where the Church and the State can coincide and respect one another even if they did not get along. The outcome of this agreement can be seen in present-day Mexico, with over 81% of its population being Catholic.<sup>5</sup>

Many Mexicans fought for the Cristeros, others fought for the government, but there was another group of religious Mexican citizens that decided to emigrate from their war-torn homeland in

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<sup>4</sup> Paolo Valvo, "El Camino de la Iglesia Católica en México Hacia la Libertad Religiosa," *Estudios: Filosofía, Historia, Letras* 127 (2018): 13.

<sup>5</sup> Michael Lipka, "A Snapshot of Catholics in Mexico, Pope Francis' Next Stop," *Pew Research Center*, February 10, 2016.

### *The Cristero War Experience*

Mexico to the United States in the search for religious freedom. Historian Julia Young explains, “the Cristero rebellion was a conflict born in Mexico that developed into transnational conflict through the movement of refugees, exiles, and emigrants... these emigrants and refugees were more religious and more politically active.”<sup>6</sup> Although they left their homeland, these immigrants were politically active and showed their support for the Cristero War from the United States. Many exiles—priests and nuns—would show their support by continuing to practice and spread their religion in the United States. They also got together for marches as well as peaceful protests in order to bring awareness to the human rights issue that was taking place in Mexico. Expanding on the previous quote, Julia Young also states that, “as in Texas, Cristero supporters in Los Angeles found strength in sheer numbers and received ample support from U.S. Catholic hierarchy as well as from Mexican religious exiles.”<sup>7</sup> Many exiles helped newly arrived migrants or exiles find a job and welcomed them into their communities so they could quickly join the fight to do whatever they could from the U.S. side. On top of bringing awareness to the problem, they also got together in front of Mexican consulates throughout the United States demanding for the Mexican Constitution of 1917 to be readjusted to what the Mexican people envisioned for their country, which was the freedom to practice their religion.

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<sup>6</sup> Julia G. Young, “Introduction: A Desert Uprising” in *Mexican Exodus: Emigrants, Exiles, and Refugees of the Cristero War* (New York, Oxford University Press, 2015): 1-17.

<sup>7</sup> Julia G. Young, “Cristero Diaspora: Mexican Immigrants, the U.S. Catholic Church, and Mexico’s Cristero War, 1926-1929,” *Catholic Historical Review* 98 (2012): 291.

### *The Cristero War Experience*

The Cristero War was more like a flame that sparked a match rather than a movement or rebellion. Julia Preciado Zamora concluded, “many historians would agree that the Cristero War was more of an insurrection rather than a rebellion, which may be due to a mistaken view.”<sup>8</sup> What this means is that many people with the same experiences prior to the Cristero War took on different sides and made different decisions during the war. The war was not something that was planned but rather something that happened because people were tired of being oppressed. Not only does this make the Cristero War unique, but it also makes it a bit unconventional to describe because it seems like the actions of individual people depended on their personal feelings rather than a bigger movement.

On a more personal level, my great-grandfather Ramón Valadez was alive during the Cristero War and he passed his personal experiences down to my dad, which then passed them down to me. Although my great-grandfather was not openly involved in the Cristero War, he gave vital information to the Cristeros. He would inform the Cristeros when the government arrived, how big the military group was, and where they were located. Also, many infiltrated Cristeros within the government would casually drop bullets as well as rifles along the road. Then, my great-grandfather would discreetly pick them up when it was safe and distribute them to the Cristeros. In order to make sure that the government did not capture any infiltrated Cristeros or people like my great-grandfather, they created a secret code known as “el juramento de la U,” which

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<sup>8</sup> Julia Preciado Zamora, “Los Cristeros del Volcán y los Pacíficos de la Esperanza,” *Signos Históricos* 19 (2008): 70.

### *The Cristero War Experience*

translates to “the oath of the U.” When undercover Cristeros spoke to one another and wanted to pass on vital information, they had to casually unbutton the top button of their shirt and the person they were speaking with had to do the same. The person that initially unbuttoned their shirt would then have to start their next sentence with the letter U, and the other person also had to make his first reply start with the letter U. That was how they knew when it was safe to share any information they had. My great-grandfather was present when the bloodiest battle of the Cristero War was fought in San Julian, Jalisco.<sup>9</sup> His best description of the death toll was that it seemed like it had rained blood with the amount of blood running on the sidewalk like a rainy day.



*Church in San Julian, Jalisco*

He described the Cristero War as a time when you had to be careful about sharing your personal opinion with anyone. His most

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<sup>9</sup> Image courtesy of the author that shows the church located in San Julian, Jalisco, the village where the biggest and bloodiest battle of the Cristero War took place. When looking closely at the image, you can see the bullet holes from the Cristero War.

### *The Cristero War Experience*

memorable story of the Cristero War was when a soldier approached him and said that the local general wanted to speak to him. On his way there, someone else told him not to go because he was going to be hung if he showed up and that the General had already hung someone that they suspected of giving information to the Cristeros. This meant that the General suspected my great-grandfather of giving the Cristeros information and sure enough, it was true and he had to hide. You can still see the aftermath of the Cristero War in San Julian, Jalisco. The local church has bullet holes all throughout its structure because the Cristeros would shoot at federal forces from the church. There is also a hill with the words “Viva Cristo Rey” in huge white letters, which can be seen from miles away. This translates to “long live Christ the king.”

Without a doubt, the outcome of the Cristero War was beneficial to Mexico’s future. It affected families, like mine, for many generations. It ensured that religious citizens, like my great-grandfather, could freely practice their religion and pass on their beliefs to the younger generations. It ensured religious freedom to every Mexican Citizen as well as a clear separation of Church and State in order to avoid future conflict. The Cristeros winning the war in Central and Western Mexico ensured that the Mexican government could not spread their anti-clericalism throughout all of Mexico. Had the Cristeros not been successful, religion would not be so ingrained in present-day Mexican society, and Mexico’s future after the war, as well as today, would be very different from the Mexico that can be seen now.



Illustration by Mia Morse, CSU Chico

# The Cristero Rebellion: The Role of Women in the Fight for Catholicism

By Karla Vega

A young girl boarded a train, an infant child in her arms, with a man who spectators assumed was her husband. They made their way to their seats, hoping they didn't look as nervous and fearful as they felt. Federal soldiers were on alert as they looked for any rebel soldiers who called themselves *Cristeros*, and for any priests who were fleeing persecution. They didn't question the docile young mother, and her husband's hands didn't shake when he handed the soldiers their papers. No, their pounding heartbeats went unheard by the patrolling soldiers, and their bravery went unseen. The young mother, as unimportant as she seemed to the soldiers, was actively helping a fugitive priest escape the soldiers' clutches as he sat next to her. She was my great-grandmother.

*Detrás de cada cristero hay una revolucionaria.* Behind every Cristero is a woman revolutionary. The Cristero Rebellion was a prominent conflict in Mexican history, in which the government and the Catholic population found themselves at odds. This conflict took place between 1926 and 1929, and it was a war fought by men and women of all ages. As with many other wars, academic discussion focuses on the role of men. Men did indeed have a primary part to play in the Cristero Rebellion – it was male politicians who wrote the constitutional articles that became the catalyst for the war, and it was

### *The Cristero Rebellion*

male generals who led the Cristeros, also known as Catholic guerillas, into battle. However, one cannot study this episode with only the male perspective in mind. It is completely improbable that women had no part in such a large conflict, and yet there is little discussion of their participation. This phenomenon is not uncommon. Women are often left out of academic discussions despite their active involvement in historical events and their obvious agency and influence. The re-evaluation of women's roles in history has been happening for decades now and has reached different areas of history at different times.

Women in the Cristero Rebellion were passionate supporters, organizers, symbols, and so much more. The cultural expectations placed on them because of their sex did not deter them from doing the best they could to fight for what they thought was right. Regardless of social status, these women fought through the means that were available to them. They undermined social and cultural expectations of women by using those same expectations to their advantage. Without the participation of women, there would have been no Cristero Rebellion.

