



**THE
HAYES
HISTORY
JOURNAL
2019**

The Hayes History Journal 2019

Editors: Rose Barrett, Lily Cosgrove,
Ashley Green, Gavin O'Connor,
Sophia Wooden, Nicholas
Hughes

The Hayes History Journal is a student publication of the Department of History, Saint Joseph's University, Philadelphia. The Journal welcomes submissions from students at Saint Joseph's University for its next issue. Please contact the Department of History for information regarding submissions or any editorial matters.

The Hayes History Journal staff thanks
Victor Taylor for his long-standing support
of the Journal and student publishing at
Saint Joseph's University

Faculty Advisors:
Dr. Melissa Chakars and Dr. Alison Lewin

Dear Reader,

Researching history allows for us to gain a deeper understanding of events, people, or time periods of our past. It can also allow for new perspectives to be gained or corrections to be made on how we think of things from the past. Throughout 2019, countless Saint Joseph University students have taken it upon themselves to dive deeper into history and produce well thought out papers concerning important events, people and trends of our past. Some of them took the extra steps to share the knowledge they gained with you—the reader. These papers range from discussing literature in the Soviet Union to private hunting clubs in the United States. They have been carefully divided up into four sections.

The first section is “Soviet Studies.” These papers all look at important features or events of the Soviet Union. “Literature, Control, and Dissidence in Stalinist Soviet Union” focus on the Union of Soviet Writers and Stalin's desire to control the messages in written work. “Soviet Operation Barbarossa” argues that Operation Barbarossa and the Soviet’s victory over the Nazis was a pivotal event for the Soviet Union and goes into detail the effects it had. “To Kabul and Collapse: The Soviet-Afghan War and the Dissolution of the USSR” explores how the Afghan war created a sense of disillusionment with the Soviet people and their government.

The second section is “Historical Destinies of American Women.” This section looks at the different treatments of women in America in two very different situations. “The Realities of “Freedom”: Experience of Enslaved Women in the American South” explores the often ignored history of enslaved women and the struggles specific to them while “Press Attention and Public Admiration: The Historical Significance Of Celebrity First Ladies” looks at how the media has interacted with First Ladies and the important role they have played in American history. Both bring up women who often are ignored throughout history but with two very different life situations or “destinies” if you will.

Our third category is “Regulations and Legal Systems in American History.” This section looks at different ways that laws have played a role in American History. Again, much like the last category in two very different ways. “Changes in the Relationship between Slavery and the Law in North Carolina” takes an in-depth look at the legal systems in place in North Carolina at the time of slavery while “The Impact of Private Clubs on Hunting” argues that the creation of private hunting clubs, as well as regulations over hunting, not only saved relations between different groups of hunters but also stopped the extinction of certain animals.

The last category is “Healing of Memories: Rethinking History.” This section looks at how we should view or learn about important events from history. “Sudan’s War on Religious Freedom” explores the role of British Colonialism in the later religious wars in Sudan and the mistake Britain made in dividing society based on religion. “How to Remember the Complicated History of Malcolm X and Thurgood Marshall and His Legacy” both rethink the way we remember two influential men of

the Civil Rights Movement. The first one argues that Malcolm X should not be remembered as a violent anti-white leader and the second argues that Thurgood Marshall should be remembered for more than his work with the Supreme Court.

I sincerely hope you enjoy reading these papers, learn something new, and find something that challenges your thinking. There is much that can be learned from looking into our past and from looking outside of our personal area of interest. A lot of research and time has been put into presenting these ideas and we hope they inspire you to take a deeper look into history.

Sincerely,

Sophia Wooden
Senior Editor and
2019 Editorial Staff

Contents

Section I – Soviet Studies

Dominique Joe	
“Literature, Control and Dissidence in Stalinist Soviet Union”	8
Thomas Stewart	
“Soviet Operation Barbarossa”	17
Finn Hunsaker	
“To Kabul and Collapse: The Soviet-Afghan War and the Dissolution of the USSR”	26

Section II – Historical Destinies of American Women

Lauren DiAngelo	
“The Realities of ‘Freedom’ Experience of Enslaved Women in the American South”	36
Julia Taglianetti	
“Press Attention and Public Admiration: The Historical Significance of Celebrity First Ladies”	55

Section III – Regulations and Legal Systems in American History

Gabriella Gutierrez	
“Changes in the Relationship between Slavery and the Law in North Carolina”	74
Michael Olsakowski	
“The Impact of Private Clubs on Hunting”	94

Section IV – Healing of Memories: Rethinking History

Callie Stewart	
“Sudan’s War on Religious Freedom”	113
Sophia Wooden	
“How to Remember the Complicated History of Malcolm X”	125
Michael Grell	
“Thurgood Marshall and his Legacy”	137

Section I

Soviet Studies

“Literature, Control and Dissidence in Stalinist Soviet Union”

Dominique Joe

Writing in general, but literature especially, had a particularly important function within the Soviet Union’s history, first in disseminating socialist ideology prior to the 1917 Bolshevik Revolution, and then after the revolution to endear the Soviet people to the leader of the Communist Party and the Soviet cause in general. The most interesting and intentional time that this idea of propagandist manipulation through literature was practiced was during Stalin’s regime. Much of Stalin’s regime was marred by corruption, terror and fear, but was also upheld by propagandist manipulation of the Soviet people through literature. The creation of the Union of Soviet Writers was just one way for Stalin to influence and control the Soviet people. Stalin’s greater preoccupation with enemies all around him and dissidents within the Soviet Union is truly exemplified in the way in which the Union of Soviet Writers operated. The Union of Soviet Writers’ expressed purpose was to force control and order onto the cultivation and production of literature. But in Stalin’s pursuit of control, looking especially at the issues within the Union of Soviet Writers, one can see that disorder and dissidence still remained. By forcing multiple literary organizations together, along with the level of bureaucratic influence in the maintenance of the Union of Soviet Writers, one can see that Stalin’s obsession with dominance only caused more dissidence and disorder over which he meant to control.

The Union of Soviet Writers was created in 1932 at the behest of Stalin to consolidate all literary organizations, proletarian or not, within a single entity.¹ Literary organizations such as RAPP, or the Russian Association of Proletarian Writers (which was in its own right a large conglomeration of smaller proletarian writers groups and had already had a monopoly on the censorship and production of literature) were subsumed by the Union of Soviet Writers. It is well documented that Stalin’s initial creation of the Union of Soviet Writers was meant to merge different literary organizations into one group to better control the literary output in Russia, to make sure that literature was not disparaging to the Soviet Union, socialism, and probably most importantly Stalin himself. The Union of Soviet Writers became the only

¹ Gleb Struve, *Russian Literature under Lenin and Stalin, 1917-1953* (Norman: University of Oklahoma, 1971), 253.

dispensary of truly state-approved, meaning Stalin approved, literature that could be disseminated to the Soviet people during Stalin's regime. The point of the Union of Soviet Writers was also to produce literature that fell within the artistic style of Socialist Realism.

Socialist Realism was Stalin's state-mandated and state-imposed artistic motif that showed the heroism of the working class and the importance of, and reverence for, the Communist Party, and arguably most importantly Stalin himself.² In an article written by Al. Surkov for *Pravda* in 1950, Surkov outlined what Soviet literature should be communicating, saying that it should

“[not distort] Soviet reality, [and not] retreat from the principles of socialist realism. The people do not accept such works. The writers must always remember that the very rich, colorful content of our Soviet reality, the greatness of the historic deeds of our people, cannot be expressed-in faded, grey literary works.”³

So, the literature coming from the Union of Soviet Writers was meant to communicate this lofty and idealistic ideal of the Soviet Union. As with much artwork such as the “Girl on the Tobacco Plant, 1930” by Ilya Mashkov or the painting “From Mowing the Grass to Cutting the Flesh” by Pyotr Konchalovsky, Soviet forms of art were meant to evoke idyllic images of hard work done by real and true Soviet people that were colorful and bright. The Union of Soviet Writers was meant to produce literature that took on these themes and assemble works of literature on the working class and socialist ideals with a certain level of efficiency. But in Stalin's attempt to do so, by bringing together many different facets of the literary communities in the Soviet Union under one body, issues arose. Stalin's need for total and complete control caused infighting and disorder that, overall, undermined his own ambitions.

The Union of Soviet Writers, in its conception, was meant to be a completely state-controlled entity that would produce literature that glorified the state and its leader. The Union, in reality, ended up monopolizing writers' creative time due to a kind of bureaucratic pandering⁴

² Gleb Struve, *Russian Literature under Lenin and Stalin, 1917-1953* (Norman: University of Oklahoma, 1971), 255.

³ Al. Yurkov, “For Further Growth of Soviet Literature”, *Current Digest of the Russian Press* 6, no. 21 (Moscow: Pravda, 1954), 6.

⁴ “The Union of Soviet Writers,” in *Soviet Culture and Power: A History in Documents, 1917-1953*, ed. Katerina Clark et. al, (New Haven: Yale University Press, 2007), 204.

and artistic infighting that could have only come from the shoehorning of many different literary factions, especially the different proletarian writers' groups, together. The "vicious atmosphere"⁵ that Maria Zezina talks about in her article "Crisis in the Union of Soviet Writers in the Early 1950s" is very much apparent in correspondence written about the Union of Soviet Writers during the Stalinist period by those in literary circles, secretaries and other high-ranking officials within the Soviet Union.

Stalin's initial goal to control the cultivation and output of literature through the Union was first realized in his attempt to merge contentious literary organizations together within one entity; this decision though created issues within the Union that point to a level of disorder and dissidence that Stalin was trying to curtail. The Russian Association of Proletarian Writers (RAPP), prior to the formation of the Union of Soviet Writers, was formed for the expressed purpose of articulating the "true" proletarian literature, as well as censor other works of literature. Organizations such as this were all formed together under the Decree on the Reconstruction of Literary and Artistic Organizations that was issued in 1932, prior to the immediate formation of the Union of Soviet Writers. Within that decree the Central Committee of the All-Union Communist Party articulates that there were too many different ideas in terms of what Soviet literature was supposed to be. There was also a possibility of dissidence if the organizations are not brought together within one group. The decree states that there was a danger that "these organizations might change from being an instrument for cultivating elitist withdrawal and loss of contact with the political tasks of the present"⁶ This shows that going into the formation of this Union, there were divided factions amongst the socialist literary groups, most importantly the ones that the state saw as having been promoting socialist ideologies up until that point. This didn't bode well after the formation of the Union of Soviet Writers, because these divided factions still existed. From the ways in which one should critique literature to the types of poetry that should be written, there was infighting.

This infighting, that ultimately undermined Stalin's goal for the Union, is exemplified in a memorandum written by A. A. Fadeev and V. Ya. Kirportin to Stalin, Zhadnov and others. The memorandum states that "The people who gathered at *Lit. Critic* were able to form into a

⁵ Maria Zezina, "Crisis in the Union of Soviet Writer in the Early 1950s," *Europe-Asia Studies* 46, no. 4 (1994): 649

⁶ "Decree of Reconstruction of Literary and Artistic Organizations", Seven Moments in Soviet History Archive.

group as a result of incorrect attitude toward criticism in certain circles of the Soviet public, including among writers. These are people and even organizations that look on criticism with contempt, as a second-or-third rate literary activity.”⁷ This memorandum shows that there is clear divisiveness in the Union and somewhat outside of the Union in regards to not only the genres (within Socialist Realism) of literature that could be cultivated, but also the critique of literature once it was produced. This level of different thought within one entity, and the memorandum shows, that disorder lived under the surface. There were obvious tensions within the Union that made controlling the aspects of literary production and literary critique that much more difficult. The subsuming of so many literary organizations within one entity seemed to have been far more unruly than Stalin or his cohorts might have initially anticipated. And it is because of this level of discord within the Union that one can see the ways in which Stalin’s need for control only led to a further lack of it, in terms of literary ideologies.

Correspondence between different officials, literary types and secretaries within the Soviet Union about the Union of Soviet Writers also reveals a lot in terms of the conditions that were surrounding the organization and the systemic chokehold that Stalin placed on writers within the Union. Scholars like Neil Cornwell look to the legacy of the Union of Soviet Writers as a policing of its members rather than protecting them and as an atmosphere that curtailed creativity.⁸ Some of this manifested in bureaucratic mundanities and then also in indirect censorship placed on these writers, including Stalin’s idea of “self-criticism” or what J. Arch Getty articulates as the ritual of *samokritika*.⁹

The culture of censorship within Stalin’s Soviet Union was formalized early on in the regime, first with his work *The Foundations of Leninism*¹⁰, and then a further articulation of this idea in his work, *Against Vulgarizing the Slogan of Self-Criticism*. Within both of these works Stalin set out clear guidelines for a formalized self-censorship that would inevitably affect all within the Soviet Union, but especially writers and presumably the writers within the Union of Soviet Writers even more so. In *Against Vulgarizing the Slogan of Self-Criticism*,

⁷ “The Union of Soviet Writers,” in *Soviet Culture and Power: A History in Documents, 1917-1953*, ed. Katerina Clark et. al, (New Haven: Yale University Press, 2007), 215.

⁸ Neil Cornwell, “Through the Clouds of Soviet Literature” in *The Crane Bag* (1983), 18.

⁹ J. Arch Getty, “Samokritika Rituals in the Stalinist Central Committee, 1933-38,” *The Russian Review* 58, no. 1 (1999): 52

¹⁰ Josef Stalin, *The Foundations of Leninism* (Moscow: Pravda, 1924), Marxists Internet Archive.

Stalin says “The purpose of self-criticism being to disclose and eliminate our errors and weaknesses,”¹¹ the practice of self-criticism was meant to establish fault within oneself and communicate a renewed steadfast allegiance to the Communist Party. Self-criticism as a censorship technique was meant to, as Stalin states, “eliminate [people’s] errors” and forgive, but really this was a technique to censor any language that was seen as being critical of the Soviet Union or Stalin, whether or not it actually was. Self-criticism was also only one form of censorship that was very incriminating. There was a culture within Soviet life that if you participated in *samokritika* trials, while you may be forgiven by the state, you were still seen to a certain extent as dissident from then on. This stringent policing of Soviet people in general bled into the anxieties present within the Union of Soviet Writers. In a statement written by the editor of *Literary Gazette*, O. S. Voitinskaia to Andrei Zhadnov in 1938 while praising the Union for bringing some writers into the Party, he was still critical of the Union of Soviet Writers as a point of warning, in saying:

“[that] nothing is being done to increase and strengthen the Party core of the Writers Union. In the last few years, not one writer has joined the Party. Even A. Korneichuk isn’t a member of the Party...The lack of growth is explained by the absence of work with non-Party members...The situation in the Writers Union is made even worse by the fear of self-criticism, a fear, I would say, that has grown out of the political activism of non-Party members. Writers are extremely dissatisfied with the existing situation and are talking about this openly.”¹²

Voitinskaia in this letter is communicating a very clear waning interest that could be read as a possible dissenting dissatisfaction amongst the writers that were a part of the Union of Soviet Writers. In articulating the problem that there is a lack of growth within the Union and within the output of literary products shows that Stalin’s steadfast control over the Union is undermining his entire operation. Also, the idea of censorship is brought up as well by Voitinskaia, who says that “The situation in the Writers Union is made even worse by the fear

¹¹ Josef Stalin, “Against Vulgarizing the Slogan of Self-Criticism”, *Works*, (Moscow: Foreign Languages Publishing House, 1954), Marxists Internet Archive.

¹² “The Union of Soviet Writers,” in *Soviet Culture and Power: A History in Documents, 1917-1953*, ed. Katerina Clark et. al, (New Haven: Yale University Press, 2007), 207-208.

of self-criticism.”¹³ This idea of the fear of self-criticism and the overarching idea of censorship within the Union of Soviet Writers brings in the aspect of control even more. It seems that Stalin’s need to sanitize any literature so that it wouldn’t dissuade the Soviet public from allegiance to him ended up creating a space of fear and anxiety for writers, because to go through the process of self-criticism meant that the state deemed you dissent in some regard. It is this level of scrutiny from the state that made these writers ineffectual in their jobs. This state-imposed censorship, Stalin’s long arm of control, enacted on the Union of Soviet Writers, this state-controlled organization of Party writers, seems to have undermined Stalin’s overall goal for the Union and possibly his overall goal of totalitarian control in this way. On top of this culture of censorship, The Union of Soviet Writers also had its contentious factions within the organization, due to Stalin’s need to consolidate all literary organizations into one singular and easily manipulated entity.

Stalin’s other way of manipulating and imposing his will and iron-fisted control over the Union was through bureaucratic means that again inevitably caused further discord, disorder, and most importantly a lack of productivity within the Union of Soviet Writers. There are many letters and forms of correspondence between higher-ranking officials in the Party that talk about how all of this bureaucratic pandering only caused a creative stagnancy. In a memorandum written in 1938 by A. E. Nikitin, the Department Head of Press and Publishing, to Stalin, Zhdanov and other high-ranking officials, he said:

“The Union has been transformed into a huge chancellery in the bowels of which endless meetings go on. Writers who do not want to break away from the Union essentially have no time to write because of the incessant bustle of meetings. It has reached the point, for example, where at one of the meetings of the Secretariat Com. Stavsky offered the writer Vishnevsky creative leave. Vishnevsky, as we know, does not work in any institution, and consequently, ‘creative leave’ for him means leave from endless meetings at the Union.”¹⁴

¹³ "The Union of Soviet Writers," in *Soviet Culture and Power: A History in Documents, 1917-1953*, ed. Katerina Clark et. al, (New Haven: Yale University Press, 2007), 208.