### **In Previous Historiography**

In the book *The Cristero Rebellion: The Mexican People Between Church and State 1926-1929*, prominent Mexican historian Jean Meyer discusses the violent conflict that emerged between the Catholic population in Mexico and the Mexican government. Meyer divided the book into three parts: the events leading to the rebellion, the details of the rebellion, and the aftermath of the conflict. A common theme in each section of the book was the focus on the people and their place

### *The Cristero Rebellion*

in the government or the church. Meyer's argument was that the Mexican people have always been caught between the Church and the government. The Church did not completely support the rebellion due to its violence, and the government was staunchly against this protection of the Church by the people. Catholicism was, and still is, a large part of Mexican culture, and when the government attempted to rid Mexico of a key part of its soul, the people rose as its protector. This notion is best explained when Meyer writes, "the peasant knew only one thing: they were closing the churches and persecuting the priests... These outraged peasants, who loved their village, their church, and their priest, quite naturally rose in rebellion."<sup>1</sup>

Meyer used primary sources ranging from interviews to private letters. Notes from Cristero meetings and snippets of articles from renowned newspapers were also used to drive home Meyer's argument. The secondary sources that Meyer used include theses and books written by other well-known historians.

This book is a great source to use if one wants to be introduced to the topic of the Cristero Rebellion, and it provides a thorough overview of the events before, during, and after the rebellion. However, one thing that this book lacked was an in-depth discussion of the women who participated in the rebellion. Their positions were superficially discussed, but their motivations and expectations were, more or less, left out of the picture.

In "Gendering the Faith and Altering the Nation: Mexican Catholic Women's Activism, 1917-1940," a chapter in *Sex in Revolution: Gender,*

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<sup>1</sup> Jean Meyer, *The Cristero Rebellion: The Mexican People Between Church and State* (New York: Cambridge University Press, 2008), 188.

### *The Cristero Rebellion*

*Politics, and Power in Modern Mexico*, author Kaitlyn Boylan discusses the active involvement of women in political movements in the early twentieth century. Boylan argues that women were deeply involved in revolution and Catholic movements despite the rhetoric that portrayed them as silent housewives. The participation of women in various protests, boycotts, and revolts in the decades following the Mexican Revolution was one of Boylan's focuses, but the main focal point of the chapter was the relationship between women and the Catholic Church. Boylan begins the chapter by discussing Catholic rhetoric, specifically how it impacted the lives of women and created a false notion of what a woman was supposed to be. The irony of women being portrayed as weak and subservient while also being the biggest supporters of the church was not lost on Boylan. This irony was made obvious when Boylan wrote, "Despite women's purported weakness, the church also saw them as potential agents for strengthening its position and its standard of morality."<sup>2</sup> The rest of the chapter discusses the parts that women played in religious and political movements in a chronological order beginning with the Mexican Revolution.

The primary sources in this chapter included interviews conducted by Boylan and notes from various years' meetings of the Mexican Catholic Women's Union. Boylan's secondary sources include books by leading Mexican historians like Jean Meyer and Barbara Miller Sr. Other secondary sources that Boylan used were about

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<sup>2</sup> Kaitlyn Boylan, "Gendering the Faith and Altering the Nation: Mexican Catholic Women's Activism, 1917-1940," in *Sex in Revolution: Gender, Politics, and Power in Modern Mexico*, ed. Jocelyn Olcott, Mary Kay Vaughan, and Gabriela Cano (Durham: Duke University Press, 2006), 202.

## *The Cristero Rebellion*

Catholic action in other countries running parallel to the movements in Mexico.

Like Meyer, Boylan discussed the involvement of women in the Cristero Rebellion. Meyer's discussion of women was overall more limited when compared to Boylan's discussion. Boylan and Meyer both mentioned the roles of women, but Meyer concentrated more on the Cristero Rebellion as a whole, while Boylan focused more on the impact the Catholic Church had in the lives of women.

This chapter is a great introduction to Catholic rhetoric but lacked a more in-depth discussion of the role of women in the Cristero Rebellion. The main focus of this paper will be Catholic and cultural expectations for women, while extensively discussing what women represented as well as their participation in the fight for the Catholic faith. Unlike Boylan, the sources used in this paper will be directly connected to the Cristero Rebellion in Mexico.

In "Implementing the Goals of the Revolution: The Second Phase, 1920-1934", a chapter in *Emergence of the Modern Mexican Woman: Her Participation in Revolution and Struggle for Equality, 1910-1940*, noteworthy Latin American historian Shirlene Ann Soto discussed the ways in which women fought for their rights and participated in political movements. Soto discussed the involvement of women in education, women's organizations, the fight for suffrage, and the Cristero Rebellion. A common theme in this chapter was the analysis of the stark differences between the lives of men and women. Soto concentrated on the obstacles that women had to overcome, most of which were created by men. Soto also largely focused on the role of the government in the lives of women. Soto argued that despite

### *The Cristero Rebellion*

women's active participation in the Mexican Revolution and the political movements that followed, there has not been much discussion on the topic.

The primary sources that Soto employed include interviews, newspapers, magazines, and books from the time. Some newspapers that were cited include *Excelsior* and *El Universal*, which are still notable newspapers today. The secondary sources that Soto used include books, articles from scholarly journals, and theses.

Like Meyer and Boylan, Soto discussed the role of women in the Cristero Rebellion. All three authors honed-in on different elements of the subject, all the while still discussing women. Instead of the Cristero Rebellion as a whole and the Catholic Church and the relationship that it had created with women, Soto centered her attention on the political elements of women's fight for equality. This is made apparent when Soto writes, "These battles between church and state had a negative effect on the political future of Mexican women because male government officials were further convinced that women generally would... follow church direction and thereby negate the hard-won goals of the Revolution."<sup>3</sup> There was a mention of women's role in the Cristero Rebellion, but it was not the center of Meyer's book, or Boylan and Soto's chapters.

This chapter is a great introduction into women's fight for equality, but it only mentions the Cristero Rebellion in passing, so it is not as beneficial to read if one wants to become acquainted with that

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<sup>3</sup> Shirlene Anne Soto, *Emergence of the Modern Mexican Woman: Her Participation in Revolution and Struggle for Equality, 1910-1940* (Denver: Arden Press, Inc., 1990), 113.

### *The Cristero Rebellion*

conflict. Soto mentions the roles that women were ascribed but neglects to mention their cultural significance.

The aforementioned literature inspired the direction of this paper, as there was a perspective that each of the sources seemed to be missing. The cultural significance and reasoning behind the positions that women took on in the Cristero Rebellion seemed to be absent from the historiography on the subject. The current status of the study and discussion of women's participation in the Cristero Rebellion could mislead some who are unacquainted with the subject, causing them to believe that women did not have much of an impact on the rebellion or that their participation was less than significant. The truth is that the Cristero Rebellion could not have existed without the support of women. They participated in the rebellion despite the expectations that were placed on their shoulders due to their sex, and they instead used those cultural expectations to their advantage. Women were the life and blood of the Cristero Rebellion.

### **Looking at the Cristero Rebellion**

The topic of this paper is the role of women in the Cristero Rebellion of Mexico, which took place from 1926 to 1929. However intertwined Mexican culture and Catholicism are in popular imagination, in reality there has been a clash between the Catholic Church, the federal government, and the people for decades. The Cristero Rebellion was a violent conflict between the Catholic population of Mexico and the Mexican government, and despite the fight being for the right of the Catholic Church and its clergy to operate in Mexico, the Church did not fully support it. This conflict illuminated the complexities of the relationship between the people of Mexico and

### *The Cristero Rebellion*

the Catholic Church, a relationship that was created through colonization, and that has been ingrained into generation after generation of the people of Mexico. Since its introduction to Latin America during the era of colonization, the Catholic Church has grown as a powerful entity in Mexico. Catholicism was, and still is, a large part of Mexican culture, and its traditions are found even in quotidian life. The Catholic Church and the government were indistinguishable from one another during the time of Spanish rule, but this relationship was not to last.

The close relationship between the Church and the government began to change after the independence of Mexico, when the new government began to gradually become more and more anticlerical. The tension between the Church and the state began to grow, and “the root cause of the conflict was between an unstable state and a stable Church.”<sup>4</sup> From the late 1800s to the early 1900s, the government began trying to reform the Catholic Church, and this call to reform began to aggravate the Mexican people. In 1917 during the Mexican Revolution, the government drafted a constitution that contained anticlerical articles designed to lessen the power of the Church. These articles did not radically affect the Catholic Church until the presidency of Plutarco Elías Calles.

President Calles put the Calles Law into effect in 1926, which set the anticlerical articles into action. The practice of Catholicism was outlawed, and the clergy were forbidden from performing any religious ceremonies or wearing any religious clothing. This decisive move by Calles against the Church angered the devout Catholic

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<sup>4</sup> Meyer, *The Cristero Rebellion*, 5.

### *The Cristero Rebellion*

population and led to some resistance by the people. The persecution of the beloved clergymen of the cities and small *pueblos* of Mexico led to protests organized by the people. The resistance began with boycotts and small skirmishes, but the public soon realized that Calles was not taking their efforts seriously. Religious organizations like the *Liga Nacional Defensora de la Libertad Religiosa* (National League for the Defense of Religious Liberty) that had initially wanted to maintain the nonviolent form of protest, began to plan a rebellion. These rebel Catholic soldiers were labeled *Cristeros*.<sup>5</sup> The disorganized groups of Cristeros across the country soon found themselves under the direction of generals, and they became a force to be reckoned with. In 1927, the Feminine Brigades of St. Joan of Arc were formed, and women became organized ammunition suppliers for Cristero soldiers. Men and women worked in tandem, supporting the fight for the right to practice Catholicism. Men fought in battle and women worked to save clergy and tend to the wounded. The



*A group of Cristeros pose in front of an altered Mexican flag*

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<sup>5</sup> Photo: Gilbert M. Joseph, et al., *Cristeros*, in *The Mexico Reader: History, Culture, Politics* (Durham: Duke University Press, 2002), 419

### *The Cristero Rebellion*

rallying cries of the Cristeros, “*Viva Cristo Rey*” (Long Live Christ the King) and “*Viva la Virgen de Guadalupe*” (Long Live Our Lady of Guadalupe), were representative of their faith, and these cries motivated them to keep fighting. This fight continued until there was an agreement written up by the government to once again legalize Catholicism. Despite the end of the conflict, the animosity and distrust between the Catholic public and the federal government still prevailed.

Had it lacked the support of its female participants; the Cristero Rebellion could not have lasted as long as it did. Women were the heart of the rebellion, and they were its most ardent supporters. Women were representatives, supporters, and loyal soldiers to the Cristero cause.

### **Women as Moral Representatives**

When a conflict is as violent as the Cristero Rebellion, garnering support is a difficult endeavor. Unrestrained violence, even for a noble cause, is a bit too unpalatable for most people. War is never kind, and the violence that war entails does not often bring volunteers running to participate. A war with a moral symbol, however, can elicit a different reaction from the public. A figure that symbolizes the good that the soldiers are fighting for can garner more support for the conflict, as it shines a righteous light onto the movement. In a religious conflict like the Cristero Rebellion, there was no better figurehead than a beloved religious figure.

*La Virgen de Guadalupe*, also known as Our Lady of Guadalupe in English, was the perfect choice for a figurehead alongside Her Son, Jesus Christ. She means so much to the Mexican people and is often

### *The Cristero Rebellion*

dubbed to be the “Mother of Mexico.” She represents the Mexican people in the Catholic Church, as She is believed to have appeared to an indigenous man in Mexico in the late 1500s. Her appearance was similar to an indigenous woman, and She showed great love and support for the indigenous population. She is a reflection of the indigenous Mexican and means the world to a large portion of the Mexican population. Her image is found all over the country, and She represents the integration of Catholicism and indigenous Mexican culture. She represents the Catholic woman, and the Catholic woman is, in society’s eyes, the cornerstone of the family.

Our Lady of Guadalupe’s love for her Son and for God was something that the Cristeros wanted to emulate. Her loyalty to her God was representative of the loyalty that they too were trying to prove that they had. The Cristeros looked to a woman to show them how to live a Catholic life—they looked to a mother. An article in the Cristero newspaper, *Peoresnada*, exemplifies how the Cristeros looked to Our Lady of Guadalupe for guidance and support, reading, “Guadalupe, my loving mother, by your pleas I hear God. The sighs of a soul that cries for their country that a mason rules. Oh, sweet Lady! Remember what you told the neophyte Juan, that you are a caring mother, now and in the time of death.”<sup>6</sup> Our Lady of Guadalupe embodied the virtuous elements of the Cristero Rebellion. She represented their love of God and their love of Mexico. The two loves were one and the same in the eyes of the Cristeros, and they culminated in the symbol of

Our Lady of Guadalupe.

*Three Cristeros pose with their weapons  
and a banner of the Virgin of Guadalupe*

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<sup>6</sup> J. I. Caldera, “Himno,” *Peoresnada*, December 12, 1927.

## The Cristero Rebellion

The Cristeros looked to Our Lady of Guadalupe as a mother and as a protector. In the newspaper, *Peoersnada*, the Cristeros wrote a prayer to her, asking, “Lady Empress, crush the infernal serpent’s head once again that is trying to devour the Mexican people.”<sup>7</sup> The devout soldiers of the rebellion were praying for the help and protection of a woman who represented true virtue. They venerated her and carried



her image with love and respect. In return, her image made the soldiers appear moral. These groups of ragtag men who shot, killed, and fought for the right to worship freely were represented by a woman who loved the people of Mexico, Jesus, and God. With a symbol like Her, who could call the Cristeros completely immoral? The Cristeros often carried Mexican flags with the image of Our Lady of Guadalupe as the centerpiece, replacing the original eagle or standing above it.<sup>8</sup> In most of the photos<sup>9</sup> that were taken of Cristeros and the image of Our Lady of Guadalupe, the Cristeros are in uniform with the

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<sup>7</sup> “La Inmaculada,” *Peoersnada*, December 7, 1927.

<sup>8</sup> Gilbert M. Joseph, et al., *Cristeros*, in *The Mexico Reader: History, Culture, Politics* (Durham: Duke University Press, 2002), 419.

<sup>9</sup> Photo: Jean Meyer, “Cristeros with the Virgin of Guadalupe, 1927,” in *The Cristero Rebellion: The Mexican People Between Church and State* (New York: Cambridge University Press, 2008), 155.

### *The Cristero Rebellion*

bandoliers strapped across their chests full of ammo. There is a stark contrast between the Cristeros in all their military garb and the banners and flags of a religious representation of a mother. This representation of Our Lady of Guadalupe as a woman, mother, and religious representative helped to soften the image of the Catholic guerillas and made it apparent that they were not just fighting *against* something, but that they were fighting *for* something. The image of a woman was the saving grace of the reputation of the Cristero Rebellion.

Other moral representatives of the Cristero Rebellion included mothers who raised pious families. These women were tasked with raising the next generation of Catholics during a time when practicing Catholicism was considered a federal crime. While the men were off fighting, women worked to instill Catholicism in the lives of their children.