¹⁴ "The Union of Soviet Writers," in *Soviet Culture and Power: A History in Documents, 1917-1953*, ed. Katerina Clark et. al, (New Haven: Yale University Press, 2007), 203.

This letter written by Nikitin exposes the major underlying issues with the Union Soviet Writers due to this bureaucratic influence over creative and literary enterprise. These meetings undermined the initial goal of the Union. The idea for the Union of Soviet Writers was to have literature written for the purpose of propaganda but the bureaucratic processes that kept Stalin in complete control of the literary production of these propagandist tools undermined his intent. In the end Stalin's emphasis on control was detrimental to even having literature produced at all.

This waning interest that Voitinskaia identifies within his letter is only further corroborated almost twenty years later following the death of Stalin. In 1954, the purpose of Soviet literature and Socialist Realism was still seemingly up in the air. A. Yermilov, in a piece published in *Pravda* called "For Socialist Realism," wrote:

"However, we cannot yet say that Soviet literature has fully reflected the new stage of historical development...The main questions which warrant discussion in the writers' community are the problems of the struggle for socialist realism as a method of true artistic portrayal of life in its revolutionary development, for further deepening this method and for the principles of Party adherence in literature and the struggle against deviations from socialist realism which can impede accomplishment of the great tasks confronting our literature."¹⁵

So, the state of Soviet literature, the state of writers in the Soviet Union, presumably both members and non-members of the Union of Soviet Writers, was never completely settled. Yermilov is communicating in so many words a failure on the part of Stalin. Yes, Stalinism in terms of collectivization and modernization did what it was supposed to do; but in terms of literature never found its standing. Social Realism and the Union of Soviet Writers was ultimately cut off at the knees by the need for control. What Cornwell says briefly in terms of the lack of liberties for writers during this period in his article "Through the Clouds of Soviet Literature" seems spot on. The lack of liberties that writers had within the Union of Soviet Writers due to Stalin's need for control totally and completely undermined his initial mission. In the end, the history of the Union of Soviet Writers during the Stalinist period speaks to the literary dissident movements that came after. It speaks to the idea that Stalin's true obsession

¹⁵ V. Yermilov, "For Socialist Realism", *Current Digest of the Russian Press* 6, no. 21(Moscow: Pravda, 1954), 21.

with totalitarian control only reinforced and paved the way for dissidence within literary circles to pop up after his death.

Samizdat, or the self-publishing of censored works in the USSR, grew in prominence in the post-Stalin Soviet Union. Boris Pasternak's 1957 novel *Doctor Zhivago* was denied publication in 1954 and was pushed through samizdat circles after Stalin's death. There was a clear connection between Stalin's overbearing need for control and dissidence and the popularity of dissident works after his death. The Khrushchev Thaw of culture shows this in a very stark way. With destalinization in the post-Stalin period, these dissident groups popped up everywhere. Actual samizdat literary magazines were created like *Sintaksis*.¹⁶ Writers became bold in the wake of Stalinist control waning. Stalin's need to control the production of literary works and a resultant possible harboring of feelings of resentment for the stymying of creativity can be seen in this way. With a loosening of control, though publication of dissident thought through legal means was still curtailed, the samizdat movement shows that Stalin's need for control only allowed for dissidence and disorder to bubble up below the surface of the literary community in the Soviet Union.

Stalin's major misstep in the creation of the Union of Soviet Writers was imbuing the conception of this organization with an obsessive amount of control. His implementation of censorship practices and bureaucratic mundanities to control this singular body of creative types, thus created a level of dissidence amongst writers during his regime and especially after his death. The Union of Soviet Writers as a touchstone in Soviet history, especially Stalinist history, shows the lengths to which a madman will try to control every facet of society. Stalinism was ultimately successful in the more economic and infrastructural aspects of Soviet life. Modernization happened rapidly and successfully, but to keep parameters of control around creative expression and creative output was ultimately a failure. Yes, socialist realism as an artistic form lived on past Stalin's regime, but literary dissidence was only augmented. The history of the Union of Soviet Writers from the years 1932 to 1953 shows how creative expression and literary output especially cannot and should not be stymied by bureaucracy, stringent state-approved artistic motifs and the obsessive totalitarian ambitions of a mentally ill madman.

¹⁶ Arnold McMillin, "Exiled Russian Writer of the Third Wave and the Emigre Press" in *The Modern Language Review* 84, no. 2 (1989), 406.

Bibliography

- Cornwell, Neil. "Through the Clouds of Soviet Literature" *The Crane Bag* 7, no.1 (1983): 17-33. Ermolaev, Herman. *Censorship in Soviet Literature, 1917-1991*. Lanham: Rowman & Littlefield, 1997.
- Getty, J. Arch. "Samokritika Rituals in the Stalinist Central Committee, 1933-38," *The Russian Review* 58, no. 1 (1999): 52.
- McMillin, Arnold. "Exiled Russian Writer of the Third Wave and the Emigre Press" *The Modern Language Review* 84, no. 2 (1989): 406.
- Stalin, Josef. *The Foundations of Leninism* (Moscow: Pravda, 1924), Marxists Internet Archive
- Stalin, Josef. "Against Vulgarizing the Slogan of Self-Criticism," *Works*, (Moscow: Foreign Languages Publishing House, 1954), Marxists Internet Archive.
- Struve, Gleb. *Russian Literature under Lenin and Stalin, 1917-1953* (Norman: University of Oklahoma, 1971), 253.
- Surkov, Al. "For Further Growth of Soviet Literature" *Current Digest of the Russian Press* 2, no.10 (1950): 6-7.
- Yermilov, V. "For Socialist Realism," *Current Digest of the Russian Press* 6, no.21 (1954): 21-24.
- Zeina, Maria. "Crisis in the Union of Soviet Writer in the Early 1950s," *Europe-Asia Studies* 46, no. 4 (1994): 649.
- Central Committee of All-Union Community Party, "Decree of Reconstruction of Literary and Artistic Organizations," *Seven Moments in Soviet History Archive* (1932).
- "The Union of Soviet Writers." In *Soviet Culture and Power: A History in Documents, 1917-1953*, edited by Katerina Clark, Andrei Artizov, Oleg Naumov, and Yevgeny Dobrenko, and translated by Marian Schwartz, 194-215. New Haven: Yale University Press, 2007.

“Soviet Operation Barbarossa”

Thomas Stewart

World War II was one of the bloodiest conflicts in human history. The country that lost the most citizens during the war was the Soviet Union, or USSR. The USSR lost roughly 27 million citizens during World War II, which lasted from 1939-1945, including soldiers, men, women, and children. The conflict involved the Axis Powers, including Nazi Germany, Italy, and Japan, squaring off against the Allied Powers of the United States, United Kingdom, France, and, eventually, the USSR. The Nazis had planned complete world domination under the leadership of Adolf Hitler and his fascist government, and, with a powerful military, advanced technology, and motivated by the belief that Germans were a superior race, the Nazis took over most of continental Europe. This did not include the Soviet Union, however, as Germany and the USSR signed the Molotov-Ribbentrop Pact, which was a non-aggression pact that allowed Germany to focus on conquering Europe, while the Soviets bought themselves some time. The pact also allowed the USSR to conquer Finland, Latvia, Estonia, and Eastern Poland, while the Nazis took Western Poland.¹ However, while Germany and the USSR had signed the Molotov-Ribbentrop Pact, relations between the two nations deteriorated, and eventually the situation culminated in Operation Barbarossa, which was the largest military invasion in human history. Operation Barbarossa was the three-pronged Nazi invasion of the Soviet Union, which included the utilization of 3.1 million German troops, 650,000 Axis allies, 4,000 tanks, and 750,000 horses.² While Operation Barbarossa, or the initial invasion into the Soviet Union, was technically a success, the entire Nazi invasion of the Soviet Union ultimately failed. Therefore, Operation Barbarossa can be considered the most important event in Soviet history, since the USSR had survived this onslaught, but in the process had ultimately lost 27 million citizens during the invasion, nonetheless they came out victorious having faced one of the most powerful armies the world had ever seen.

¹ Edward Acton and Tom Stableford, *The Soviet Union: A Documentary History*, (Exeter: University of Exeter Press, 2007), 46.

² P.M.H. Bell, *Operation Barbarossa: The German Attack on the Soviet Union, 1941*, (New Haven: Yale University Press, 2011), 42.

The Nazis initiated Operation Barbarossa for a variety of reasons. By 1941, the Nazis had conquered France, Belgium, Denmark, Eastern Poland, and practically every other country in continental Europe.³ Hitler simply wanted to conquer the world, and the Soviets stood in his way as a looming communist threat to his fascist state. The two sides had originally agreed to the Molotov-Ribbentrop Pact, which provided economic benefits to both sides and also bought the two countries time to prepare for their inevitable showdown. Therefore, despite signing the Pact, Hitler authorized Operation Barbarossa, believing Germany could take Stalin by surprise and quickly crush the Soviet Union. Hitler was an infamous racist, and he had made it known in his autobiography, *Mein Kampf*, that he believed that Germans were the superior race of the world. In particular, Hitler deplored Slavs and Jewish people, and he believed that conquering the USSR would allow him to exterminate Jewish people and to capture Slavic Soviets to use as a slave workforce for Germany, powering his future empire.⁴ Finally, in addition to his plans for a Slavic workforce, Hitler desired petroleum and agricultural resources from the USSR's territory, specifically the Caucasus. The Nazis had an enormous army and air force and they needed fuel and supplies to sustain their war effort, so conquering the Soviet Union would have ensured them a constant supply line of oil and natural resources. In summary, Operation Barbarossa was not a normal military campaign, but a carefully prepared "war of annihilation, whose origins lie in Hitler's world view and political aims... living space, German racial superiority, economic autarky and world power."⁵

The USSR was woefully unprepared for the Nazi invasion, despite the many warning signs that Stalin had received regarding an imminent German attack. Hitler had written to Stalin, personally, regarding plans to reposition Nazi troops along the Soviet border in order to prepare to battle the Allied Forces in the west, and Stalin, foolishly, cooperated.⁶ Therefore, three million troops gathered on the Soviet Union's border. Also, Soviet observers reported over 2,000 German flights near the USSR's border between January and June 1941, while multiple German deserters warned the Soviets

³ Bell, *Operation Barbarossa*, 41.

⁴ Ibid, 42.

⁵ Ibid, 42.

⁶ Anthony Bouscaren, *Soviet Foreign Policy: A Pattern of Persistence*, (New York: Fordham University Press, 1962), 53.

of an impending attack.⁷ Stalin turned a blind eye to all of this information, however, clearly in denial that Hitler would attack the USSR so suddenly.

Additionally, approximately 108 Nazi spies were captured by Soviet border troops in the days leading up to the invasion, and there were numerous violations of Soviet borders by Nazi troops and planes that went largely ignored by Stalin.⁸ Stalin's vast spy network infiltrated the German ranks, and multiple spies provided him with concrete evidence regarding an imminent German attack. Most notably, Soviet agent Richard Sorge, working in the German embassy in Tokyo, gathered Japanese and German intelligence for Stalin, including information regarding Operation Barbarossa, yet was ignored.⁹ Stalin refused to believe any of the information provided to him by spies and allies, stubbornly assuming that Hitler wouldn't dare open an eastern front before the British had been finished off. Stalin also was trying to hold off on a fight with Nazi Germany until 1942, which was when he felt that his troops would be fully prepared for battle.¹⁰ Finally, Stalin made the near-fatal error of misidentifying the USSR's true enemy. Stalin was particularly distrustful of the British, believing that Churchill desired an alliance with Hitler in order to destroy the USSR.¹¹ This distrust of Britain was likely caused by the invasions of Russia by the Allies at the close of World War I. So, a combination of Hitler's motives along with Stalin's stubbornness and unpreparedness made Operation Barbarossa a reality.

Operation Barbarossa, named after the Holy Roman Emperor Frederick I, was the largest invasion in human history, as the Axis Powers devoted more than 3 million troops to the Operation.¹² Hitler believed that the invasion would be quick and that German forces would crush the Soviet Union without much trouble. The Nazi invasion of the Soviet Union would not be a quick and decisive victory as Hitler had expected, however, as Operation Barbarossa initiated an enormous struggle on the Eastern Front that lasted from June 1941 to May 1945. The German forces correctly believed that they had the superior men, air power, tanks, and overall technology compared to the Soviets.

⁷ Russel Stolfi, *Barbarossa Revisited: A Critical Reappraisal of the Opening Stages of the Russo-German Campaign (June-December 1941)*, (Chicago: University of Chicago Press, 1982), 48.

⁸ Bouscaren, *Soviet Foreign Policy*, 55.

⁹ Frederic Clairmont, *Stalingrad: Hitler's Nemesis*, (India: Sameeksha Trust, 2003), 2823.

¹⁰ Jonathan Haslam, *Stalin and the German Invasion of Russia 1941: A Failure of Reasons of State?*, (Oxford: Oxford University Press, 2000), 135.

¹¹ Haslam, *Stalin and the German Invasion of Russia 1941*, 138.

¹² Stolfi, *Barbarossa Revisited*, 29.

The Nazis relied heavily on their air force, the Luftwaffe, to decimate Soviet troops, supply chains, and camps, leading to Soviet troops having “aero plane panic.”¹³ This panic was justified, as the Luftwaffe reportedly destroyed 1,489 aircraft on the first day of the invasion.¹⁴ Nikolai Litvin witnessed the disparity in weapons between the Nazis and the Soviet forces, known as the Red Army, firsthand, as he was a foot soldier who was bombarded by German planes and tanks.¹⁵ The Germans advanced in a three-pronged attack from Western Poland, Finland, and Romania into the Baltic States of Estonia and Latvia, Ukraine, and Belarus in the opening stages of the invasion. The Germans utilized the blitzkrieg, or “lightning war,” during their invasion of the Soviet Union.¹⁶ The Nazis believed that they needed to capitalize on their element of surprise in their attacks, despite all of the information that Stalin had been provided regarding the Nazi’s imminent attack. Also, the Germans relied heavily on their Panzer, or tank, divisions, achieving a number of substantial victories in the opening days of the attack. Notably, 300,000 Soviet POWs, over 3,000 tanks, and 1,800 artillery pieces were taken at Minsk in Belarus by the Germans, and an additional 200,000 POWs were taken at Vitebsk as well.¹⁷ In Finland, which had claimed to be neutral country, the Nazis staged Luftwaffe airstrikes on the USSR, resulting in a retaliatory Soviet bombing campaign of Finnish industrial centers.¹⁸ The blitzkrieg strategy resulted in great initial success for the Nazis, and Operation Barbarossa was a Nazi victory.

The rest of the Nazi’s invasion was not as successful, and German progress in the Soviet Union slowed for several reasons. First, as the Nazis advanced, the Red Army employed a “scorched earth” policy, which was characterized by destroying anything useful as the Soviets retreated, so that the enemy couldn’t make use of anything.¹⁹ The Soviets burned agricultural fields and moved over 16 million people, along with 1,500 factories, east in order to prevent the Nazis from exploiting them.²⁰ Second, the Soviet Union’s sheer manpower overwhelmed the Nazis. Stalin was content to engage

¹³ Ibid, 48.

¹⁴ Bell, *Operation Barbarossa*, 49.

¹⁵ Nikolai Litvin, *800 Days on the Eastern Front: A Russian Soldier Remembers World War II*, (Lawrence: University Press of Kansas, 2017), 18.

¹⁶ Bouscaren, *Soviet Foreign Policy*, 108.

¹⁷ Bell, *Operation Barbarossa*, 51.

¹⁸ Ibid, 42.

¹⁹ Stolfi, *Barbarossa Revisited*, 43.