A church newsletter from April 9, 1930 printed in the newspaper *La Prensa* sets the standard for what the church believed the role of a woman was: “The role of a Christian woman in the household is, first and foremost, the formation of hearts: God entrusted her hands with molding the virgin hearts of her children and getting rid of the mistakes that other women have made in the formation or regeneration of the souls of their husbands.”<sup>10</sup> Women were slated to be the moral compasses of their families, and were also made to be the moral representatives of the Cristero Rebellion. The Cristeros

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<sup>10</sup> José Domingo Carrillo Padilla, “¿Guerrilleras de la fe? Las Mujeres durante la Cristiada. México 1926-1938,” in *Inventando el Presente: De la Expropiación del Cuerpo a la Construcción de la Ciudadanía*, ed. Consuelo Meza Marquez and Maria Amalia Rubio Rubio (Aguascalientes: Universidad Autónoma de Aguascalientes, 2010), 128.

### *The Cristero Rebellion*

themselves were raised by pious women, and they were also being supported by them during the conflict. The culture of Mexico established the woman as the foundation for a family, and the Church designated her as religious ambassador. A newspaper known as *La Controversia* printed an article in 1927 that sums up the role that a mother played in the lives of her family, reading, “during our childhood, there is no one who influences our motivation like our mother.”<sup>11</sup>

This love of Catholicism is apparent in a song about a young Cristero martyr. José Luis Sanchez del Rio was a young boy who was tortured and killed for being a Cristero. It is said that his older brothers had all gone off to fight in the rebellion, but his mother did not want to let him go because she feared for her youngest son’s life. The lyrics say, “José Luis Sanchez del Rio told his mother, to win ourselves the sky, we must go to war.”<sup>12</sup> Sanchez del Rio’s mother raised her children to be such devoted Catholics that they decided to leave and go fight for their right to practice their religion. Sanchez del Rio became a saint by giving his life for his religion thanks to his dedicated religious upbringing. Such devotion could only be instilled by a mother of faith, which was exactly the quality that the Cristeros needed.

These virtuous female representatives also worked to protect the Church. The idea that women were the closest members to the Church in their households is not unfounded. Women were the religious leaders of their families, as they raised pious Catholic children and

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<sup>11</sup> Carrillo Padilla, “¿Guerrilleras de la fe?” 129.

<sup>12</sup> Esperanza Sánchez, “La Cristiada,” interview by Nicolás Echevarría, Serie México siglo xx, 1995. Video, 42:28.

### *The Cristero Rebellion*

maintained the souls of their husbands by reminding them to follow the morals of the Church. These women who were representatives of Our Lady of Guadalupe on Earth used this symbolic role to actively participate in the fight for their right to religion.

In Mexican culture, women are expected to raise families, and men are expected to protect their families. The women of the Cristero Rebellion were not unaware of this expectation. They knew that if they used the assumption that men had to protect their women, they could justify their husbands' participation in the rebellion. As "women had been the most enthusiastic partisans of mounting guard on the churches... the men played the role of timid supporters, who confronted the Government and its soldiers only to defend their womenfolk."<sup>13</sup> Women became the justification that the men needed in the eyes of the government for their rise to action.

Women did not only protect the Church by giving the men in their lives a reason to fight, they also participated in the resistance. Even holy women who were clergy themselves worked to assist those in the rebellion. These righteous women represented the good of the Cristero Rebellion as "nuns and lay women sympathetic to the church turned their homes into meeting places, harbored fugitives, and served as messengers for anti-government insurgents."<sup>14</sup> Young women—who represent purity in Mexican culture—also worked to protect their faith. In an interview, a woman named Luz Ontiveros recalled the moment she was arrested for showing support for the rebellion as a young woman, saying, "They took me away because I

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<sup>13</sup> Meyer, *The Cristero Rebellion*, 96.

<sup>14</sup> Soto, *Emergence of the Modern Mexican Woman*, 116.

### *The Cristero Rebellion*

yelled out ‘Long Live Christ the King.’”<sup>15</sup> She remembered that, after her arrest, the police tried to intimidate her with threats so that she would stop yelling out the Cristero slogan. The police officer who had her arrested even went as far as to hold a gun up to her chest and threaten to pull the trigger if she did not stand down.<sup>16</sup> She was only released after the police colonel realized that foreign officials had heard of what happened to her. The circumstances of her release are significant because of what her arrest showed the people and the foreign officials. It showed that the Mexican government did not regard the “pure” and “moral” women of Mexico with respect. This devout young woman was not shown human compassion, and in the eyes of the people, the actions of the Mexican police reflected the conscience of the Mexican government, much like the actions of Ontiveros reflected the morality of the Cristero Rebellion.

These female representatives were vital to the rebellion. Without the moral representation provided by the Mother of Mexico and devout women from all over the country, the Cristero Rebellion could not have garnered as much support from the rest of the population. Women became moral representatives because of the cultural expectations that were placed on their shoulders. These expectations were used by women to become more than representatives, as they soon took up active, noncombative positions in the rebellion.

### **Women and Cultural Expectations**

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<sup>15</sup> Luz Ontiveros, “La Cristiada,” interview by Nicolás Echevarría, Serie México siglo xx, 1995. Video, 22:18.

<sup>16</sup> Ontiveros, interview.

### *The Cristero Rebellion*

While the role of a moral representative was an important part for women to play in the Cristero Rebellion, they also played many other parts. Women were teachers of the Catholic faith, supporters of their families, and nurturers. The positions that they adopted in the Cristero Rebellion were like enhanced versions of duties that they had already taken on in their daily lives, but they were different in the sense that they were aiding a rebellion and not just raising their families.

One occupation that women found renewed importance in for the rebellion was education. As mentioned previously, women were expected to raise their children to be good Catholics. Part of the process of raising good Catholic children was sending them to school to learn more about their religion, among other important subjects. Women took on the roles of teachers, and one organization, *Las Damas Católicas* (the Catholic Ladies), taught the young women in Guadalajara. One woman recalls her education with the Catholic organization, saying in an interview, “I learned here [in Guadalajara] with the Catholic Ladies because I wanted to learn... and they were very kind to me.”<sup>17</sup> Alongside arithmetic and grammar, the young women were taught about and urged to follow the Catholic religion. The formation of good Catholic hearts and souls was the responsibility of mothers and teachers. Another woman discussed her experience with *Las Damas Católicas*, going on to say that the education they provided “was about promoting the culture and directing the youth to the Catholic faith.”<sup>18</sup> These positions as teachers prepared the youth

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<sup>17</sup> Agustín Vaca, interview with Margarita Gomez, *Los Silencios de la Historia: Las Cristeras*, El Colegio de Jalisco, May 1998.

<sup>18</sup> Agustín Vaca, interview with Antonia Castillo, *Los Silencios de la Historia: Las Cristeras*, El Colegio de Jalisco, May 1998.

### *The Cristero Rebellion*

to also support the cause for religious freedom, and instilled more support for the rebellion in the people.



*Catechism is taught at a Cristero camp*

Besides the academic teaching that was important for those in the Cristero Rebellion, there were also religious classes being taught. Catechism was, and still is, key for the development of the faith of young Catholics. During the time of the Cristero Rebellion, when religious practices were outlawed, women took it upon themselves to continue the classes. They would expand their roles as teachers of their children and the community. They also opened the doors to their homes and converted them into classrooms for the young children who they were teaching Catholicism. The threat of retaliation by the government did not stop these women from teaching catechism, and in a personal diary, a priest made note of how the women kept the soul of Catholic teaching alive, writing, “catechism was taught in the houses of the catechists.”<sup>19</sup> These women did not just take it upon

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<sup>19</sup> José Adolfo Arroyo, “Acción Católica,” in *Memorias de un Sacerdote Cristero*, ed. Gustavo Villanueva Bazán (Mexico City: Universidad Nacional Autónoma de México, 2016), 44.

### *The Cristero Rebellion*

themselves to open their homes to those who wanted to learn about Catholicism despite the threat to their lives—they also took it upon themselves to teach catechism at the camps that the Cristeros had set up. These women who brought their children to follow their husbands who were joining the rebellion were not going to allow their children to lose their connection to the outlawed Church. While at the rebel camps, one of the things that the women did was teach their children catechism. One photo shows a man and a woman sitting in the middle of a group of children as catechism is being taught. Sitting under a tree, the children are listening attentively, and one young girl is clinging to the shoulders of the teachers.<sup>20</sup> Women used the expectation that they should raise Catholic families in order to participate and tend to the fire of the Catholic faith in their children while they were not able to attend mass at a Church.

Those familiar with what Mexican culture was like during that time know that “women were considered to be reproducers and protectors of the children and the home.”<sup>21</sup> Some women relocated with their husbands to the Cristero camps, while others stayed home to care for their families. Regardless of where they were, the women protected and cared for their loved ones in any way that they could.

In Mexican culture, mothers are known to be fierce protectors of their children, especially after having to raise them so closely. This protective instinct expanded to the Catholic Church, as these mothers were the best noncombative members of the rebel force to protect the

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<sup>20</sup> Jean Meyer, *Catecismo en el Campamento*, in *Cristeros: Testimonio Fotográfico* (Aguascalientes: Instituto Cultural de Aguascalientes, 2010), 107.

<sup>21</sup> Carrillo Padilla, “¿Guerrilleras de la fe?,” 129.

### *The Cristero Rebellion*

younger members. When the young children who were often used as messengers were caught and punished by the police, it was their mothers who came to their rescue. When faced with her child's punishment, a mother would "throw herself to get in between the savage policeman's whip and her little boy [saying]... 'don't hit him; hit me if you are a man, don't hit my child.'"<sup>22</sup>

Despite the support that the women provided the Cristero cause, there was still a sense of loss that they carried with them as their family members went off to fight. Those left behind to tend to their homes—and land, if they had any—were given the responsibility of caretaker. This duty was still important, as the Cristeros needed a place to come home to if they survived. They also needed to protect their homes from the federal soldiers that would come into their towns. But the loss was still felt by the women. Some women felt that all that they could do is pray for their husbands' safe return.<sup>23</sup> A song titled "Santa Guadalupe" portrays the desperation they felt. The lyrics are the following: "Mr. Sentry, where is my father? He left with the troops yesterday evening. Mr. Sentry, where is my brother? He has left with my comrades. Mr. Sentry, where is my son? The troop took him with them, ma'am. Damn luck, what a bad life. Holy Guadalupe, let there be no more war!"<sup>24</sup> The women who joined the Cristero troops at

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<sup>22</sup> Nansi Ysabel García García, "La Participación de la Mujer Alteña en la Cristera," in *Cristera: Testimonio Gráfico de la Guerra que Nunca se Olvido*, ed. Joel Huacuja, et al (Guadalajara: Plaza Editores, 2018), 108.

<sup>23</sup> Jose Luis Vega, interview by Karla Vega, personal interview, Antioch, November 18, 2020.

<sup>24</sup> "#CulturaySociedadAGN ¡Santa Guadalupe!," Archivo General de la Nación, last modified February 26, 2020, <https://www.gob.mx/agn/es/articulos/culturaysociedadagn-santa-guadalupe?idiom=es>.

## *The Cristero Rebellion*

their camps or safehouses as they prepared for battle became the Cristeros' keepers.

Pictures taken of Cristero families often show the women posing in a sitting position in front of the men, with children around them or on their laps.<sup>25</sup> Some women would walk around the camp with their children strapped to their backs, as they tended to the needs of the soldiers.<sup>26</sup> The camps could not run without the help of the female participants, as they were the members in charge of basic human needs. The women would cook the meals for the Cristeros and the children who were with them.<sup>27</sup> These women were like beacons of love and support for the Cristeros, even in death. One photo shows the bodies of three Cristeros lying dead outside of a cathedral in the city of Colima, while

three women stand solemnly beside them.<sup>28</sup> The women stare ahead as they stand at attention beside their fallen comrades.



*Cristero soldiers and their family pose together*

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<sup>25</sup> Photo: Jean Meyer, "Soldiers of the Valparaiso Regiment, under command of Aurelio Acevedo and their families," in *The Cristero Rebellion: The Mexican People Between Church and State* (New York: Cambridge University Press, 2008), 156.

<sup>26</sup> María Concepción Rodríguez, interview by Karla Vega, personal interview, Antioch, November 9, 2020.

<sup>27</sup> Rodríguez, interview.

<sup>28</sup> Jean Meyer, "photo with no title," in *Cristeros: Testimonio Fotográfico* (Aguascalientes: Instituto Cultural de Aguascalientes, 2010), 126.

### *The Cristero Rebellion*

Another photo highlights another part that women played as caretakers and nurturers. In this photo,<sup>29</sup> two nurses tend to the body of a dead Cristero who was named Salvador Díaz de León.<sup>30</sup> Recovering the bodies and preparing them for burial was the responsibility of the Cristero nurses. Nurses were tasked with tending to the living and the dead, and they handled the tasks with great respect. Again, the help of women was absolutely necessary for the Cristero troops to survive. Nurses took care of the wounded and nursed them back to health while other



*Two nurses clean up the body of a fallen Cristero*

women provided the troops with food. Their presence at the camps and safehouses were insurance that the soldiers would be taken care of, and that assurance was as good as gold during such a time of distress.

So much was expected of women during that time, and the women surely delivered whenever they could. As teachers, mothers, and nurturers, these women found their places in the rebellion. They

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<sup>29</sup> Photo: Jean Meyer, photo with no title, in *Cristeros: Testimonio Fotográfico* (Aguascalientes: Instituto Cultural de Aguascalientes, 2010), 108.

<sup>30</sup> Meyer, *Testimonio Fotográfico*, 108.

used their expected roles to create spaces for them to support a cause that was so near and dear to their hearts.

### **Women in Action**

While women played parts in the rebellion that were largely representative and did not directly place them in harm's way, they also played active and dangerous roles. Women often took on positions that led to them being arrested or had them discreetly helping the Cristeros as they tried not to get caught by federal soldiers or police. Women took part in the Cristero movement from its nonviolent beginning to its ending as a rebellion.

Before the Cristero Rebellion became violent, those who disagreed with the government's actions used nonviolent means of protest. Leaders like Anacleto Gonzales Flores did not want an armed rebellion, instead supporting peaceful protests like boycotts.<sup>31</sup> Most of the public agreed, and so the protests began. Women set to work, making banners, composing songs of protest, and even organizing boycotts. One photo shows a group of men and women surrounded by the boycott banners that they had finished painting, as well as some women sitting on the floor as they worked on more banners.<sup>32</sup> These women advocated for an economic boycott to show the government that they were unhappy with the choice to enforce the anticlerical articles of the constitution. Maria Luisa Vargas Gonzales recalled the boycotts of her youth, saying in an interview that young women would

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<sup>31</sup> Jim Tuck, *The Holy War in Los Altos: A Regional Analysis of Mexico's Cristero Rebellion* (Tucson: University of Arizona Press, 1982,) 21.

<sup>32</sup> Leslie Teresa Mercado Revilla, "Organizando el Boycott," in *Cristera: Testimonio Gráfico de la Guerra que Nunca se Olvido*, ed. Joel Huacuja, et al (Guadalajara: Plaza Editores, 2018), 133.

stand at the entrances of theaters and shops, asking people where they were off to, questioning whether they were Catholic, and telling them that they should avoid purchasing any items.<sup>33</sup>

Despite the women keeping the boycotts nonviolent, the police still went out of their way to arrest them. While these courageous women were being arrested, they called attention to their cause. Being led away by police did not discourage the women involved and could not stop the movement that these women were pushing to national attention. As they were taken away by the police, they would sing, “Boycott, boycott, boycott... I throw myself into a boycott without even a pin, yelling the glorious feeling of triumph which comes out as ‘Long Live Christ the King.’ Yell with passion and yell again. Yell every time they fire their guns to silence us.”<sup>34</sup> The phrase “without even a pin” is significant because women in that time used to bring pins everywhere with them so that they could protect themselves from the advances of men. These women not carrying pins with them is important because it shows how dedicated they were to nonviolence. Another song to rally the people and strengthen the will of those involved included the lyrics, “Boycott, boycott, boycott, boycott! We will happily sing this in the street and the plazas, in the castles and even in prison.”<sup>35</sup> These songs showcase the motivation of those who participated in the boycotts and also displays the

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<sup>33</sup> Maria Luisa Vargas Gonzales, “La Cristiada,” interview by Nicolás Echevarría, Serie México siglo xx, 1995. Video, 21:05.