²⁰ Bell, *Operation Barbarossa*, 50.

in a war of attrition, or attempting to win a battle through continuous losses of personnel, and he sent wave after wave of Soviets to their deaths. Stalin also created barrier divisions whose purpose was to shoot deserters and those who retreated, which created a sense of strict discipline within the Red Army's ranks.²¹ The natural elements played a huge role in the slowing of the blitzkrieg as well. The harsh Soviet winter was not a climate that Germans were accustomed to, and the rain and snow created a muddy terrain that hurt Nazi mobility, especially due to the fact that Germans relied on their Panzer divisions so heavily. The Nazis also made a huge error that cost them not only time, but potential allies as well. When the Nazis invaded the USSR, many Soviet citizens greeted and celebrated the Nazis upon their arrival, treating them as liberators.²² Many Soviets, especially Ukrainians, had perished at the hands of Stalin due to starvation and the brutal domestic policies of the Soviet Union. Ukrainians saw the Germans as forces that could save them from their brutal dictator. This presented Nazis with the enormous opportunity of gaining popular support and acquiring domestic allies to aid in the fight against the Red Army. Hitler's policy of annihilation didn't allow for enemies to be annexed into the Wehrmacht, or German Army, however, and many of these potential allies were killed, starved, or put into concentration camps. Hitler's racial policies forced the Germans to view the Soviets as racial inferiors who needed to be defeated and exterminated, which led to the extreme mistreatment of Soviet soldiers in POW camps. In fact, 3.3 million of the 5.7 million Soviet POWs taken by the Germans were killed via execution, starvation, or, for the Jewish Soviets, gassing.²³ The Gestapo sought to eliminate communists in concentration camps as well, and those who did survive the POW camps were used as forced laborers for mining or agriculture.²⁴ Finally, key strategic errors doomed the Nazis. The Soviet Union was an enormous country and had a huge border, meaning the Nazis needed to attack from several different locations in order to cover a sufficient amount of territory. The sheer size of the USSR spread the German forces thin. Also, despite German forces being on track to take Moscow early on in the invasion, Hitler redirected his troops to secure Ukraine, delaying the siege of the Soviet capital and wasting his best chance at a quick victory. There was a myriad of factors that slowed the Nazis' blitzkrieg and prevented them from securing victory right away.

²¹ Bouscaren, *Soviet Foreign Policy*, 77.

²² Bell, *Operation Barbarossa*, 49.

²³ Stolfi, *Barbarossa Revisited*, 45.

²⁴ *Ibid*, 45.

All of these factors, by delaying the siege of Moscow, ultimately prevented the Nazis from crushing the Soviet Union once and for all. This mistake proved to be deadly, as the Red Army regrouped and Stalin launched a winter counterattack in 1941 that drove out the Nazis, leading to their eventual defeat in World War II. The delayed siege of Moscow was not the sole cause of the Nazis' defeat, however, as a multitude of factors played a role in the failed German siege of the USSR.

While initially successful with Operation Barbarossa, the Nazis' invasion of the USSR ultimately failed for a variety of reasons. First, Hitler sent his troops to the Soviet Union unprepared. Confident in a quick victory before the cold set in, he refused to send the Nazi forces with proper equipment to withstand the harsh Soviet winter, meaning his troops lacked anti-freeze for tanks, jackets, and blankets.²⁵ Also, due to the miscalculation by Hitler regarding how long it would take to conquer the USSR, the Nazis lacked ample supplies. There were insufficient amounts of drinking water, food, and fuel, not to mention a lack of shelter to shield the troops from the cold. The Sixth Army, in particular, was hit hard by frostbite, dysentery, and respiratory infections of all kinds.²⁶ Another cause for the Nazi failure was that Hitler simply underestimated his opponent. The Soviet Union was a giant country with a giant population, which Hitler didn't consider strongly enough when planning his invasion. Also, Hitler, a known racist, believed too much in the ethnic superiority of Germans, assuming that the Soviets would roll over as the French had, as evidenced by his claim in 1941 that he would destroy the USSR with "one quick blow."²⁷

As mentioned earlier, Hitler also made a plethora of strategic errors during the invasion. His "war of annihilation" policies led to the Nazis facing stubborn resistance in Soviet territories, such as Ukraine, where they could have instead had supporters and allies who knew the terrain.²⁸ Hitler also decided to halt the blitzkrieg in order to divert troops to the Ukraine, a disastrous decision that prevented the Nazis from taking Moscow before the cold season in the Soviet Union. "Operation Typhoon" was the planned attack of Moscow, and it wasn't set into motion until October 1941, which was well into the Soviet autumn.²⁹ Therefore, the unprepared, ill-equipped German soldiers had

²⁵ Clairmont, *Stalingrad*, 2820.

²⁶ Clairmont, *Stalingrad*, 2820.

²⁷ Stolfi, *Barbarossa Revisited*, 27.

²⁸ Bell, *Operation Barbarossa*, 49.

²⁹ Stolfi, *Barbarossa Revisited*, 38.

to fight in the harsh conditions that the Red Army was used to. Intense snow and rainfall bought the Soviets time and allowed them to regroup while simultaneously disabling German movement and tanks. This enabled the Soviets to go on the offensive, which proved to be disastrous for the Nazis.³⁰ In the later stages of the siege of the Soviet Union, the Germans attempted to take Moscow and Stalingrad, two enormous Soviet cities, only to find that their blitzkrieg strategy was ineffective in urban warfare and was exacerbated by the fact that Hitler refused to surrender.³¹ The blitzkrieg had worked throughout rural Europe in open spaces, but the Soviet cities had limited space and weren't ideal for tanks either, which hindered the Nazis' offensive capabilities. The Nazis were not the only ones to blame for their defeat, however.

The Red Army fought bravely and with a stubbornness that the Germans had not yet encountered.³² The Soviets simply refused to be defeated, and multiple waves of Red Army soldiers fought the Germans courageously in defense of their homeland, whose terrain they were experts of. The Soviets also possessed the sheer manpower to defeat the Germans, as the USSR lost 27 million citizens during World War II, including 11 million soldiers, and the Germans simply couldn't keep up.³³ The Soviets lost an enormous amount of people, but, without the sacrifice of so many lives, it is all but certain that the defeat of the Germans, with their superior technology, weapons, and soldiers, would not have been possible. This ties into Stalin's success as a military commander. While Stalin was woefully unprepared for the Nazi invasion, reacted slowly to the initial advances of the Germans, and was melancholy in the opening days of Operation Barbarossa, he regained his nerve and proved to be an effective military leader. Stalin created a culture of strict order within the ranks of the Red Army. He crafted a "no retreat" mentality, which is exemplified by his barrier units and also by the accounts of Nikolai Litvin, who felt shame over being injured and having to leave the war's front lines.³⁴ Stalin also effectively implemented the "scorched earth" strategy by moving factories and people to the east so that the Germans couldn't make use of Soviet labor and materials. Finally, Stalin was able to defeat the Germans by using the media to his advantage. He made an impassioned plea to the Soviet public in 1941 to fight, not for their party, but for their country, which inspired patriotism

³⁰ Bell, *Operation Barbarossa*, 55.

³¹ Clairmont, *Stalingrad*, 2822.

³² Bouscaren, *Soviet Foreign Policy*, 156.

³³ Ibid, 179.

³⁴ Litvin, *800 Days on the Eastern Front*, 21.

amongst the people of the Soviet Union.³⁵ Stalin also directed Molotov to announce the war against the Germans, and Molotov successfully painted the Nazis as aggressors, urged the people of the Soviet Union to rally around Stalin, and demonized Hitler.³⁶ Therefore, the Nazi siege of the USSR failed for many reasons. The blunders of Hitler strategically, the unpreparedness of the Nazis for winter, and German unfamiliarity with the Soviet terrain, along with the Soviet Union's sheer manpower, leadership from Stalin, and bravery of its troops, all contributed to the German defeat at the hands of the Red Army.

Operation Barbarossa was the most important event in Soviet history, as the USSR survived the invasion, ultimately lost 27 million citizens during the Nazi attacks, and came out victorious while facing one of the most powerful armies the world had ever seen. Stalin's stubbornness led to the Soviet Union being unprepared for Operation Barbarossa, but he made up for his blunder with his military strategies, including the "scorched earth" tactic, turning the fight into a war of attrition that the Nazis couldn't match, and launching the winter counteroffensive of 1941. The Nazis also continuously hindered themselves, as evidenced by their unwise racial policies that alienated potential allies, their diversion from Moscow in favor of the Ukraine, and their unpreparedness for the Soviet winter. The Nazis had been the most technologically advanced and one of the most powerful, ruthless forces the world had ever witnessed, yet the Soviet Union survived their attack and conquered them.

Operation Barbarossa proved to be the turning point of World War II, as the opening of a second front and the antagonizing of the Soviets turned out to be the Nazi's fatal mistake, causing massive casualties and loss of planes, tanks, and confidence. The cost of human life for the Soviet Union was immense, however. An enormous percentage of its population was wiped out, not to mention the fact that nearly an entire generation of men was killed. Therefore, Operation Barbarossa was clearly the most important event in Soviet history. The Soviet Union, had it not defeated the Nazis, would have been occupied by the Nazis, who would have killed and enslaved its citizens and utilized its resources for the German war machine. Hitler had proven to be a ruthless racist, and he would not have hesitated to conquer the people of the Soviet Union with cruelty and force, as evidenced by his treatment of POWs and Jewish people in concentration camps in locations such as Auschwitz and Belzec. The USSR defeated the Nazis, however, and this accomplishment, along with its survival and the loss of life of its citizens, highlight the most significant event in Soviet history.

³⁵ Haslam, *Stalin and the German Invasion of Russia 1941*, 133.

³⁶ Acton and Stableford, *The Soviet Union*, 40.

Works Cited

- Acton, Edward, and Tom Stableford, eds. *The Soviet Union: A Documentary History*, Volume II. Exeter: University of Exeter Press, 2007.
- Bell, P.M.H. "Operation Barbarossa: The German Attack on the Soviet Union, 1941." In *Twelve Turning Points of the Second World War*, 41-58. Yale University Press, 2011.
- Bouscaren, Anthony Trawick. *Soviet Foreign Policy: A Pattern of Persistence*. New York: Fordham University Press, 1962.
- Frederic F. Clairmont. "Stalingrad: Hitler's Nemesis." *Economic and Political Weekly* 38, no. 27 (2003): 2819-823.
- Haslam, Jonathan. "Stalin and the German Invasion of Russia 1941: A Failure of Reasons of State?" *International Affairs (Royal Institute of International Affairs 1944-)* 76, no. 1 (2000): 133-39.
- Litvin, Nikolai. *800 Days on the Eastern Front: A Russian Soldier Remembers World War II*. University Press of Kansas, 2017.
- Russel H. S. Stolfi. "Barbarossa Revisited: A Critical Reappraisal of the Opening Stages of the Russo-German Campaign (June-December 1941)." *The Journal of Modern History* 54, no. 1 (1982): 27-46.

“To Kabul and Collapse: The Soviet-Afghan War and the Dissolution of the USSR”

Finn Hunsaker

I: Introduction

Within the long history of the Cold War and the Soviet Union's rise and fall, one conflict remains relatively obscure in the popular idea of the “twilight struggle” between East and West: The Soviet-Afghan War. From 1978 until 1989, the Union of Soviet Socialist Republics engaged in a protracted campaign of political and military intervention in the highly unstable and politically fractured Republic of Afghanistan. In the era of the Russian Empire, this mountainous Middle-Eastern nation had been the seat of imperialist tensions between Great Britain and the armies of the tsar, but modern Soviet intervention bore a far greater resemblance to the conflict in Vietnam carried out by their greatest global adversary: The United States. In fact, the Soviet war's prosecution serves as a distorted mirror of the Vietnam conflict's challenges and failures, with the Soviet Union bringing its overwhelming military force to bear in defense of a regime whose ideals, like the government of South Vietnam in the 1960s, violated their society's strident religious and cultural norms in the name of progress. Just as when the Soviet Union and the People's Republic of China had aided the Viet Cong, the United States sensed a chance to strike a blow against Soviet military prowess and win allies in a region largely committed against the West. So, they funded the insurgent forces of the *mujahideen*, fundamentalist militants motivated by a mixture of Afghan traditionalism and a narrow interpretation of Islam.

Even as the Vietnam War cost the United States time, treasure, and political stability due to the growth of the anti-war and counterculture movements of the period, the effects were not apocalyptic, and the American government survived the aftermath of Saigon's fall. For the USSR, however, such luck was not in evidence; Soviet involvement in the Afghan War was, in a way, the beginning of the end of the USSR's days on the stages of world power. This is due primarily to multiple factors, firstly the political fallout that accompanied the violence, casualties, and brutality that decimated both Afghan civilians and the families of Soviet soldiers. Secondly, the fallout of Soviet intervention was essential to strengthening both the message of internal opposition to the policies of Leonid Brezhnev and his successors. This pushback arose from both military officers and institutions, who found their loyalty to the Communist Party in question as their commands were decimated in a pointless

conflict, and coalitions of veterans and survivors of the fallen, who used their common experiences of loss and trauma to collectivize, forming memorial groups and veterans' support organizations.

Akin to contemporary citizen-wrought organizations like Poland's Solidarity labor movement, these organizations and their just criticisms of the Soviet political machine which consumed their friends and family posed a significant threat to the monopoly of narrative which the Brezhnev, Andropov, and Chernenko governments maintained over civilian perceptions of the war. This control included the news returning to Moscow from the "front" in Kabul and the general dissemination of this information across the USSR through official channels like the state newspaper *Pravda*, especially to the Central Asian states whose conscripted citizens bore the brunt of the war and the weight of its casualties¹. Finally, the severe trauma of the Afghan War effectively paved the way for the ascension of Mikhail Gorbachev and the slow collapse of the Second World's once-mighty regimes, as well as supplying the public discontent necessary to convert the momentum of the Soviet fall into a nationwide appeal for and struggle in favor of a democracy. Nevertheless, this seemingly clear path held as many twists and turns as any other conflict, inextricably winding together the Soviet intervention and the fate of the entire USSR into a single quilt of history, one which holds implications for the modern, autocracy-ridden Russian Federation which arose from its ruin.

II: The Origins of Intervention

To understand the reasons behind why the Soviet Union's collapse finds its roots in Afghan soil, one must first consider the motivations for the initial communist intervention within the Republic of Afghanistan, beginning with the formation of said state in 1973. Following a *coup d'etat* which placed President Mohammed Daoud in power, the new Afghan government was rapidly courted by both East and West, resulting in a struggle for influence between the American CIA and the Soviet KGB, as described in the opening of Diego Cordovez and Selig Harrison's *Out of Afghanistan*. By November 1975, Daoud began to retreat on nationalistic issues that had helped justify the creation of the Republic, including laying claim to the Helmand River border, contested with Iran, and separated with the Parcham, a powerful faction of the Afghan Communist Party who had attracted much of the Soviet diplomatic attention in Kabul. As a result, the weight of Moscow's attention by 1976 lay

¹ Reuveny, Rafael, and Aseem Prakash. "The Afghanistan War and the Breakdown of the Soviet Union." *Review of International Studies* 25, no. 4 (1999), 704.

upon its allied faction's fall from grace and Daoud's increasing demand for political unity under his single-party rule.² As Daoud began to split with his previous closeness to the USSR and the Afghan communists, the President solidified himself as a strongman, instead relying upon "an ultra-conservative clique in the cabinet and a narrow circle of police and military loyalists"³ and drawing the diplomatic, but stridently non-military wrath of the Soviet Union as his government began to repress the communist groups who had once supported him. In response, an internal plot by the both the remnants of the Parcham and their ideological rivals in the more moderate Khalq faction within the Afghan communist movement developed, pushed to the point of action by the murder of Mir Khaiber, a Parcham leader, on April 17, 1978.⁴

On April 26th a full military revolt took place and by April 28th, 1978, Mohammed Daoud was dead and the new, communist Democratic Republic of Afghanistan was born, led by the People's Democratic Party of Afghanistan.⁵ After this victory, the PDPA's First Deputy Prime Minister, Hafizullah Amin, mastermind of the anti-Daoud action and military commissar of the Khalq faction, rapidly seized power above his station, censoring the Parcham despite their assistance in his coup and beginning rapid reforms.⁶ As the Amin government began limiting land holdings, increasing women's rights, and repressing the strong Muslim theological authorities of the Afghan rural regions, internal Islamist insurgent groups, known as the *mujahideen*, began to form, and the heated debate over the future of Afghanistan exploded into civil war by March 1979. Fearful of the collapse of the DRA, the Politburo aided in the reorganization of the Afghan government in a manner which would minimize Amin's power by sending him overseas as an ambassador, appointing the more moderate Nur Taraki President in a move which escalated the power struggle within the Afghan government rather than reducing tensions.⁷ As a direct result, Amin used his allies to enact yet another coup, seizing power from the PDPA Central Committee with military force and, on October 10th, 1979, murdering

² Cordovez, Diego, and Selig S. Harrison. *Out of Afghanistan: The Inside Story of the Soviet Withdrawal*. New York: Oxford University Press, 1995, 17.

³ Ibid, 23.

⁴ Ibid, 23.

⁵ Ibid, 25-28.

⁶ Ibid, 24.

⁷ Ibid, 40.

President Taraki.⁸ Per Cordovez and Harrison, the brutal killing of Taraki, who had met with Leonid Brezhnev at the 1979 gathering of the Non-Aligned States, incensed the General Secretary, who “was rudely shocked by the murder of this man who not long before had been his guest,”⁹ an act of violence which Brezhnev felt demanded a firm response.