<sup>34</sup> Luz Ontiveros, “La Cristiada,” interview by Nicolás Echevarría, Serie México siglo xx, 1995. Video, 21:41.

<sup>35</sup> Leslie Teresa Mercado Revilla, “Canción del Boycott,” in *Cristera: Testimonio Gráfico de la Guerra que Nunca se Olvido*, ed. Joel Huacuja, et al (Guadalajara: Plaza Editores, 2018), 143.

### *The Cristero Rebellion*

dedication that the participants had. They also expose the violence that protestors were met with despite their nonviolent methods.

The women involved in these boycotts<sup>36</sup> put themselves in harm's way for their right to practice religion, and they were only the beginning. More and more women began taking active roles in the rebellion. Some women went farther than the women who were in boycotts, or those who cared for the men at the Cristero camps. These women joined female brigades.



*Cristeras prepare protest signs*

In 1927, the *Brigadas Femeninas de St. Juana de Arco* (or the Feminine Brigades of St. Joan of Arc) were founded. The women in these brigades were soldiers, spies, and ammunition smugglers. They used their femininity to disguise their rebellious actions from the federal government. After all, who would suspect a woman of spying

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<sup>36</sup> Photo: Leslie Teresa Mercado Revilla, *Organizando el Boycott*, in *Cristera: Testimonio Grafico de la Guerra que Nunca se Olvido*, ed. Joel Huacuja, et al (Guadalajara: Plaza Editores, 2018), 133.

### *The Cristero Rebellion*

and relaying sensitive information to spies? Not many would suspect a woman of doing such a thing when she was only tending to her husband and raising her children. There were also few who would suspect women of hiding ammunition on their person or in baskets that they carried on their heads.<sup>37</sup> It was a great fault of the government that they overlooked these women because they did not expect that they could act on their own passions to assist a rebellion.

The brigades were highly organized, and they had specific systems set in place for acquiring the ammunition that they would then take to the Cristeros. The ammunition was “stored in numerous small hiding places throughout the city,” and was “given to the girls that went to the province(s).”<sup>38</sup> One form of transportation that the members of the brigade favored was carrying baskets. They would create layers in the baskets they carried, laying down bullets, then maize, then bullets, then beans, and so on, so that the federal soldiers could not see or hear the ammunition moving around.<sup>39</sup> Once the brigades brought ammunition to the Cristeros, they would hide the ammunition “in coal, cement, or maize.”<sup>40</sup> The secrecy in which the women’s brigades operated was one of the key elements of their organization.

These women who were risking their lives alongside the Cristeros operated in complete secrecy to ensure that they and their cause

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<sup>37</sup> Martha Vega, interview by Karla Vega, personal interview, Oakley, November 6, 2020.

<sup>38</sup> García García, “La Participación de la Mujer Alteña en la Cristera,” 98.

<sup>39</sup> Vega, interview.

<sup>40</sup> Meyer, *The Cristero Rebellion*, 136.

### *The Cristero Rebellion*

would survive. The women's brigade members were obligated to swear an oath to secrecy once they joined, in which they pledged:

Before God the Father, the Son, and the Holy Spirit, before the Blessed Mother, Our Lady of Guadalupe, and before my nation, I, (X) swear that even if they torture and kill me, even if they flatter me and promise me all the kingdoms of the world, I will keep the names of people, addresses, signs... existences and activities that refer to our members absolutely secret. With the Grace of God, I would first die before becoming a snitch.<sup>41</sup>

They were fully dedicated to their cause, and they were prepared to die for it. Their dedication and bravery were on par with those of the Cristero soldiers who they supported.

Other women who were not necessarily with the feminine brigades also risked their lives for the Cristero cause. Clergymen were being persecuted and killed for performing religious ceremonies and wearing religious clothing, so they needed to be hidden for their own safety. They needed to be protected, and that responsibility fell onto the women. Women became the protectors of men, flipping cultural expectation on its head. One woman named Isaura Salcedo Salcido saved the life of a priest when she was only fifteen years old. A priest in her hometown of Atotonilco in Jalisco needed to escape from the federal soldiers that had been sent in to monitor the citizens. Salcido was asked to risk her life to save her local priest, and so she did. She boarded a train with him, carrying a small child in her arms. The young

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<sup>41</sup>Claudia Julieta Quezada, "La Mujer Cristera en Michoacan, 1926-1929," *Revista Historia y Memoria*, no.4 (2012): 214.

girl and older man presented themselves as husband and wife, and they took their seats. They rode the train from Atotonilco to Ocotlán, keeping their nerves in check, and playing the part of a small family so that they could make it out alive.<sup>42</sup>

Another woman in the town of Tototlán in Jalisco also worked to help a local priest. She worked in the priest's home and was responsible for cooking and cleaning for him. After some time, the federal soldiers grew suspicious of his whereabouts and questioned the woman.<sup>43</sup> She refused to reveal the priest's location to the authorities, and held strong despite being beat during her interrogation. Eventually, once the soldiers decided that beating the woman was not working, they decided to soil her honor. They threatened to take all of her clothes off and march her through the city if she did not reveal his location. The priest eventually learned of what the woman was threatened with and turned himself in. Despite the priest having been captured, this woman's bravery cannot be overlooked. It is because of women like Salcido, and the woman who worked in the priest's home, that so many clergymen were saved or were kept safe for an extended amount of time.

Cristeros and clergymen alike knew that they would be safe with Cristero supporters, and they were often encouraged to stay in the supporters' homes. When circumstances were dire and the Cristeros needed a place to hide, they were taken to good Catholic homes. One woman recalled hearing Cristero supporters telling each other, "Take

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<sup>42</sup> Vega, interview.

<sup>43</sup> Vega, interview.

### *The Cristero Rebellion*

them there, it's a safe house – the family there is very Catholic.”<sup>44</sup> The women in these homes had to raise their families while also maintaining absolute secrecy about the rebels they were harboring. They had to become pillars of support for both their families and the Cristero Rebellion. Their faith carried them through the years of the rebellion as they stood as protectors of religion and family.

Women were vital to the Cristero Rebellion. They were like the walls that keep up the roof of a house—firm and unyielding, even as the earth shook beneath them. These women took on the positions of representatives, supporters, organizers, and protectors. Cultural expectations or not, they were dedicated to protecting and preserving what was most important to them—family and religion. Their involvement in the religious conflict was both representative and physical, but their roles were no less important than those of their male counterparts. These women deserved to be discussed, and their bravery should be honored. Thankfully, stories erased by time and ignorance are beginning to be discussed. These women who remain nameless in photographs should no longer be ghosts haunting literature that does little to acknowledge them. How many of these women were secretly involved with the Cristeros despite having family members in the federal government? How many women were captured and killed for not revealing any information about their comrades? Women's history is being taken more seriously in recent years, and the women who had unfairly been ignored by history are

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<sup>44</sup> María Luisa Vargas Gonzales, “La Cristiada,” interview by Nicolás Echevarría, Serie México siglo xx, 1995. Video, 28:56.

*The Cristero Rebellion*

finally being recognized. There is no Cristero Rebellion without women.



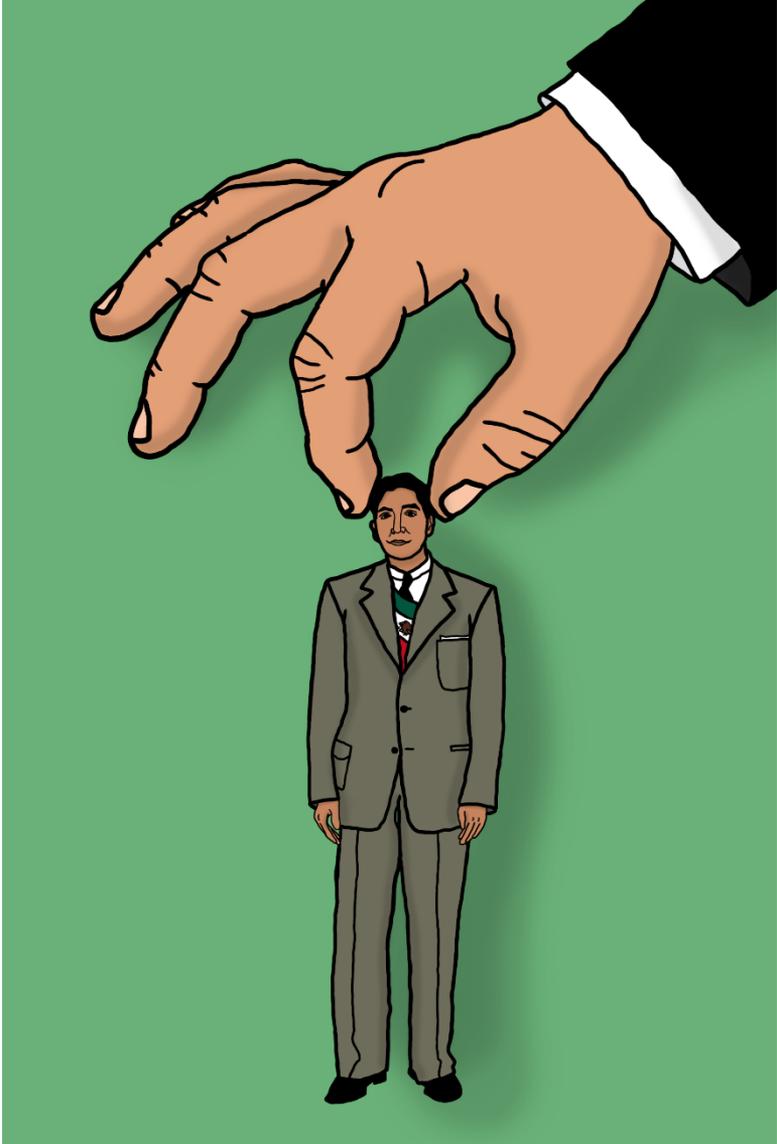


Illustration by Alondra Cruz, CSU Chico

# La Ley de Herodes: A Reflection of Socio-Political Issues in Twentieth-Century Mexico

By Ruben Alexander Cardona

A man dressed in a suit and tie fires off four rounds from his pistols as the screen transitions to a copy of the Constitution of Mexico. The man who fired off the rounds flips through the pages of the Constitution revealing it to be hollow, containing an assortment of bills and coins. After gathering the currency and removing additional currency from a strongbox, as well as hidden bills in a portrait of Mexican President Miguel Alemán (1946-1952) the man lastly loots the body of a man he presumably shot earlier. Once outside the man can be seen being pursued by townspeople holding torches. The man, attempting to escape, stumbles and drops his bag containing the money he had plundered, as he attempts to gather up the money, one of the townspeople reaches him, torch, and a machete in tow. As the suited man looks up and lets out a final shriek, the man swings sending the suited man's head tumbling onto the pile of bills he was so desperately trying to recover. The screen then transitions to a black screen that reads *La Ley de Herodes*.

This is the opening scene to Luis Estrada's acclaimed 1999 satirical political comedy, *La Ley de Herodes (Herod's Law)*. The film was released approximately eight months before the 2000 Mexican

## *La Ley de Herodes*

Presidential election, which would prove to be one of the most pivotal elections in the nation's history. The election would see Partido Acción Nacional (PAN)<sup>1</sup> candidate Vicente Fox defeat Partido Revolucionario Institucional (PRI)<sup>2</sup> candidate, Francisco Labastida. This would end the PRI's seventy-one-year control of the country. Estrada's film takes a satirical look at PRI Mexico during the late 1940s early 1950s, during the Presidency of Miguel Alemán, a president known for promoting industrial development and public works projects, with a good dose of corruption.<sup>3</sup> The film would manage to be screened in cinemas despite government censorship attempts due to the film's criticism of PRI and the fact that they (the PRI) are mentioned by name in the film. Estrada's work is an excellent look at the corruption of PRI Mexico, economic inequality, the government's relationship with the nation's indigenous people, and international relations, albeit through a comedic lens. This work will analyze the socio-political critiques of PRI Mexico, as well as the country as a whole, seen in Estrada's film.

### **Political System**

The main criticism of Estrada's film is the PRI party itself. The viewer is introduced to the film's "Protagonist" Juan Vargas (Damián Alcázar) a lowly garbage dump supervisor, who is offered the position

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<sup>1</sup> National Action Party (*Partido Acción Nacional, PAN*) Mexico's Christian Democratic Conservative Party which was founded in 1939. Vicente Fox's victory in the 2000 general election would be followed by a subsequent PAN victory by Felipe Calderón in 2006.

<sup>2</sup> Institutional Revolutionary Party (*Partido Revolucionario Institucional, PRI*) Founded in 1929, the PRI would maintain its position as the dominant Political party in Mexico for 71 years until its defeat in the 2000 presidential election. PRI candidate Enrique Peña Nieto regained the presidency for the PRI following the 2012 general election.

<sup>3</sup> See "Miguel Alemán," *britannica.com*, last modified September 25, 2020, <https://www.britannica.com/biography/Miguel-Aleman>.

### *La Ley de Herodes*

of Mayor of the fictional rural town of San Pedro de Los Saguaros, following the previous mayor's death in the opening scene of the film. Vargas receives this post from his superior, Lopez (Pedro Armendáriz Jr.), due to his perceived dimwittedness and loyalty to the party. The method of hand-selecting party leaders was common party policy, from low-level government positions to the office of the presidency. This method of internal selection would eventually cause a split in the party before the 1988 general election, with opposition supporters rallying around former PRI member Cuauhtémoc Cárdenas, son of former PRI President Lázaro Cárdenas, to form the Cardenista coalition for the 1988 election. "Cardenistas lashed out at the PRI's lack of internal democracy-such practices as having the incumbent president de facto "appoint" his successor or having most PRI candidates for governor and Congress be chosen by a few leaders or by the president himself."<sup>4</sup>

Initially, Vargas attempts to govern lawfully in San Pedro de Los Saguaros. But after his unsuccessful attempt shutting down the local brothel, and Lopez's subsequent gift, a revolver and a copy of Mexico's constitution, with which he must invoke Herod's Law (rule through strength), he behaves increasingly like a corrupt politician. He accepts bribes in exchange for the brothel's continued operation, and works with the clergy to maintain order, all the while siphoning money away from the townspeople. Cinema scholar Salvador Velazco explains, "Vargas succumbs to the delusions of power and corruption: he murders, steals, he extorts money, gets rich, dictates his own laws; in

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<sup>4</sup> Jorge I. Domínguez and James A. McCann, *Democratizing Mexico: Public Opinion and Electoral Choices* (Baltimore: Johns Hopkins University Press, 1998), 85.