Per the introduction of the official Russian General Staff Report on the intervention, *The Soviet-Afghan War: How A Superpower Fought and Lost*, this demand was carried out in classic Soviet military style:

“The Soviet 1979 Christmas Eve invasion was masterfully planned and well executed. The Soviets seized the government, killed the president, and installed their own man in his place. Apparently, the Soviet plan was to stabilize the situation, strengthen the army, and then withdraw the bulk of Soviet forces within three years.”¹⁰

Per the old adage, however, no plan survives contact with the enemy, and soon the USSR and its armed forces were trapped in a whirlpool of conflict from which they would never recover.

III: From Liberators to Desecrators

Soon after their arrival in Afghanistan, the Soviet 40th Army and the men of the Kremlin who had sent them there believed their job had been done, and done well. According to former British ambassador to Moscow Rodric Braithwaite in his seminal work *Afgantsy: The Russians In Afghanistan 1979-89*, the Soviet operation to depose Amin was rapid, low in loss of life, and highly successful, with the flawless deployment of special forces and paratroops ahead of regular mechanized forces. Overall, only 29 Soviet servicemen lost their lives in the initial invasion, with 74 wounded, and due to the use of infantry and armored units rather than aerial bombardment, no civilians were harmed.¹¹ In addition, the removal of Amin’s brutal and power-hungry government was a major propaganda coup for the Democratic Republic of Afghanistan’s new Soviet-backed government, and Soviet troops encountered grateful civilians as they traveled outward from Kabul to Afghanistan’s furthest reaches, ready to spread the equality of international socialism.

⁸ Ibid, 41.

⁹ Ibid, 41.

¹⁰ The Russian General Staff, *The Soviet-Afghan War: How a Superpower Fought and Lost*. Translated by Grau, Lester W., and Michael A. Gress. Lawrence, Kan.: University Press of Kansas, 2002, xxiii.

¹¹ Braithwaite, Rodric. *Afgantsy: The Russians in Afghanistan 1979-89*. London: Profile Books, 2012, 10.

Despite this initial victory, a small but strident opposition to Soviet intervention grew from within the USSR itself, prefiguring the disaster to come. On January 20th, 1980, only a month after the initial incursion, the Institute of the Economy of the World Soviet System, a think tank akin to the American RAND Corporation, had sent a private report which castigated the official plan for a rapid victory and clean withdrawal, noting that “the rebels could now appeal to the Afghan people to fight the foreign infidels as well as the godless Communists in Kabul...aid to the rebels from the Americans, the Arabs, and the Chinese was increasing.”¹² Nine days later, Soviet dissidents issued a statement warning of the harsh realities the Afghan conflict would soon pose, appealing to the memory of the Great Patriotic War to stay the Politburo’s thirst for further engagement.¹³ Nonetheless, the 40th Army was ordered further forward, and the brutality of war in the “Graveyard of Empires” rose to meet them.

Despite their superior arms and materiel compared to the *mujahideen* they faced in the hills of Helmand and Kandahar, the Soviet Army was ill-prepared for the sheer attrition of the Afghan conflict. According to Jan Claas Behrends’ *Some Call Us Heroes, Others Call Us Killers*, this is predominantly due to the culture of the USSR in the 1980s and its contrast with the violence utilized as a political force by both the DRA and the mujahideen to exert political control. Per Behrends, “the Soviet Army had not fought in decades...[yet] officially, the army was seen as one of the main institutions of the state...the ideal male citizen was closely linked to heroism and bravery. At the same time, there were few things heroic in Soviet society under Brezhnev. Life in late socialism had become predictable. This tranquility made the gap between everyday experiences in the USSR and Afghanistan all the more conspicuous. For Soviet youngsters, the war in Afghanistan was a shocking experience.”¹⁴

As the war dragged onward and losses mounted, once-well-disciplined troops began to slip into a “sphere of violence”¹⁵ that consumed entire squads, companies, brigades, and divisions, running rampant until war crimes and regular atrocities became simply a part of the wider conflict.

¹² Ibid, 109.

¹³ Ibid, 108.

¹⁴ Behrends, Jan Claas. ““Some Call Us Heroes, Others Call Us Killers.” Experiencing Violent Spaces: Soviet Soldiers in the Afghan War.” *Nationalities Papers* 43, no. 5 (September 2015), 722.

¹⁵ *ibid*, p.7.

Soviet troops consumed by this kill-or-be-killed mentality rejected both the idealism that had led them to Afghanistan and the standards of morality that persevered in their civilian lives in favor of whatever horrific deed would allow them to defeat their elusive insurgent enemies and return to their homes. On the campaign-wide level, according to theorist David MacKenzie, the level of violence reached terrible heights, as Soviet troops orchestrated saturation bombing campaigns and “scorched-earth” tactics to drive out rebel cells and punish civilians who they believed to be collaborators.¹⁶ However, as their position became more and more intractable and the Democratic Republic collapsed into a failed state, the USSR began its final, fatal maneuver, extending itself beyond even the limits of a superpower and commencing a final death-climb out of the sinkhole of warfare it had created.

IV: Withdrawal and Dissolution

As the Soviet-Afghan conflict continued to rage, its effects spread beyond the violence-ridden borders of the nation in the manner of all warfare, leaching into the fabric of pre-existing failures within the Soviet system and relentlessly corroding the institutional and societal supports which held up the entire scope of the communist government. Of these various damages, many were already present, from the nature of the USSR as a single-party government incapable of response to civilian demands to a culture of citizens informing upon one another, breeding paranoia and disunion among the average populace. However, theorists Rafael Reuveny and Aseem Prakash have established four central factors which they believe directly contributed to the Soviet collapse which undoubtedly originated in the mountains and dust of Afghanistan. Per their writings, the Soviet-Afghan war had four central effects on the USSR and its government; shifts in its perception by the people, criticism of the legitimacy of Moscow’s rule over its satellite states, the increased political participation of citizens through systems like *glasnost* and *perestroika*, and the end of the military’s status as a tool to control civil dissent.¹⁷

As the war continued to gouge the Soviet Union economically and militarily from 1983 onward, Soviet leaders began to shift blame towards one another, creating an image of the Politburo and upper Soviet leadership as weak and plagued by infighting, challenging both the

¹⁶ MacKenzie, David. *From Messianism to Collapse: Soviet Foreign Policy, 1917-1991*. Fort Worth: Harcourt Brace College Publishers, 1994, 218.

¹⁷ Reuveny, Rafael, and Aseem Prakash. "The Afghanistan War and the Breakdown of the Soviet Union." *Review of International Studies* 25, no. 4 (1999), 693.

long-held faith of loyalists in the Party's wisdom and the fear of reprisal which hung over many dissenting voices across the USSR. Furthermore, this sudden collapse of the political image of Moscow's rule and subsequent rounds of scapegoating between political and military leaders caused the unity of anti-reformist governments like that of Andropov and Chernenko to collapse, opening the door for the rise of Mikhail Gorbachev and his allies in 1986. However, the factor which undoubtedly held the greatest potential for the overturn of the Soviet status quo was the effect of the conflict not solely upon the military leadership, but the soldiers they commanded.

Speaking to Belarusian journalist and Nobel Prize winner Svetlana Alexievich in her 1992 testament to the war's effects, *Zinky Boys*, the Soviet soldiers and civilian workers who made it home from war describe how they found themselves subject not to valorization and gratefulness for their sacrifices, but rather contempt from their fellow-citizens and constant intrusions by the lasting trauma of combat. Surrounded by an uncaring leadership and a confused or scornful public, the *Afgantsy*, the name which the veterans of battles from Jalalabad to Shindanta applied to themselves, rejected in almost absolute terms the government for whom they had fought and died, turning their bonds of war into the tools of protest and dissent. As described by an anonymous motorized infantryman, "Afghan[istan] cured me of the illusion that everything is [okay] here, and that the press and the television tell the truth...I wanted to do something specific—go somewhere, speak out, tell the truth."¹⁸

From 1986 onward and through the end of the war, as the Gorbachev regime began to open itself further to the demands of its people, the *Afgantsy* used this impulse to serve a new duty at the forefront of public action in favor of democratic action. Per the testimony of a private in the 40th Army's Signal Corps, "I started looking other vets up. We spoke the same language, and it was a language only we could share...the powers-that-be stopped us meeting. They were frightened of us, because they knew if we organised we'd fight for our rights."¹⁹ With the culmination of the Gorbachev reforms in the appointment of Boris Yeltsin, the veterans of Afghanistan can be said to have aided in dealing the final blow to the military bureaucracy, the same structure that had destroyed their faith in the Soviet world, and ushering in a new order. No single event is more indicative of this shift and the fact that when the last of the KGB old guard swarmed the Russian Parliament to crush the new democracy of Russia, "resistance was immeasurably stiffened by the presence of several

¹⁸ Aleksievič, Svetlana A. *Zinky Boys: Soviet Voices from the Afghanistan War*. Translated by Grau, Lester W., and Michael A. Gress. Translated by Julia Whitby and Robin Whitby. New York: W.W. Norton Et, 2015, 21

¹⁹ *Ibid*, 56.

hundred Afghan veterans...indeed, two of the three young men killed on the night of 20 August were decorated veterans...[and] after the coup was defeated, they were honoured...as heroes and martyrs of the new democracy.”²⁰

V: Final Conclusions

In the course of any conflict, its impact is best measured by the destruction it leaves behind, and in the Soviet-Afghan War, the soldiers of the USSR embroiled in this foreign civil conflict, the insurgents they battled against, and the civilians caught between them were all subject to a horrific butcher’s bill. According to the General Staff Report, “The personnel in the 40th Army and the Soviet advisers all passed through the fiery crucible of war. There were over 525,500 officers, sergeants, soldiers, workers, and support staff of the Soviet armed forces who served there. As of February 1989, there were 13,833 killed or died of wounds reported, with 49,985 wounded and 311 missing in action. Thus, one in every eight who served there was killed or wounded, or is missing.”²¹ This staggering and brutal cost, however, can be said to have had a pair of grim but necessary benefits: awakening the Soviet people to the unjust nature of their regime and allowing dissident groups to rise up and enact true and positive change in favor of a free and open society. No single statement crystallizes the nature of the Soviet Union before and after the Afghan war than this phrase, spoken by a helicopter pilot stricken with traumatic amnesia after a crash and the loss of his legs: “The doctors say that my memory may come back. When that happens, I’ll have two lives—the one they’ve told me about and the one I know myself.”²² In their rejection of the state and embrace of dissent, then democracy, the survivors of the Afghan War clearly chose this latter life, rejecting the violent world they returned from and the repression of the Soviet state to, for a time, deliver their home nations from the throes of tyranny and usher in a new era of freedom.

²⁰ Ibid, xvii.

²¹ The Russian General Staff, *The Soviet-Afghan War: How a Superpower Fought and Lost*. Translated by Grau, Lester W., and Michael A. Gress. Lawrence, Kan.: University Press of Kansas, 2002, p. 309.

²² Aleksievič, *Zinky Boys: Soviet Voices from the Afghanistan War*. W.W. Norton Et, 2015, p.67.

Bibliography

Aleksievič, Svetlana A. *Zinky Boys: Soviet Voices from the Afghanistan War*. Translated by Grau, Lester W., and Michael A. Gress. Translated by Julia Whitby and Robin Whitby. New York: W.W. Norton Et, 2015.

Braithwaite, Rodric. *Afgantsy: The Russians in Afghanistan 1979-89*. London: Profile Books, 2012.

Behrends, Jan Claas. "“Some Call Us Heroes, Others Call Us Killers.” Experiencing Violent Spaces: Soviet Soldiers in the Afghan War." *Nationalities Papers* 43, no. 5 (September 2015): 719-34. Accessed February 16, 2019 via ds.a.ebscohost.com and the SJU Library doi:10.1080/00905992.2015.1048674.

Cordovez, Diego, and Selig S. Harrison. *Out of Afghanistan: The Inside Story of the Soviet Withdrawal*. New York: Oxford University Press, 1995.

MacKenzie, David. *From Messianism to Collapse: Soviet Foreign Policy, 1917- 1991*. Fort Worth: Harcourt Brace College Publishers, 1994.

Reuveny, Rafael, and Aseem Prakash. "The Afghanistan War and the Breakdown of the Soviet Union." *Review of International Studies* 25, no. 4 (1999): 693-708. <http://www.jstor.org/stable/20097629>.

The Russian General Staff, *The Soviet-Afghan War: How a Superpower Fought and Lost*. Translated by Grau, Lester W., and Michael A. Gress. Lawrence, Kan.: University Press of Kansas, 2002.

Section II

Historical Destinies of American Women

“The Realities of ‘Freedom’: Experience of Enslaved Women in the American South”

Lauren DiAngelo

INTRODUCTION

They endured countless hardships, but their stories remain relatively untold. The voices of formerly enslaved women are often absent from American history and their unique narratives become a part of the conglomerate of experiences. The “slave experience” is not one experience shared by a group of individuals, but rather a collection individual experiences. A number of factors contributed to the differences in enslaved people’s experiences, one which was gender. Even so, female slaves had individual experiences that set them apart from each other. The intersectionality of race and gender shaped the experiences of black women both during and after slavery. The ra and gender-based restrictions women faced during enslavement did not end with emancipation, but rather carried into the Postbellum years.

For that reason, it is a mistake to consider *freedom* to be synonymous with *emancipation*. The tribulations black women endured shaped their perceptions of freedom in ways that differed from those of black men, thus making meaningful freedom difficult to achieve. For black women, there was not one cohesive definition of freedom; for some, freedom meant marriage, for others, freedom meant the reunification of family. And in some instances, freedom was an unachievable figment of the imagination.

DUTIES OF SLAVE WOMEN

It is a common misconception that the duties of enslaved men and women in the American South were di along gender lines, with men solely working in the fields and women solely working in the master’s house. The slave did varied based on a variety of factors including location, skill, and the master’s preference. In an interview with the *Works Progress Administration*, Richard Macks, a former slave from Maryland, recalled his mother completing the same physically demanding fieldwork as the men on their plantation, explaining, “I have seen m going to the fields each day like other slaves to do her part of the farming.”¹

¹ *Federal Writers' Project: Slave Narrative Project, Vol. 8, Maryland, Brooks-Williams*. 1936. Manuscript/Mixe Material. <https://www.loc.gov/item/mesn080/>.

Gender alone did not determine whether a slave worked in the field, as a house servant, or as something else. Slaveholders in the American South forced their slaves to complete debilitating and grueling labor in the fields, with little regard for sex.² That being said, while slave men and women stopped working in the fields around the same time each day, as men returned to the slave quarters, women often began their “second shift.” As one slave woman recalled, “Women had to work all day in de fields ab’ den come home an’ do de housework at night.”³ Just like white women during the Antebellum period, both white and black men expected slave women to do domestic tasks such as childcare, cooking, cleaning, ironing, and mending clothing. This is not to say that either enslaved men or enslaved women had “better” or “easier” work, but rather that women were often expected to complete extra tasks after the working day had theoretically ended. Certain slave women were responsible for the domestic work and childcare of not only their masters’ families, but also for their own families.

The duties of female slaves confined them to the plantation whereas historian Stephanie Camp argues, “the geography of containment was somewhat more elastic for men than it was for women.”⁴ Typically, tasks such as transporting plantation products and retrieving purchases that allowed slaves to leave the plantation were reserved for men. Skilled occupations for slaves were also occupied almost entirely by men: “men were the mechanics, blacksmiths, carpenters, coopers, masons, carters, carriage drivers, sugar makers, boilermen, and furnacemen. The most highly skilled bondsmen enjoyed some prestige and received extra rations and authority over other slaves.”⁵ Women had far fewer opportunities to participate in skilled work and thus received fewer rewards and privileges than men, drastically limiting their chances of mobility.

While domestic work was not considered skilled labor, if slave women were lucky, they were able to gain access to their owners’ used clothing or leftover food by working in the house.⁶

² Wood, Kirsten E. “Gender and Slavery.” In *The Oxford Handbook of Slavery in the Americas*, edited by Mark M. Smith and Robert L. Paquette. New York, NY: Oxford University Press, 2010. <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199227990.001.0001/oxfordhb-9780199227990-e-24>.

³ Camp, Stephanie M.H. *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South*. Chapel Hill, NC: University of North Carolina Press, 2004, 32.

⁴ Ibid, 28.

⁵ Wood, Kirsten E. “Gender and Slavery.”

⁶ Ibid.

FORCED MOTHERHOOD

As the demand for slaves increased, slave women were progressively seen as not just laborers, but also as potential reproducers. Henrietta Butler, a New Orleans plantation slave, explained “My dam ol’ Missus was mean as hell . . . they made my Ma have babies all de time.”⁷ For profit-minded slaveholders, the most economically sound way to acquire more slaves was to encourage, or force, slave women to have children. In 1662, Virginia passed the law *partus sequitur ventrem*, which translates to “that which is brought forth follows the belly”. Under *partus sequitur ventrem*, any child of a slave became a slave themselves. It was not long before other Southern colonies adopted similar legislation.⁸ Laws like *partus sequitur ventrem* strengthened the belief that slavery was natural for blacks and prompted the development of slave families for the benefit of slaveholders.