### *La Ley de Herodes*

short, he applies the famous' law of Herod to the decimated inhabitants of the place."<sup>5</sup>

The method of selecting PRI politicians plays out in two contrasting forms for both Vargas and Lopez. The latter is passed up for a higher position in the Alemán government causing him to attempt an assassination on the individual chosen instead for the role. Lopez then returns to the town while fleeing from the authorities. In an attempt to commandeer the wealth that Vargas has built up to that point, Lopez is in turn killed by Vargas. As a result of killing a government fugitive, Vargas is rewarded a position in the Mexican Congress, echoing the advancement of political careers through appointments from leaders of PRI. Salvador Velazco excellently sums up the way this film illustrates the Mexican Political System:

Herod's law becomes a kind of sentimental education of the Mexican Political System. The viewer learns to recognize the functioning of the system by following this tragic comedic villain in his political career; from the supervisor of the municipal garbage dump to Federal deputy in the PRI Congress of Miguel Alemán. He is an illustrative character of the way to operate and to get rich through the exercise of power. The world of Varguitas is a microcosm of the system that starts from the municipal president to state's governor, state's governor to

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<sup>5</sup> Salvador Velazco, "Rojo amanecer y La ley de Herodes: Cine político de la transición Mexicana," *Claremont McKenna College Hispanic Research Journal* 6, no. 1 (February 2005): 73.

## *La Ley de Herodes*

secretary of state, and secretary of state to the president of the republic.<sup>6</sup>

### **Indigenous Inhabitants**

Upon arriving in San Pedro de Los Saguaros, Vargas finds the town lacking many modern amenities, including interior plumbing, electricity, and even a school. Its primary population is non-Spanish-speaking indigenous Mexicans. This demographic reflects the traditional base of PRI voting blocs: “traditional bastions—rural areas populated with less-educated Mexicans”<sup>7</sup> Throughout the film, Vargas rarely interacts with the town’s Indigenous population. Estrada chooses not to subtitle the indigenous characters’ spoken lines. Estrada’s decision represents indigenous people’s position in Mexican society throughout the nation’s history: a marginalized group overlooked and exploited by the Peninsular,<sup>8</sup> and Criollo<sup>9</sup> upper classes.

At the film’s beginning, the townspeople behead the former Mayor following his presumed misconduct while holding office. Toward the film’s end, Vargas faces the same fate as his predecessor. Following a slew of taxes, arrests, and property appropriation, the townspeople decide to violently remove him from office, only for federal agents to save him at the last second. These indigenous and

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<sup>6</sup> Velazco, “Rojo amanecer y La ley de Herodes,” 74.

<sup>7</sup> Chappell Lawson and Jorge I. Domínguez, *Mexico’s Pivotal Democratic Election: Candidates, Voters, and the Presidential Campaign of 2000* (Stanford: Stanford University Press, 2004), 118.

<sup>8</sup> Term used to identify an individual born on the Iberian Peninsula.

<sup>9</sup> Term used to identify an individual or Spanish descent born in the Americas.

## *La Ley de Herodes*

mestizo<sup>10</sup> individuals' actions echo what Miguel Hidalgo and José Maria Morelos did during the Mexican War of Independence, as well as Emiliano Zapata's actions during the Mexican Revolution (above all else, Zapata fought to secure permanent agrarian land reform in his home state of Morelos).

Hidalgo, Morelos, and Zapata looked to bring an end to government mistreatment of Mexico's indigenous and mestizo populations; in much the same way, San Pedro de Los Saguaros' townfolk act once pressed to their limits. Something of a similar nature took place in the 1990s, before Estrada made *Herod's Law*, during the 1994 Zapatista Uprising. Taking the name of Emiliano Zapata for their cause, they looked to preserve the rights of Indigenous peoples in the Southern State of Chiapas.

The Zapatista uprising began on January 1, 1994, following Mexico's entry into the North American Free Trade Agreement (NAFTA): "On that very same day a revolt broke out in the southernmost state of Chiapas in protest against political, economic, and social conditions; many of the rebels were indigenous people from the region"... "the Zapatistas claimed that NAFTA promised further decline for the standard of living of poor people in the region."<sup>11</sup> The San Andrés Accords (February 16, 1996), seen as a feather in President Ernesto Zedillo's (1994 - 2000) cap, enacted a cease fire, ending the uprising. While nothing as grand as a cease-fire agreement is seen in Estrada's film, *La ley de Herodes* demonstrates the ability that the lower classes have to enact change. In the end, however, the people of

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<sup>10</sup> Term used to identify an individual of Spanish and Indigenous descent.

<sup>11</sup> Dominguez and McCann, *Democratizing Mexico*, 180-81.

## *La Ley de Herodes*

San Pedro de Los Saguaros achieve nothing by their revolt, except to exchange one tyrant for another—shortly after Vargas’s departure, a new Mayor arrives.

### **International Relationships**

During Vargas’s trip to meet with Lopez, in which he would receive the constitution and revolver, Vargas’s vehicle breaks down. Following futile attempts to identify what is wrong with the vehicle, an American man simply known as “Gringo” (Alex Cox) comes across Vargas. Gringo manages to repair Vargas’s vehicle by reattaching a loose hose and subsequently looks to charge a large sum for the repair. Vargas communicates that while he doesn’t have the money on him, he is the mayor of a town and can give the money to him later; Vargas then gives the Gringo a made-up town name, and the Gringo agrees to the deal. Vargas drives away gleefully, believing that he managed to swindle the American. This kicks off a series of events, beginning with Vargas hiring the Gringo as a town improvement advisor, and ending with his wife and the Gringo eloping to the United States, taking most of the town’s money with them. This interaction between Vargas and the Gringo represents the many times Mexico emerged the loser when dealing with foreign powers.

Looking back to Mexico’s Independence from Spain, Mexicans believed that they could generate profits from their plentiful silver mines following independence. Following independence, Spain would withhold the mercury needed to extract silver from the silver ore, hampering Mexico’s ability to generate income from one of their greatest natural resources. Much in the same vein, after the Mexican

## *La Ley de Herodes*

Oil Expropriation in 1938, the decision to nationalize Mexico's oil industry was met with boycotts by the United States:

The decision to join NAFTA was still fresh in the memory of the Mexican public during the creation of *Herod's Law*, a decision that worried the population due to the possibility of exploitation by the United States and the harm that would come to Mexican workers. Following the nation's entrance into NAFTA in 1994, Mexico would see an economic recession hit the nation the following year in 1995 after peso overvaluation triggered financial panic in December 1994.<sup>12</sup>

Aldo Musacchio, scholar of International Business, explains, "It precipitated the worst banking crisis in Mexican history (1995-1997), the largest depreciation of the currency in one year, from about 5.3 pesos per dollar to over 10 pesos per dollar between December 1994 and November 1995, and the most severe recession in over a decade (with GDP falling over 6% in 1995)."<sup>13</sup> This feeling of financial hurt felt by the nation can be seen in Vargas's interaction with Gringo, however in much more comedic, self-inflicted circumstances.

## **Conclusion**

*Herod's Law* portrays Mexico's flawed, twentieth-century socio-political structure in a digestible and thought-provoking comedic package. Estrada describes the film in the following way, "It is a non-classical comedy that also invites reflection, due to the degree of

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<sup>12</sup> Dominguez and McCann, *Democratizing Mexico*, 21.

<sup>13</sup> Aldo Musacchio, "Mexico's Financial Crisis of 1994 -1995," *Harvard Business School Working Paper* 12, no. 101 (May 2012): 3.

### *La Ley de Herodes*

caricature that is carried out. It has more elements of black humor that make some people laugh, but for others can beg the question, “What are we laughing at?”<sup>14</sup> Maybe a caricature of society is what it takes to bring the problems of society to light, to identify the deeply entrenched issues that govern a country. Estrada’s film does that and more, providing metaphors for issues that have affected Mexico historically, as well as issues that reverberate into the present.

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<sup>14</sup> Luiz Estrada quoted in Velazco, “Rojo amanecer y La ley de Herodes,” 73.