While it was common for slaveholders to seek out young, strong male slaves to perform manual labor and fieldwork, the acquisition of young female slaves became increasingly popular as slaveholders recognized the benefits of age and gender-selective purchasing of female slaves who had “their reproductive lives ahead of them.”⁹ According to former slave Richard Macks, “The slave traders would buy . . . well developed young girls with fine physique to barter and sell. They would bring them to the taverns where there would be the buyers and traders, display them and offer them for sale.”¹⁰ Young, attractive slave girls had value that went beyond their ability to perform physically demanding manual labor; they became some of the most desirable slaves as their bodies increased their monetary value when slaveholders capitalized on their ability to produce more slaves.

In an interview conducted by T. Pat Matthews from the Works Progress Administration, Hilliard Yellerday recounted his experience as a slave on a large North Carolina plantation. Yellerday explained that his owner had hundreds of slaves but in the last ten years preceding the

⁷ Follett, Richard. “Heat, Sex, and Sugar: Pregnancy and Childbearing in the Slave Quarters.” *Journal of Family History* 28, no. 4 (October 2003). <https://journals-sagepub.com.ezproxy.sju.edu/doi/pdf/10.1177/0363199003256928>, 527.

⁸ West, Emily, and Erin Shearer. “Fertility Control, Shared Nurturing, and Dual Exploitation: The Lives of Enslaved Mothers in the Antebellum United States.” *Women's History Review* 27, no. 6 (2018). <https://doi.org/https://doi.org/10.1080/09612025.2017.1336849>.

⁹ Follett, Richard. “Heat, Sex, and Sugar: Pregnancy and Childbearing in the Slave Quarters.”, 512.

¹⁰ *Federal Writers' Project: Slave Narrative Project, Vol. 8, Maryland, Brooks-Williams.*

war, “He did not sell slaves and he did not buy many...he resorted to raising his own slaves.”¹¹ Yellerday’s owner, like many other slaveholders, forced young slave girls into motherhood. Yellerday further explained that “When a girl became a woman she was required to go to a man and become a mother... a slave girl was expected to have children as soon as she became a woman. Some of them had children at the age of twelve and thirteen years old.”¹² Slaveholders had several methods to force their young female slaves into motherhood: they would either coerce their female slaves into sexual relationships with male slaves or rape their female slaves themselves. Sexual assault was more common than enforced intimate relationships, though both could force enslaved women into motherhood against their will.¹³

SEXUAL EXPLOITATION AND ABUSE

Enslaved women were far more accessible and vulnerable to sexual exploitation than white women. Since slaves were considered property, slaveholders believed they were entitled to the full access of their female slaves’ bodies. In her autobiography, *Incidents in The Life of a Slave Girl, Written by Herself*, former slave Harriet Jacobs recalled the constant sexual advances made by her master. Jacobs revealed, “My master met me at every turn, reminding me that I belonged to him, and swearing by heaven and earth that he would compel me to submit to him”, adding, “He told me I was his property; that I must be subject to his will in all things.”¹⁴ While Jacobs experienced limited physical abuse, she lived in constant fear of being violated sexually by her master. Jacobs was not unique in this sense; countless other slave women experienced sexual abuse or witnessed the abuse of their loved ones. Mary Ester Peterson was born into slavery after her fifteen-year-old mother became pregnant as a result of rape. As a child, Peterson recalled times when her master’s three sons “came in... threw her [mother] down... and tied her... so she couldn’t struggle, and one after the other” raped her.¹⁵

¹¹ *Federal Writers' Project: Slave Narrative Project, Vol. 11, North Carolina, Part 2, Jackson-Yellerday*. 1936. Manuscript/Mixed Material. <https://www.loc.gov/item/mesn112/>.

¹² *Ibid.*

¹³ West, Emily, and Erin Shearer. “Fertility Control, Shared Nurturing, and Dual Exploitation: The Lives of Enslaved Mothers in the Antebellum United States.”

¹⁴ Jacobs, Harriet Ann. *Incidents in the Life of a Slave Girl, Written by Herself*. 1861. Reprint, Marblehead, MA: Trajectory, Inc, 2014. <https://search-ebscohost.com.ezproxy.sju.edu/login.aspx?direct=true&db=nlebk&AN=921931&site=eds-live>, 21.

¹⁵ King, Wilma. “Prematurely Knowing of Evil Things’: The Sexual Abuse of African America Girls and Young Women in Slavery and Freedom.” *The Journal of African American History* 99, no. 3 (2014). <https://doi.org/doi:10.5323/jafriamerhist.99.3.0173>, 174

Like the case of Peterson, the rape of slave women by their masters often resulted in pregnancy. W. L. Bost, a former slave from North Carolina, recalled, “Plenty of the colored women have children by the white men. She know better than to not do what he say.... Then they take them very same children that have they own blood and make slaves out of them.”¹⁶

Slave women tried to protect slave girls by teaching them at a young age to resist their masters’ sexual advances. Fannie, a former slave from Tennessee who experienced sexual abuse herself, instructed her daughter to “fight, and if you can’t fight, kick; if you can’t kick, then bite.”¹⁷ However, resistance could only go so far. More often than not, female slaves who did not succumb to their masters were punished. The punishments inflicted on female slaves were more sexually degrading than the punishments inflicted on male slaves such as naked beatings and whippings.¹⁸ In other instances, masters sold their disobedient female slaves away. In the end, most masters who attempted to rape or sexually violate their slaves succeeded. Former slave Richard Macks explained, “colored women have many hard battles to fight to protect themselves from assault by employers, white male servants or by white men, many times not being able to protect [themselves].”¹⁹ Not only did enslaved women struggle to protect themselves, but there were also no laws in place to protect them from “insult, from violence, or even from death.”²⁰ While Southern legislation protected white women from sexual violence, these laws and policies did not apply to black women. With nowhere to turn for protection, the unbalanced power dynamic between slave and master was further enforced, thus allowing slaveholders to continue violating their female slaves. When slaves could not physically resist their masters’ advances, they used more subtle forms of resistance such as herbal birth control

¹⁵ *Federal Writers' Project: Slave Narrative Project, Vol. 11, North Carolina, Part 1, Adams-Hunter*. 1936. Manuscript/Mixed Material. <https://www.loc.gov/item/mesn111/>.

¹⁶ King, Wilma. “‘Prematurely Knowing of Evil Things’: The Sexual Abuse of African American Girls and Young Women in Slavery and Freedom”, 179.

¹⁷ Camp, Stephanie M.H. *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South*, 33.

¹⁸ *Federal Writers' Project: Slave Narrative Project, Vol. 8, Maryland, Brooks-Williams*.

¹⁹ Miller, Jennie. “Harriet Jacobs and the ‘Double Burden’ of American Slavery.” *International Social Science Review* 78, no. 1/2 (2003). www.jstor.org/stable/41887127, 34.

or attempts at inducing miscarriages and abortions to protect themselves from having their master's offspring.

BIRTH CONTROL AND RESISTANCE

While motherhood could be a place of refuge for some slave women, other women resisted motherhood, especially if their child was to be a product of rape. Former slave Elizabeth Keckley was raped by her master, resulting in pregnancy. Keckley explained,

“I do not care to dwell upon this subject, for it is fraught with pain. Suffice it to say, that he persecuted me for four years, and I-- I-- became a mother. The child of which he was the father was the only child I ever brought into the world.”²¹

This experience was so traumatizing for Keckley that she chose to not have any more children, even as a free woman.

While the trauma female slaves experienced from having their masters' children was enough to wish to remain childless, there were other reasons enslaved women chose to not have children. Having children meant having another mouth to feed. Slave men and women alike lacked an adequate food supply. The thought of having to provide for another human discouraged many women from having children. The main reason, however, that slave women did not desire children was because they did not want to have a child born into slavery. Enslaved women knew that their children would face constant degradation and abuse and that their daughters may someday be violated by their masters.²² To mothers, having children also meant there was always a possibility of being separated from their kin. In essence, refusing to have children meant denying slaveholders any more human capital. Since having children was encouraged, or forced, by many slaveholders, abortion, birth control, and abstinence became forms of gender-specific slave resistance.

In an interview with the Work Progress Administration, Mary Gaffney, a former slave who was born into slavery, explains how her master forced her into a marriage with a man who she resented. Mary's husband complained to their master that she would not have sex with him, and Mary was subsequently beat for her resistance. Mary's master forced the pair to have sex, but Mary

²⁰ Hine, Darlene Clark. *Hine Sight: Black Women and the Re-Construction of American History*. Brooklyn, NY: Carlson Publishing, 1994, 29.

²¹ West, Emily, and Erin Shearer. “Fertility Control, Shared Nurturing, and Dual Exploitation: The Lives of Enslaved Mothers in the Antebellum United States.”

explained, “I never did have any slaves to grow and Maser he wondered what was the matter. I tell you son, I kept cotton roots and chewed them all the time but I was careful not to let Maser know or catch me.”²³ It became well-known among some slave communities that chewing on the bark of cotton roots could prevent pregnancy. While the slaves did not know exactly why this worked, cotton roots became used as a form of birth control and subsequently a form of slave resistance. While there is inconclusive data to confirm whether or not cotton roots are actually an effective form of birth control, in the 1870s, George Stetson of Boston argued that the decline of the Southern black population was linked to “the root of the cotton plant ... known to all negro women as a powerful emmenagogue,... everywhere obtainable... [and] extensively used.”²⁴ There is not sufficient evidence to prove that cotton roots caused the decline of the Southern black population, however, they did help some slave women feel as though they were able to have some control over their bodies.

In addition to cotton roots, other substances found on the plantation were used to prevent pregnancy including abortifacients such as indigo, “Alum water”, turpentine, camphor, and rue. In an interview with the Works Progress Administration, Lu Lee, a former slave from Texas, explained that slave women “unfixed” themselves by consuming these substances in order to induce miscarriages and abortions.²⁵ In 1849, E.M. Pendleton, a physician from Hancock County, Georgia, reported that “abortion and miscarriage” occurred more frequently among slave women than among white women. While a number of different factors could have caused this occurrence, Pendleton also noted that he received constant complaints from slaveholders “about the unnatural tendency in the African female population to destroy her offspring. Whole families of women... fail to have any children.”²⁶ The fact that numerous slaveholders complained to Pendleton that their slaves were not having children further solidifies the notion that slaveholders viewed their female slaves as breeding instruments. The act of not having children was concerning to slaveholders who sought out young slave women in order to increase their supply of human capital. While birth control was not a conspicuous form of resistance to slavery, the decision to not have children allowed slave women to gain control over their bodies which were often exploited at the hands of their masters.

²² Perrin, Liese M. “Resisting Reproduction: Reconsidering Slave Contraception in the Old South.” *Journal of American Studies* 35, no. 2 (2001).

<https://www.cambridge.org.ezproxy.sju.edu/core/services/aop-cambridgecore/content/view/S0021875801006612>, 262.

²⁴ Ibid, 261.

²⁵ Perrin, Liese M. “Resisting Reproduction: Reconsidering Slave Contraception in the Old South”, 261.

²⁶ Hine, Darlene Clark. *Hine Sight: Black Women and the Re-Construction of American History*, 31.

DIFFICULTIES OF CHILDBEARING

The grueling conditions of slavery did not make childbearing easy. Richard Follett, a historian whose research expertise includes slavery and emancipation in the American South, explains that “the heavy physical labor and inadequate nutrition (particularly a protein-deficient diet) ...led to abnormally low levels of conception, depressed libido, miscarriages, and physiological harm to the slave woman’s capacity to conceive and deliver children.”²⁷ Slave women often gave birth to severely underweight babies with modest life expectancies. When former slave Harriet Jacobs delivered her first child, she recalled, “My babe was sickly. His little limbs were often racked with pain... [his] bright eyes grew dull, and the little feet and hands were so icy cold that I thought death had already touched them.” Jacobs’s son was born premature, weighing just four pounds.²⁸

In 1851, Mississippi plantation owner Thomas Affleck took note of the birthing patterns he noticed on his plantation, explaining, “of those born, one half die under one year.” Affleck’s observations were not unusual. It is estimated that slaves lost “roughly 54% or more of their pregnancies to stillbirths, infant mortality, or early childhood mortality.”²⁹ Losses were even higher among young mothers. On the Palfrey and Kleinpeter plantation in Louisiana, thirty-five women conceived 158 babies; one-third of those pregnancies resulted in miscarriages, stillbirths, or infant deaths. Hannah, a slave on the Palfrey and Kleinpeter plantation, gave birth to six children “but buried four of them before they reached their first birthday.”³⁰ The cause of death for many infants who survived past birth was poor diet. The system of forced labor that is slavery often did not allow mothers enough time to properly care for and feed their children.³¹

²⁷ Follett, Richard. “Heat, Sex, and Sugar: Pregnancy and Childbearing in the Slave Quarters”, 511.

²⁸ Jacobs, Harriet Ann. *Incidents in the Life of a Slave Girl, Written by Herself*, 49.

²⁹ Steckel, Richard H. "A Dreadful Childhood: The Excess Mortality of American Slaves." *Social Science History* 10, no. 4 (1986). doi:10.2307/1171026, 452.

³⁰ Follett, Richard. “Heat, Sex, and Sugar: Pregnancy and Childbearing in the Slave Quarters”, 527.

³¹ Steckel, Richard H. "A Dreadful Childhood: The Excess Mortality of American Slaves", 432.

FAMILY AND MOTHERHOOD

In following societal norms, slave mothers handled nearly every aspect of childcare. Additionally, many slave mothers had no choice but to be the primary caretaker if their husbands were sold to another slaveholder or if they decided to run away. In an interview conducted by Samuel S. Taylor for the Works Progress Administration, Lucretia Alexander, a former slave from Little Rock, Arkansas, recalled that her “father was sold five times,” leaving the burden of raising four children solely on her mother.³² It was extremely common for slave families to be forcibly separated as slaveholders would buy and sell slaves as individuals, rather than family units. Historian Michael Tadman estimates that the long-distance sale of slaves destroyed approximately one in three slave marriages and separated one in five slave children from their parents.³³ Slave families rarely remained as fixed social units. Former slave, Katie Rowe, recalled during an interview with the Works Progress Administration, “I seen chillun sold off and de mammy not sold, and sometimes de mammy sold and a little baby kept on de place and give to another woman to raise. Dem white folks didn’t care nothing ’bout how de slaves grieved when dey tore up a family.”³⁴ Since slaves were considered property, slaveholders did always view their slaves’ families as legitimate structures. While some slaveholders encouraged the creation of families, family in itself did not protect slaves from being sold. For slaves, the threat of sale and forced separation was synonymous with the destruction of the family.³⁵ Similar to Rowe, former slave Delia Garlic recalled slaveholders’ lack of sympathy as they sold individual slaves and destroyed family units:

“Babies was snatched from dere mother’s breas’ an’ sold to speculators. Chilluns was separated from sisters an’ brothers an’ never saw each other ag’in.’Course dey cry; you think dey not cry when dey was sold lak cattle? I could tell you ’bout it all day, but even den you couldn’t guess de awfulness of it.”³⁶

The comparison of slaves to cattle reinforces the notion that slaves were seen as chattel property

³² *Federal Writers' Project: Slave Narrative Project, Vol. 2, Arkansas, Part 1, Abbott-Byrd*. November- December 1936. Manuscript/Mixed Material. <https://www.loc.gov/item/mesn021/>.

³³ Pargas, Damian Alan. “Disposing of Human Property: American Slave Families and Forced Separation in Comparative Perspective.” *Journal of Family History* 34, no. 3 (July 2009). <https://journals-sagepub-com.ezproxy.sju.edu/doi/pdf/10.1177/0363199009337394>, 251.

³⁴ *Federal Writers' Project: Slave Narrative Project, Vol. 13, Oklahoma, Adams-Young*. 1936 Manuscript/Mixed Material. <https://www.loc.gov/item/mesn130/>.

³⁵ Pargas, Damian Alan. “Disposing of Human Property: American Slave Families and Forced Separation in Comparative Perspective”, 260.

³⁶ *Federal Writers' Project: Slave Narrative Project, Vol. 1, Alabama, Aarons-Young*. to 1937, 1936. Manuscript/Mixed Material. <https://www.loc.gov/item/mesn010/>.

with no claim to land, rights, or even family.

If slave families were not forcibly separated, in some cases the slave family was disrupted when slaves decided to run away. In most instances, fugitive slaves were men. The main reason female slaves decided against running away was that they did not want to abandon their children. Former slave Harriet Jacobs recalled being chastised by her grandmother for thinking about running away and abandoning her family. Jacobs was told, “Nobody respects a mother who forsakes her children.”³⁷ Between 1838 and 1860, a mere nine percent of Virginia’s fugitive slaves were women. The disproportionate number of female runaways was a common theme in the American South. In the same twenty-two-year span, only nineteen percent of South Carolina’s fugitive slaves were women, in North Carolina only fourteen percent, and in Tennessee less than twelve percent.³⁸

Despite the difficulties of childbearing and the practical objections some slave women had to motherhood, many enslaved women still chose to have children. Motherhood set slave women’s experiences apart from the experiences of slave men. While slave men could acquire power through the privileges that came with skilled work and positions of authority, “enslaved mothers strove to carve out a modicum of power through their public roles as providers, teachers, spiritual guides, protectors, and ‘aunts’ even as they suffered under bondage.”³⁹ While enslaved women lacked legitimate, legal rights over their children, motherhood often became a place of refuge for slave women as they gained a sense of purpose by being able to care for another human. This perspective has been criticized for romanticizing the experience of slave mothers however, motherhood was a defining feature in the lives of many enslaved women, including Harriet Jacobs. In her autobiography, Jacobs frequently reflected on her experience as a mother and emphasized her love for her children. Jacobs recalled, “when I was most sorely oppressed, I found a solace in [my son’s] smiles.”⁴⁰

³⁷ Jacobs, Harriet Ann. *Incidents in the Life of a Slave Girl, Written by Herself*, 73.

³⁸ Camp, Stephanie M.H. *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South*, 36.

³⁹ West, Emily, and Erin Shearer. “Fertility Control, Shared Nurturing, and Dual Exploitation: The Lives of Enslaved Mothers in the Antebellum United States.”

⁴⁰ Jacobs, Harriet Ann. *Incidents in the Life of a Slave Girl, Written by Herself*, 49.

African American sociologist E. Franklin Frazier argued, “the relationship between mother and child became the strongest bond in the slave family.”⁴¹ This bond is seen throughout Mattie J. Jackson’s narrative of her life as a slave. Jackson was born into slavery in 1846 in St. Louis, Missouri and eventually escaped through the Underground Railroad in 1863. While reflecting on her life as a slave, Jackson described her mother’s constant love and protection even through difficult times. On one occasion, when Jackson’s master hit her, her mother ran into the room: “He then told her to go away or he would compel her to, but she remained until he left me...He was aware my mother could usually defend herself against one man, and both of us would overpower him.”⁴² It was a risk for any slave to fight back against a white man; Mattie’s mother’s willingness to stand up to their master shows her maternal instinct to protect her daughter. The unity between Mattie and her mother exemplifies the unwavering bond between a slave mother and her child.

Like Mattie’s mother, Harriet Jacobs felt a strong bond with her children. While Jacobs originally did not want children because she did not want them to experience the horrors of slavery, after giving birth to her son, Joseph, and daughter, Louisa, Jacobs’s unconditional love for her children led her to dedicate her life freeing her children from their lives of servitude.

During her escape, Jacobs had to temporarily separate from her children, causing her much distress and anxiety. Jacobs sought comfort in her friend Betty but found it difficult to relate to her: “Good old soul! She had gone through the world childless. She had never had little ones to clasp their arms round her neck; she had never seen their soft eyes looking into hers; no sweet little voices had called her mother; she had never pressed her own infants to her heart, with the feeling that even in fetters there was something to live for. How could she realize my feelings?”⁴³ Motherhood gave Jacobs a greater purpose in life and shaped her experience as a female slave. The bond between Jacobs and her children became even more apparent as Jacob’s concern for her son and daughter’s well-being intensified during their separation. After escaping North to live as free a black woman and being reunited with her children, Jacobs asserted, “Whatever slavery might do to me, it could not shackle my children.”⁴⁴

⁴¹ Miller, Jennie. “Harriet Jacobs and the ‘Double Burden’ of American Slavery”, 38.

⁴² Jackson, Mattie J., and L.S. Thompson. *The Story of Mattie J. Jackson; Her Parentage—Experience of Eighteen Years in Slavery—Incidents During the War—Her Escape from Slavery: A True Story*. 1866.

Reprint, Chapel Hill, NC: University of North Carolina, 1999.

<https://docsouth.unc.edu/neh/jacksonm/jackson.html>.

⁴³ Jacobs, Harriet Ann. *Incidents in the Life of a Slave Girl, Written by Herself*, 82.

⁴⁴ *Ibid*, 88.

FREEDOM: LIFE AFTER EMANCIPATION

When slaves first received news of their emancipation, the immediate response was often pure joy. On a Virginia plantation, an elderly woman by the name of Sister Carrie started singing “Tain’t no mo’ sellin’ today, tain’t no mo’ hirin’ today... ain’t no m’ crackin’ dat whip over John, will sing, chillun, will sing” when she discovered she was a free woman.⁴⁵ Among the joy and celebrations, a wave of fear and uncertainty washed over many slaves, such as Jane Johnson who said, “I was kinda lonesome and sad lak. Us slaves was lost, didn’t know what to do or where to go.”⁴⁶ The end of the system of forced labor meant the end to a lifestyle that the only way of life most slaves ever knew. For slave women, emancipation did not guarantee just treatment, let alone the full rights and privileges of American citizenship.

With emancipation, free black women earned the right to work for pay, but were restricted from a number of well-paying jobs. In the words of historian Paul D. Escott, “Black jobs were customarily dirty and heavy jobs, and former slaves as a group remained near the bottom of the economic ladder. It was especially noticeable that women had very little choice in their work.”⁴⁷ Employment restrictions, such as the racial and gender prejudice of the workforce, forced free black women to remain economically dependent on whites. In her interview with the Works Progress Administration, former slave Lucretia Alexander explained how difficult it was to find work as a free black woman. Alexander worked as a paid house servant following the abolishment of slavery, but was unable to live off her earnings. She returned to the plantation, explaining, “The hardest work I did was after slavery.”⁴⁸ The limitations black women faced in the workforce did not end during the Reconstruction Era. For decades following the Civil War, black women were still bound to the same jobs they held as slaves. In 1921, Emma L. Shields, a social worker for the Women’s Bureau of the Department of Labor appointed to study the condition of black women in industry, reported that,

⁴⁵ Ibid, 88.

⁴⁶ Escott, Paul D. *Slavery Remembered: A Record of Twentieth Century Slave Narratives*. Chapel Hill, NC: University of North Carolina Press, 1979, 128.

⁴⁶ Ibid, 129.

⁴⁷ Ibid, 164.

⁴⁸ *Federal Writers' Project: Slave Narrative Project, Vol. 2, Arkansas, Part 1, Abbott-Byrd*.

“Tens of thousands of Negro women in the South are employed ten hours daily in old, unclean, malodorous buildings in which they are denied the most ordinary comforts of life”, adding that “the inadequacy of wages... present[s] a vital problem to the many Negro women workers who are responsible for the support of others besides themselves.”⁴⁹ Without an established minimum wage, black women worked arduous and demeaning jobs for insufficient pay. Even through hard work, women rarely received promotions or the ability to move into better paying industries available to black men, such as carpentry and blacksmithing. By 1930, “over 80 percent of all employed black women continued to work as personal servants and domestics.”⁵⁰ Of those remaining employed black women, the majority, like Lucretia Alexander, worked on farms. Occupations typically held by women, such as clerical work and school teaching positions, were often reserved for white women. Racial and gender-based discrimination was the underlying cause of the employment limitations that black women faced, thus establishing a system that forced black women to work degrading jobs and kept them impoverished.

After basic survival, one of the things free black women desired most was a legalized marriage. While a number of black men and women married before emancipation, slave marriages had no legal standing in the eyes of the United States government. In the early years of the Postbellum Era, a main priority for black women was achieving greater security for their families. With the help of the Freedmen’s Bureau, many former slaves acquire the legalized marriages they so desired. The Freedmen’s Bureau’s main purpose was to assist free blacks in becoming self-sufficient in the postbellum years by providing relief and support; the Bureau also assisted free blacks by solemnizing marriages, such as in the case of Thomas Harris and Jane Shute. On February 26, 1866, Harris and Shute, former slaves from Tennessee, obtained a marriage certificate from the Freedmen's Bureau. Before acquiring their marriage certificate, the couple lived together for fifteen years and had eight children.⁵¹ Legalized marriage not only recognized the relationship between husband and wife but also offered protections over children. Family was an important feature in the lives of enslaved

⁴⁹ Lerner, Gerda, ed. *Black Women in White America: A Documentary History*. 2nd ed. New York, NY: Vintage Books, 1973, 254.

⁵⁰ Hine, Darlene Clark. *Hine Sight: Black Women and the Re-Construction of American History*, 39.

⁵¹ Certificate of Marriage, Thomas Harris to Jane Harris (Shute), 28 April 1866, Lebanon County, Tennessee. County Recorder's Office, sent to Freedmen’s Bureau Headquarters, Washington, DC. <https://www.archives.gov/research/african-americans/freedmens-bureau/highlights.html>

women and continued to be an important factor in black women's lives after emancipation. For those women who chose not to marry, family was still a main priority. When former slave Harriet Jacobs escaped to freedom before the end of the Civil War, she declared that her "story end[ed]...not in the usual way, with marriage" but with freedom and reunification with her children.⁵²

After emancipation, many free black women sought to reconnect with family members who were sold away as slaves in the antebellum and Civil War eras. The extent to which former slaves went to rebuild their families after the Civil War demonstrates the colossal importance of the family unit. According to historian Paul D. Escott, "Traveling on foot, often with vague information about a relative's location, thousands of blacks persisted in quests [to find their loved ones] that would have been quixotic but for the fact that they often proved successful."⁵³ Families used their newfound freedom to reunite and build lives away from the bonds of slavery. Free black women, in particular, embarked on relentless quests to find their lost loved ones. The newspaper became a widely used resource to help black women in their search. Former slave Elizabeth Williams lived with her husband, daughter, and three sons in Franklin County, Tennessee before being sold to a slaveholder in Arkansas. In 1866, twenty-five years after Williams's forced separation from her family, she posted an advertisement in *The Christian Recorder* of Philadelphia, Pennsylvania, entitled "Information Wanted by a Mother Concerning Her Children."⁵⁴ Advertisements like Williams's were extremely common in the years after emancipation. Former slaves hoped that someone would have even the slightest piece of information to guide them to their loved ones; in many instances, these ads proved to be successful. Sometime between November 1879 and November 1896, Ann Carter of Mineola, Texas wrote to the Lost Friends column of *The Southwestern Christian Advocate*, "Mr. Editor—I am glad to say that through the *Southwestern* I have been able to find two of my relatives, Mary Jane Granger and Arch. Williams in Oakland, Texas."⁵⁵ Even well into the twentieth century,

⁵² Jacobs, Harriet Ann. *Incidents in the Life of a Slave Girl, Written by Herself*, 168.

⁵³ Escott, Paul D. *Slavery Remembered: A Record of Twentieth Century Slave Narratives*, 138.

⁵⁴ "Information Wanted by a Mother Concerning Her Children," Information Wanted Ad, *The Christian Recorder* (Philadelphia, PA), March 17, 1866, *Last Seen: Finding Family After Slavery*. <http://informationwanted.org/items/show/1>

⁵⁵ Lost Friends Ad, *The Southwestern Christian Advocate* (New Orleans, LA), November 1879–November 1896, *Historic New Orleans Collection*. <https://www.hnoc.org/database/lost-friends/browse.php>

former slaves used newspaper advertisements as a means of finding their families. The persistent search of countless former slaves to reunite with their loved ones shows how significant family was in the lives of many black women.

The desire to having meaningful and legitimate relationships in the Postbellum years was juxtaposed with the culture of sexual violence and the fear of rape that surrounded black women well after emancipation. The misguided belief that black women were sexual objects used for the pleasure of white men did not end with the abolition of slavery. Hazel Carby, a professor of African American Studies at Yale University, argues, “The links between black women and illicit sexuality consolidated during the antebellum years had powerful ideological consequences for the next hundred and fifty years.”⁵⁶ The racist notion that every black woman was licentious in behavior gave white men the justification they needed to exploit black women sexually, often with no consequences. In the March 17, 1904 issue of the *Independent*, a former slave under the pseudonym, “A Southern Colored Woman,” published her autobiography, recounting the sexual oppression black girls and women experienced in the years after the Civil War, claiming, “The color of [a black girl’s] face alone is sufficient invitation to the Southern white man”, adding, “Few colored girls reach the age of sixteen without receiving advances from [white men]... and often from a man old enough to be their father.”⁵⁷ The sexual exploitation of black women was not only an attack on those women but rather a means to persecute and oppress an entire race.

White civilians, particularly those hostile to the changes brought by the end of the Civil War, used sexual violence to reaffirm their power over free blacks. The Memphis Riots of 1866 showcase the anger many white Southerners felt after their defeat in the Civil War and the attempt to reaffirm their power over blacks. The testimony of Lucy Tibbs, a twenty-four-year-old former slave, reveals the brutal sexual abuse several women experienced during a three-day span of racial violence. When asked if she was violated against her consent, Tibbs responded, “Yes, sir: I had just to give up to them. They said they would kill me if I did not. They put me on the bed, and the other men were plundering the house while this man was carrying on.”⁵⁸ Tibbs was visibly pregnant at the time of her attack.

⁵⁶ Hine, Darlene Clark. *Hine Sight: Black Women and the Re-Construction of American History*, 37.

⁵⁷ Lerner, Gerda, ed. *Black Women in White America: A Documentary History*, 158.

⁵⁸ *Ibid*, 175.

THE MEANING OF FREEDOM

Throughout history there has never been one cohesive definition of freedom. The concept of freedom is contingent on a variety of factors including time, place, gender, and race. In the words of Amrita Chakrabarti Myers, a historian whose work focuses on the intersections of race, gender, and power, freedom “did not grant a black person unfettered access to equality.” Myers adds, “Enslaved women were divided by differences in age, color, occupational skill, and relational status...As a result, they traveled a variety of roads to freedom.”⁵⁹ On April 9, 1865, General Robert E. Lee and the Confederate army surrendered, ending the Civil War. Nearly eight months later, on December 6, 1865, the Thirteenth Amendment to the United States Constitution was ratified, subsequently abolishing slavery. These two events were huge strides toward freedom, but formerly enslaved women in the American South struggled to actually achieve meaningful freedom in the postbellum years. While both black men and women faced race-based restrictions in the years following the Civil War, women were also limited by their gender and became victims of sexual exploitation and abuse. Freedom should not be understood as merely emancipation.

CONCLUSION

The “slave experience” is not one experience shared by a group of individuals, but rather a collection of individual experiences. A number of factors contributed to the differences in enslaved people’s experiences, one of which was gender. Female slaves often worked alongside male slaves in the field while also working after hours as house servants, completing domestic work for their masters’ families. The duties of female slaves confined them to their owners’ property and limited their access to rewards, privileges, and positions of authority. Slave women were subject to various forms of abuse, such as forced motherhood, sexual exploitation, and rape. They also had the “double burden” of attempting to practice motherhood and protect their children while still completing their daily slave tasks. In the words of former slave Katie Rowe, “I never seen nothing but work and tribulations till I was a grown woman.”⁶⁰ This is not to say that male slaves did not suffer however, they did not endure the same restrictions and abuses female slaves experienced.

⁵⁹ Myers, Amrita Chakrabarti. *Forging Freedom: Black Women and the Pursuit of Liberty in Antebellum Charleston*. University of North Carolina Press, 2011. www.jstor.org/stable/10.5149/9780807869093_myers, 40.

⁶⁰ *Federal Writers' Project: Slave Narrative Project, Vol. 13, Oklahoma, Adams-Young*.

All of these factors shaped the experiences of female slaves and influenced their understanding of what it truly meant to be free.

While emancipation freed slaves from the legal institution of slavery, the promises of freedom were limited for black women in the postbellum years, and in some instances, freedom was an unachievable figment of the imagination. Some slave women embraced their newfound freedom by obtaining a legalized marriage and using resources, such as the newspaper, to reunite with lost family members. Without diminishing the value of families, it is important to recognize that free black women struggled in the years after the Civil War to be seen as human beings.

Black women were denied various rights, such as suffrage, and were restricted from a number of occupations, making it difficult to earn a livable wage. Additionally, the sexual exploitation and rape of black women did not end with their so-called freedom. Black women were highly susceptible to sexual violence in postbellum years.

The path to freedom was not an easy one; it looked different for every black woman and was often unfulfilling. The initial joy that was felt when slavery ended was disrupted when black women recognized the societal and social limitations and restrictions of their so-called freedom. The search for freedom did not end with emancipation. Black women continued to fight for meaningful freedom and equal rights well after the abolition of slavery; 150 years later, black women are still fighting. The centuries-long legacy of racism and sexism toward black women challenges the promises of freedom and equality guaranteed by the United States and begs the question, what does it truly mean to be free?

References

Camp, Stephanie M.H. *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South*. Chapel Hill, NC: University of North Carolina Press, 2004.

Certificate of Marriage, Thomas Harris to Jane Harris (Shute), 28 April 1866, Lebanon County, Tennessee. County Recorder's Office, sent to Freedmen's Bureau Headquarters, Washington, DC. <https://www.archives.gov/research/african-americans/freedmens-bureau/highlights.html>

Escott, Paul D. *Slavery Remembered: A Record of Twentieth Century Slave Narratives*. Chapel Hill, NC: University of North Carolina Press, 1979.

- Federal Writers' Project: Slave Narrative Project, Vol. 1, Alabama, Aarons-Young.* to 1937, 1936. Manuscript/Mixed Material. <https://www.loc.gov/item/mesn010/>.
- Federal Writers' Project: Slave Narrative Project, Vol. 2, Arkansas, Part 1, Abbott-Byrd.* November-December 1936. Manuscript/Mixed Material. <https://www.loc.gov/item/mesn021/>.
- Federal Writers' Project: Slave Narrative Project, Vol. 8, Maryland, Brooks-Williams.* 1936. Manuscript/Mixed Material. <https://www.loc.gov/item/mesn080/>.
- Federal Writers' Project: Slave Narrative Project, Vol. 11, North Carolina, Part 1, Adams- Hunter.* 1936. Manuscript/Mixed Material. <https://www.loc.gov/item/mesn111/>.
- Federal Writers' Project: Slave Narrative Project, Vol. 11, North Carolina, Part 2, Jackson-Yellerday.* 1936. Manuscript/Mixed Material. <https://www.loc.gov/item/mesn112/>.
- Federal Writers' Project: Slave Narrative Project, Vol. 13, Oklahoma, Adams-Young.* 1936 Manuscript/Mixed Material. <https://www.loc.gov/item/mesn130/>.
- Follett, Richard. "Heat, Sex, and Sugar: Pregnancy and Childbearing in the Slave Quarters." *Journal of Family History* 28, no. 4 (October 2003). <https://journals-sagepub-com.ezproxy.sju.edu/doi/pdf/10.1177/0363199003256928>.
- Hine, Darlene Clark. *Hine Sight: Black Women and the Re-Construction of American History.* Brooklyn, NY: Carlson Publishing, 1994.
- "Information Wanted by a Mother Concerning Her Children," Information Wanted Ad, *The Christian Recorder* (Philadelphia, PA), March 17, 1866, *Last Seen: Finding Family After Slavery.* <http://informationwanted.org/items/show/1>
- Jackson, Mattie J., and L.S. Thompson. *The Story of Mattie J. Jackson; Her Parentage— Experience of Eighteen Years in Slavery—Incidents During the War—Her Escape from Slavery: A True Story.* 1866. Reprint, Chapel Hill, NC: University of North Carolina, 1999. <https://docsouth.unc.edu/neh/jacksonm/jackson.html>.
- Jacobs, Harriet Ann. *Incidents in the Life of a Slave Girl, Written by Herself.* 1861. Reprint, Marblehead, MA: Trajectory, Inc, 2014. <https://search-ebSCOhost-com.ezproxy.sju.edu/login.aspx?direct=true&db=nlebk&AN=921931&site=eds-live>.
- King, Wilma. "'Prematurely Knowing of Evil Things': The Sexual Abuse of African American Girls and Young Women in Slavery and Freedom." *The Journal of African American History* 99, no. 3 (2014). <https://doi.org/doi:10.5323/jafriamerhist.99.3.0173>.
- Lerner, Gerda, ed. *Black Women in White America: A Documentary History.* 2nd ed. New York, NY: Vintage Books, 1973.

- Lost Friends Ad, *The Southwestern Christian Advocate* (New Orleans, LA), November 1879-
November 1896, *Historic New Orleans Collection*. <https://www.hnoc.org/database/lost-friends/browse.php>
- Miller, Jennie. "Harriet Jacobs and the 'Double Burden' of American Slavery." *International Social Science Review* 78, no. 1/2 (2003). www.jstor.org/stable/41887127.
- Myers, Amrita Chakrabarti. *Forging Freedom: Black Women and the Pursuit of Liberty in Antebellum Charleston*. University of North Carolina Press, 2011.
www.jstor.org/stable/10.5149/9780807869093_myers.
- Pargas, Damian Alan. "Disposing of Human Property: American Slave Families and Forced Separation in Comparative Perspective." *Journal of Family History* 34, no. 3 (July 2009).
<https://journals-sagepub-com.ezproxy.sju.edu/doi/pdf/10.1177/0363199009337394>.
- Perrin, Liese M. "Resisting Reproduction: Reconsidering Slave Contraception in the Old South." *Journal of American Studies* 35, no. 2 (2001). <https://www-cambridge-org.ezproxy.sju.edu/core/services/aop-cambridge-core/content/view/S0021875801006612>.
- Steckel, Richard H. "A Dreadful Childhood: The Excess Mortality of American Slaves." *Social Science History* 10, no. 4 (1986). doi:10.2307/1171026.
- West, Emily, and Erin Shearer. "Fertility Control, Shared Nurturing, and Dual Exploitation: The Lives of Enslaved Mothers in the Antebellum United States." *Women's History Review* 27, no. 6 (2018). <https://doi.org/10.1080/09612025.2017.1336849>.
- Wood, Kirsten E. "Gender and Slavery." *The Oxford Handbook of Slavery in the Americas*, edited by Mark M. Smith and Robert L. Paquette. New York, NY: Oxford University Press, 2010.
<https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199227990.001.0001/oxfordhb-9780199227990-e-24>.

“Press Attention and Public Admiration: The Historical Significance of Celebrity First Ladies”

Julia Taglianetti

When someone is elected to run the free world, it is an undeniable phenomenon that his or her spouse has some sort of position in the presidency of the United States of America. Being First Lady is an unofficial and unpaid role that leaves many Americans questioning what the responsibilities of this position are and how they should, or can, influence their husbands politically, if at all. The role of the First Lady in the White House has evolved since the start of the nation, from being hostess of the White House to being true political advocates for their partner.

No matter one's position in government or society, being a celebrity can be defined as fame and public attention by the mass media. This type of fame can be used for positive influence, but is also prone to scandal and undesirable attention. Many First Ladies throughout history have been reluctant to the spotlight, attempting to keep their personal life private and their families from the constant publicity. On the other side of the spectrum, however, some First Ladies have used this position to their advantage and embraced their celebrity status, allowing the media to capture their private life, children, fashion statements., etc. Women with this presence have had the clout to set trends, shape opinions, and educate the community. In addition, the way in which celebrity wives of presidents present themselves has had a correlation to the popularity of the president, elevating the significance of their role. Although the role is not formally defined and there are no official responsibilities for First Ladies, this paper will argue that Florence Harding, Jacqueline Kennedy, and Michelle Obama have all used their status as celebrities in the public eye to promote their husband's presidential ideologies and advocate for causes of their own.

Florence and Her Fame

Florence Harding, although not a First Lady commonly remembered by the average American today, was astoundingly popular amongst the people during her time in the White House. Florence was born in 1860 during a time of incongruous expectations for women. She was raised by a mother

who was a gentle lady of the Victorian age and a father who emphasized education and hard work.¹ A seemingly rebellious young woman, Florence married a man named Henry “Pete” DeWolfe around the age of twenty, but quickly realized this was a mistake after financial failures and his drunken behavior.² After being able to divorce Pete, a surprising feat for the time, Florence taught piano lessons to make an income. One of her students, Charity Harding, is one likely reason that led Florence to meet her future husband, Warren G. Harding. Harding was a newspaper publisher at that time, an occupation that would not deem a man successful during the early 19th century, but Florence was an ambitious young woman who had great aspirations for her now-husband.³ Warren Harding’s newspaper the *Marion Star*, a newspaper written in his hometown of Marion, Ohio, was beginning to thrive after Florence was able to insert her talents. She increased circulation and improved advertising throughout its region. Additionally, she sought after hiring young boys to distribute the paper and collect payment. This idea was innovative for its time and boosted revenue to establish a successful newspaper company.⁴

Florence continued to encourage her husband and drive him to succeed. Even though she fell ill with kidney disease that would affect her entire life, she would continue to do as much as she could to help with Warren’s careers.⁵ When he first became interested in politics, Florence avidly abetted his campaign. He ran for state senator of Ohio and won, serving two terms before being elected lieutenant governor in 1902. She was a major component of his political career, even before the White House, as she packed up and moved her life to Washington D.C. to become a partner in his position as senator. This is where she would first become popular among political families. Senate spouses would call on Florence and she was very happy to attend to their conversations and needs.⁶

This popularity was the foundation of what would become her celebrity status with the start of her husband’s presidential campaign. Although hesitant in making his decision to run, Florence’s good health at the time allowed Warren to use her political savviness and other talents

¹ Sibley, Katherine A. S. *First Lady Florence Harding : Behind the Tragedy and Controversy*. Modern First Ladies. [Lawrence] : University Press of Kansas, c2009.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Sibley, *First Lady Florence Harding*, 22.

⁶ Ibid, 33.



Figure Celebrities Surrounding the Hardings During Warren's Presidential Campaign, Courtesy of Ohio Historical Society and Katherine A. S. Sibley

to his advantage, giving him the support that he needed to say yes and enter the race for the presidency. This would notably be the first modern campaign to use the influence of Hollywood and its stars.⁷ For the first time, photographs, sound recordings, and billboards of the couple would be sold and marketed.⁸ Celebrities at the time such as singer Al Jolson and actors Blanche Ring and Charles Evans Hughes would accompany the Hardings through their campaign tour.

These famous people singing songs about them and capturing moments during the campaign would be one of the explanations that gave Florence her celebrity status among the mainstream public. Instead of relying on word of mouth and newspaper clippings, a new marketing strategy of using photo opportunities to promote the candidate would aid in giving Warren Harding a landslide victory and open up a new world of opportunities for the mass media and presidential couple.

Once in the White House, Florence welcomed the celebrity culture of her age.⁹ The 1920s were the beginning of a period where movie stars were held to high reverence.¹⁰ Silent film had turned to synchronized sound that transformed the industry. Movies became less about societal events and more exclusively about entertainment.¹¹ Instead of celebrities being people of historical significance such as great philosophers or artists, they were now any average individual who had some unusual characteristic or circumstance.¹²

⁷ Aronson, Michael. "1920: Movies, Margarine, and Main Street." In *American Cinema of the 1920s: Themes and Variations*, edited by Fischer Lucy, 23-45. Rutgers University Press, 2009. ⁸ Sibley, First Lady Florence Harding, 46.

⁹ *Ibid.* 75.

¹⁰ Slowik, Michael. "Revealing Reality: Fan Magazine Rhetoric, Sound Technology, and Stardom in the Early Sound Era." *Journal of Film & Video* 70, no. 2 (Summer 2018): 30-45. ¹¹ Anderson, Mark Lynn.

"1921: Movies and Personality." In *American Cinema of the 1920s: Themes and Variations*, edited by Fischer Lucy, 46-69. Rutgers University Press, 2009.

¹² *Ibid.*

By being involved in extraordinary events, or seizing a peculiar quality, one could become famous overnight. The press and public were fascinated by popular personalities and covered stories about them habitually.¹³ Naturally, the Hardings became a global sensation. Florence took full advantage of this during her husband's political career. Of the most notable, she opened the White House to the public for the first time since World War I. The previous administration, Woodrow and Edith Wilson, had closed the lawn from the community. Edith had made the decision to place sheep to graze on the White House lawn instead of using manpower to mow it. She used the proceeds from auctioning off the wool for the American Red Cross, showing her strong support for the war; however, the lawn was no longer able to be used by the locals and tourists, leading to a symbol of exclusion from the White House.¹⁴ Florence's first undertaking as First Lady was this suitably picturesque action of removing the sheep.¹⁵ The American people were ecstatic and thousands lined up to shake hands with the presidential couple daily. ¹⁶



Figure Florence with the Women of the Phillipine Parliamentary Mission. Courtest of the National Photo Company Collection, Library of Congress and Katherine A.S.

By assuring greater access to herself and Warren, her popularity grew exponentially compared to her predecessors. The *Washington Post* published in 1920, "Mrs. Harding is a star," showing the enumeration with her character at the time.¹⁷ Another significant opportunity Florence took advantage of was the visit by a female delegation seeking independence for their country as members of the

¹³ Ibid.

¹⁴ Klacynsky, Barbara. Edith Wilson: The First Lady in Charge. Sibley, Katherine A. S. A Companion to First Ladies. 385.

¹⁵ Sibley, Katherine. Florence Kling Harding. A Companion to First Ladies. 385.

¹⁶ Ibid.

¹⁷ *Washington Post*, October 10, 1920: "Mrs. Harding on Front Porch Plays an Important Role." A Companion to First Ladies (Wiley Blackwell Companions to American History) (p. 400). Wiley. Kindle Edition.

Philippine Parliamentary Mission during the summer of 1923. While the photoshoot did not gain media attention that contributed to the cause, there were several stories related to her clothing and other physical features, a common fascination concerning celebrities¹⁸

During a hot summer in Washington D.C., Florence's illness struck again. Her critical condition became the headlines of several newspapers and many missed her energetic company. The *Philadelphia Ledger*, appreciating the role Florence had taken on, published that "perhaps no wife of a president, at least within recent years, has entered into the White House duties with more energy and zest than Mrs. Harding."¹⁹ Speaking of and making the public aware of illness in the White House was unheard of before the Hardings.. Former administrations such as the McKinleys, Tafts and Wilsons were struck with illness, but veiled the malady believing the public would backfire and hurt their reputation. On the contrary, Florence's openness to her condition reaped an outburst of concern.²⁰ Countless letters, church services, editorials and other support from the public and press set a precedent that sharing the physical struggles of a politician could lead to popularity amongst the people and this legacy followed the Harding's for generations to come.

Florence's reputation following her death has been tarnished. Scandals regarding Warren's political departments and her aggressive tendencies led to many critical published works that have negatively influenced her legacy. Although her once popular personality has been abandoned by the press, Florence introduced celebrity-ship to presidential couples.

Allowing the public access to her personal life in the White House was a practice that many who will follow in her footsteps will continue in future administrations. Eagerly accepting the culture of her time and using the power of the press inclined the public to perceive her as a celebrity and boost her public standing.

Jackie Kennedy: The World's Most Watched Celebrity

Jacqueline Kennedy was a public figure that the media was infatuated with during and after her time in the White House. Born into an already affluent and popularly known family, Jacqueline was accustomed to the publicity at a young age. Her parents, John Vernou Bouvier III and Janet Lee, were socially prominent figures that allowed their family to live in East Coast high society.²¹

¹⁸ Sibley, *First Lady Florence Harding*, 117.

¹⁹ *Philadelphia Ledger*, September 9, 1922, quoted in Sibley, 2009: 150.

²⁰ Sibley, *A Companion to First Ladies*, 389.

²¹ Jellison, Katherine. *Jacqueline Kennedy*. Sibley, *A Companion to First Ladies*. 504.

Her impressive education and ability to achieve high grades drove Jacqueline's desire to not be a housewife, but earn a professional and exciting career.²² She was an impressive young woman who was college educated and able to travel across Europe. There, she learned several languages and a rich history of the world that would later benefit her time as First Lady immensely.²³ Upon her return, she was hired at the *Washington-Times Herald* as a reporter. This is where she would be introduced to Congressman John F. Kennedy, a young Democrat from Massachusetts.²⁴ They began dating and in November 1952, Jack won a seat in the U.S. Senate. Although not married yet, she accompanied Jack to several events including President Dwight Eisenhower's inauguration. Just a few months later, the public became aware that they planned to marry.²⁵ Their wedding in September 1953 was named "the wedding of the year."²⁶ There was a multi-page photo spread in *Life* magazine that would be known as the commencement of her multitude of headlines as "Mrs. Kennedy, a title that would change her life forever."²⁷

The photogenic young couple would appear everywhere from books on family room coffee tables to national news publications.²⁸ Jacqueline's life became scripted and she was taught how to appeal to the press and avoid scrutiny. Growing up surrounded by publicity, privacy was a major concern before John F. Kennedy even decided to run for president. After he was deemed the democratic nomination for the 1960 presidential campaign, controlling the media became even more problematic. She was reluctant to join the campaign due to her pregnancy at the time, but after Kennedy was elected the 29th president of the United States, *Life* magazine featured a beaming and very pregnant now-First Lady "Jackie" Kennedy on the front page.²⁹

Jackie instantly became a media sensation. With a three-year-old daughter and newborn son, the young family living in the White House was photogenic and epitomized the current

²² Alam, Mohammed Badrul. *Jackie Kennedy: Images and Reality*. Presidential Wives Series. Hauppauge, N.Y.: Nova Science Publishers, Inc, 2010.

²³ Ibid. 5.

²⁴ Ibid. 9.

²⁵ Ibid.

²⁶ Davis, J. 1996. *Jacqueline Bouvier: An Intimate Memoir*. New York: John Wiley & Sons, Inc. 189.

²⁷ Jellison, Katherine. *Jacqueline Kennedy*. Sibley, A Companion to First Ladies. 504.

²⁸ Ibid.

²⁹ Shulman, I. 1970. "Jackie"! *The Exploitation of a First Lady*. New York: Trident Press.

national climate. The 1960s were a decade in the heart of the baby boom, a time where family “togetherness” and the role of wife and mother were the center of society, especially for women.³⁰ In rare interviews with Jackie and her new role as First Lady, she emphasized her goal of being a normal family. She requested that photographs of the children would be taken only under certain guidelines. These parameters were commonly disregarded and photos of the kids would be released constantly for profit because of the public obsession with the First Family.³¹ Even Jacqueline Kennedy’s fashion choices soon became a trend to the rest of the world. She carefully curated her own “Jackie look” wearing pillbox hats, monochromatic dresses, suits, simple evening gowns, and her signature bouffant hairdos that became fashion sensations landing covers of national news publications and magazines.³² She was the quintessential celebrity of the decade and was one of the most influential people in society during this time.

During a trip to Canada, *Life* once again published a front cover page of Jackie, completely disregarding John F. Kennedy.³³ Attending another trip, this time to Europe, led to the attention of international press. Jackie’s fluency in the native language of their countries endorsed the European community to adore her. Swarms of people would cheer “Jackie, Jackie, Jackie,” across their entire European tour. The president would lightheartedly suggest that he was just, “the man who accompanied Jacqueline Kennedy to Paris.”³⁴ The success of the trip led to even more fame and fascination with the First Lady after returning to the United States.

Jackie’s popularity soon outdid her husband’s and she became an asset to John F. Kennedy’s politics. The public’s fixation with Jackie caused the president’s reputation to improve. He is still considered one of the most well-liked presidents and his partnership with Jackie has greatly contributed to this feat.

Jacqueline’s disappointment with the lack of items and furniture in the White House of historical significance prompted the launch of a project to restore the White House. She carefully planned and broadcasted her ideas while making sure to only spend money raised on private

³⁰ Jellison, Katherine. Jacqueline Kennedy. Sibley, A Companion to First Ladies. 505.

³¹ Perry, B. A. 2004. Jacqueline Kennedy: First Lady of the New Frontier. Lawrence: University Press of Kansas.

³² Jellison, Katherine. Jacqueline Kennedy. Sibley, A Companion to First Ladies. 505.

³³ Ibid.

³⁴ Ibid. 506.

donations rather than taxpayer dollars.³⁵ The endeavor would not be a simple “redecorating,” but a restoration based on a professional committee of historians and scholars who would assure the precision of the artifacts. This undertaking landed overwhelming press attention including a trailblazing television program titled *A Tour of the White House with Mrs. John F. Kennedy*.³⁶ Her soft voice spoke of and toured rooms while discussing the history of several places and objects across the mansion. Making the best use of the most innovative way for media communication, this program was met with tremendous enthusiasm and her effort to refurbish the West Wing was now the interest of the entire country. She allowed the public inside of a place that was an enigma to most of the American population. Viewers now felt personal connections to the presidency that they once could not understand. Due to Jackie’s accomplishment, Congress created a law preventing the indiscriminate sale or removal of historic White House artifacts in the future making this project her most significant and a major part of her legacy. As a result, the White House was now a setting of cultural, historical, and political prominence.



John F. Kennedy’s assassination was a tragic occurrence during November of 1963. As wife of the leader of the free world and most popular celebrity figure at the time, every move she would make on that day and going forward would be examined and broadcasted. After being shot at in an open limousine, Jacqueline Kennedy made the notorious decision to refuse changing out of the blood-stained pink suit she was wearing that day.

*Figure Jacqueline Kennedy in the infamous pink suit the day her husband was assassinated
Courtesy of the New York Times*

This dress was the forefront of every news story and is seldom unmentioned in any book, biography, or report about Jacqueline or JFK still to this current day.³⁷ By doing so, Jackie wanted to send the message to the people “to see what they have done to Jack.”³⁸

³⁵ Ibid. 507.

³⁶ Ibid.

³⁷ Kaite, Berkeley. “The Pink Suit : Jacqueline Kennedy and Celebrity Defilement.” *Celebrity Studies* 5, no. 1/2 (March 2014): 175.

³⁸ Perry, B. A. 2004. *Jacqueline Kennedy: First Lady of the New Frontier*. Lawrence: University Press of Kansas, 180.

From that day on, the American people had a new admiration toward the Kennedy administration and the First Lady. Jackie instructed members of the White House staff to plan a funeral with connection to President Abraham Lincoln's. Media sources referred to Jackie as dignified and brave while the nation was grieving. Jackie became a symbol for the nationwide heartache and healing of their beloved president.³⁹

For several years to come, Jacqueline was adamant in protecting the reputation of her deceased

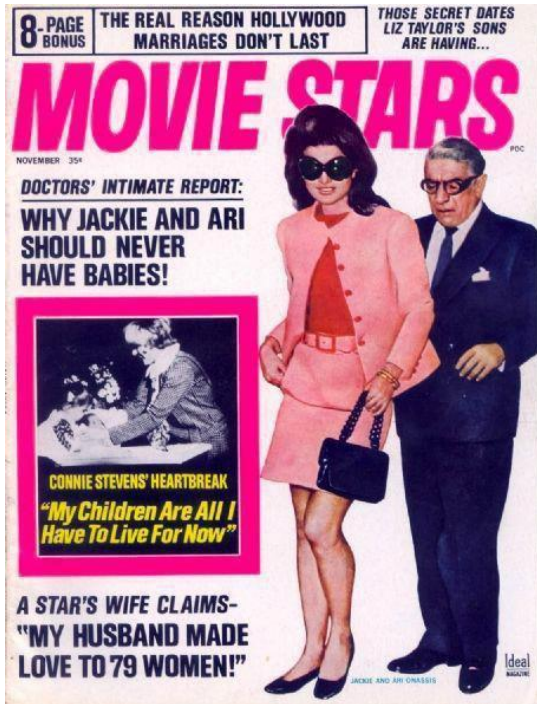


Figure Jacqueline Onassis on the cover of "Movie Stars" magazine with her husband Aristotle in November 1969

husband. Still being constantly publicized, there was relentless press coverage of who the widow may be dating and how she was handling the death of her husband. Tourists would travel just to get a glimpse of her and she had to watch her every move to avoid scrutiny.⁴⁰ To escape the public eye, she moved to New York City in 1964. There she would hire a historian named William Manchester to write an authorized history of the Kennedy assassination to defend their image.⁴¹ She and her family continued to be adored throughout the world; even more so than the publicity the sitting president, Lyndon B. Johnson, would ever receive.

After the killing of her brother-in-law and possible presidential candidate, Robert Kennedy, Jackie was too devastated to continue in the public eye. She chased a life without attention overseas, where she would meet and marry Aristotle Onassis, a wealthy Greek businessman. This marriage, renaming her "Jackie O" to the public, would transform her once loved character to a figure of controversy. Her actions were now representing a jet-setting celebrity rather than an esteemed former First Lady.

³⁹ Jellison, Katherine. Jacqueline Kennedy. Sibley, *A Companion to First Ladies*. 508.

⁴⁰ Ibid. 509

⁴¹ Ibid.

Nonetheless, she was still a symbol of media obsession. Continuing to make headlines years after her term in the West Wing is rare and Jackie was one of the first to represent this phenomenon. According to the Siena College Research Institutes Study of First Ladies from 2014, the admiration of the couple has not diminished. Jacqueline and John Kennedy are ranked sixth as a “power couple” and the First Lady is still ranked third overall, just behind Abigail Adams and Eleanor Roosevelt.⁴²

Michelle Obama as a Modern Celebrity

Michelle Obama was born and raised in a one-bedroom apartment in Southside Chicago with her brother Craig Robinson and devoted parents who stressed the importance of education and hard work.⁴³ Her upbringing was not surrounded with politics or the social scene that many preceding First Ladies were familiar with.⁴⁴ While Michelle grew up in a time of social progress in terms of racial equality, Chicago was still quite backwards in this matter. Known as the most racially segregated city by the Commission on Civil Rights, Michelle had been raised in a society that had low expectations and a lack of opportunity for non-white Americans.⁴⁵

This did not stop Robinson. Highly intelligent as a young girl, Michelle had near-perfect grades, was involved in student government, and was very popular among her peers.⁴⁶ While several counselors and teachers discouraged Michelle to apply to her dream college, Princeton University, the support from her family gave her the assurance she needed to achieve her goals.⁴⁷ Attending Princeton from 1981-1985, Michelle learned so much, not only in the academic realm, but about herself and life as well. Shortly after graduation, Michelle enrolled at Harvard Law School where she would be an activist for hiring women and minorities at the University and a new teaching approach that included racial and societal changes that

⁴² *Study of the First Ladies of the United States*. Report no. 5. C-SPAN, Siena College Research Institute. 2014. Accessed May 2, 2019.

⁴³ Obama, Michelle. *Becoming*. New York: Crown, 2018.

⁴⁴ Sibley, *A Companion to First Ladies.*, 680.

⁴⁵ US Civil Rights Commission Report. 1959.

<http://www.law.umaryland.edu/marshall/usccr/documents/cr11959.pdf> (Accessed April 7, 2019) ⁴⁶

Sibley, *A Companion to First Ladies.*, 682.

⁴⁷ Ibid

affected the way law was taught. Michelle then went on to take a position in corporate law at Sidley Austin in her home city of Chicago.⁴⁸

Michelle's job at Sidley Austin was yet another growing experience; however, the most significant of life-altering events during this time was her appointment to mentor a new summer associate, Barack Obama.⁴⁹ From that summer on, they grew close as friends, and later fell in love. Getting married in October of 1992, their life as partners only continued from there. Barack became involved in politics in 2002 in the U.S. Senate. His political ambitions were always supported by Michelle, although her hesitance to the life was consistent and clear, as she states in her autobiography, *Becoming*, "I didn't sugarcoat my feelings about politics. The political world was no place for good people, I said, explaining how I'd been conflicted about whether Barack should run at all, worried about what the spotlight might do to our family."⁵⁰ Although Michelle had doubts about the success of Barack's political ambitions, she never wanted to interfere in his optimism, "But I was standing before them because I believed in my husband and what he could do."⁵¹

When Barack Obama was sworn into the presidency on January 20, 2009, Michelle was already making history as the first African-American First Lady. She was aware of her improbable role and made this clear to the public, mentioning in an interview during campaign season, "The truth is, I'm not supposed to be standing here. I'm a statistical oddity. Black girl, brought up on the South Side of Chicago."⁵² This was a major factor in the known fascination for Michelle from the mass media. Beginning in 2007, nearly two years before even living in the White House, there was an eruption of attention from the press.⁵³ She had to learn the weight of her words through many early public statements, where simple comments would become controversies that could have led to the damaging of her family's reputation.

⁴⁸ Obama, Michelle. *Becoming*. New York: Crown, 2018.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*, 236.

⁵¹ *Ibid.*

⁵² Wolffe, R. 2010. "Who Is Michelle Obama?" *Newsweek*, March 13.
<http://www.newsweek.com/who-michelle-obama-94161>

⁵³ Caroli, Betty Boyd. "Michelle Obama: Finding Her Way." *U.S. News Digital Weekly* 2, no. 39 (October 2010): 11.

Although there were a few mistakes along the way, with the help of the Obama campaign that made it a priority to hurriedly transform her image, Michelle's presence, made up of her natural wit and warm personality caused the public to grow to adore her. With two young daughters in the White House, there was a similar fixation to the Obamas that there was with the Kennedys. They were a photogenic family that society loved to watch closely. Especially in the early days of campaigning, news sources have labeled Michelle "too angry," or claiming in headlines that she "didn't appreciate the United States enough," making her political presence even more difficult and the spotlight hard to handle. To cope with this, Michelle mentions the many genuine interactions that gradually changed the negative dynamic she once had with the thought of being in the spotlight. After her conferences, speeches, and other events, Michelle mentions many people would approach her saying that her family's story motivated their involvement in politics for the first time in their lives.⁵⁴ Furthermore, Michelle has frequented many talk shows, including *The View* and *The Ellen DeGeneres Show* to discuss her life in the White House and what she plans to accomplish as First Lady. She has even been featured on the front cover of *Vogue* fashion magazine and was only the second First Lady to achieve this. As the logo of America's most mainstream fashion title, the photo of a woman who looks authentic and approachable on the cover of *Vogue* was unusual, but Michelle's non- glitzy image went viral and became an inspiration for others in the fashion industry.⁵⁵ She recently was featured on the Grammy Awards and was even named the second most beloved celebrities for millennials over many other entertainers, athletes, and artists.⁵⁶

⁵⁴ Obama, Michelle. *Becoming*. New York: Crown, 2018. 238.

⁵⁵ Kerwin, Anne Marie. "With Michelle Obama on the Cover, Vogue Gets Real." *Advertising Age* 80, no. 6 (February 16, 2009): 15

⁵⁶ PR Newswire. "Barack Obama Most Beloved Celebrity by Millennials, According to MBLM's BFF Report." PR Newswire US, December 6, 2018.
30PR.NEWS.USPR.NY93848&site=eds-live.



Figure Michelle Obama featured on the cover of *Vogue Fashion Magazine* in March 2009. Courtesy of WWD.com

The media also played a major role in Michelle Obama's identity as a celebrity. While almost all First Ladies used the media to construct their persona, Obama was the first to use social media to foster her public influence and image. Her use of social media allowed the public to access a personal look into her life as a political figure.⁵⁷ She could closely interact with the people and her followers could closely interact with her, an experience that was once impossible. Obama joined Twitter, Facebook, and Instagram during the 2012 election campaign and gained over 5 million followers shortly there-after.⁵⁸ On Twitter especially, she was able to use public outreach to share her interests in the realms of politics, social matters, and the overall role as First Lady. By Michelle retweeting others and her followers retweeting her, media coverage became widespread and more powerful than ever before. One study by the *Atlantic Journal of Communication* suggests that her use of humor,

emotion, hashtags, and trending words in her tweets were essential in her popularity on social media and in the public eye.⁵⁹

⁵⁷ Paul, Newly, and Gregory Perreault. "The First Lady of Social Media: The Visual Rhetoric of Michelle Obama's Twitter Images." *Atlantic Journal of Communication* 26, no. 3 (July 2018): 164

⁵⁸ Ibid. 165

⁵⁹ Ibid.

One example of this is her tweet of an image of herself holding a sign referring to the nearly 300 schoolgirls who were abducted by terrorists in Nigeria in 2014.⁶⁰ Education, especially for young girls, was one of the major causes near and dear to the First Lady. The tweet was retweeted nearly 70,000 times and favorited over 50,000 times.⁶¹ This photograph expressed emotion and represented Michelle as a First Lady who cared for the wellbeing of women's education on a global level. She was conscious of using trustworthy and attractive sources to promote retweeting. As seven in ten Americans have at least one social media account, how a First Lady presents herself for political engagement and the spread of information is vital to her and her husband's reputation.⁶² Although Michelle was not the presidential candidate, she sought to build connections and spread awareness of societal issues through her social media savviness, leading to many supporters and fans of the Obamas.

Michelle's popularity among the public was undoubtedly significant not only to her husband Barack's reputation as president, but her role as First Lady in making a change toward



her social platforms. Michelle was known for sharing and supporting her husband's ideologies with the public. During his presidency, Barack was adamant in attempting to inspire others with his life story as an exemplification of "the American Dream" through his books, speeches, and overall candidacy.⁶³

Figure Image tweeted by Michelle Obama in 2014. Courtesy of @FLOTUS via twitter

Michelle reinforced and embodied this concept through her own personal narrative. She went on television to remind viewers of her stance in 2012 sharing their story of their rise to the White House, "...and he wants everyone in this country to have that same opportunity, no matter who

⁶⁰ Ibid. 170.

⁶¹ Ibid.

⁶² Ibid. 165

⁶³ Kooijman, Jaap. "Yes We Can, This Is It: America and Celebrity Culture." In *Fabricating the Absolute Fake: America in Contemporary Pop Culture* - Revised Edition, 147-68. Amsterdam: Amsterdam University Press, 2013: 148.

we are, or where we're from, or what we look like, or who we love.”⁶⁴ Coming from the top position of power in the United States and arguably the world, hearing Michelle's story promoted the public admiration of the woman she had become through one of Barack's beliefs and political platforms.

Michelle, not unlike many of her predecessors, wanted to use her role as First Lady to promote social issues that she found to be most essential to the nation's well-being. While doubling as a celebrity, she could be quite successful in spreading awareness and instigating a change. While the celebrity status is not proven necessary for First Ladies to have a successful campaign and platform, research has shown the popularity and admiration undeniably gives an advantage. One of Michelle's most significant efforts towards battling childhood obesity. She was persistent in expanding efforts to endorse healthy lives for children and made significant changes within the food industry.⁶⁵ Some of the notable achievements include major food manufacturers in the United States cutting 1.5 trillion calories from their products and companies such as SuperValu, Walmart, Olive Garden, and Red Lobster committing to healthier options for children. Several mayors have devoted time and money to refurbishing parks, sidewalks, and planting community gardens. Furthermore, teachers and other education leaders have taken initiative to develop nutrition education curriculum and transform the typical below-average school cafeteria food to fresh and nutritious options.⁶⁶ Many other First Ladies have attempted to achieve such feats in their own social movements, however, Michelle being a celebrity was a key element in her success. Without the media's fixation with Michelle or her global popularity, her movements towards better education and a healthier youth would not have been as successful.

In Conclusion

Being the spouse of the person elected as the most powerful figure of the free world, there are countless duties that obligatorily will become public news and be scrutinized. Being the First Lady is not an easy occupation and this has been demonstrated through almost all accounts and research completed on the position of these women. Adding the celebrity factor to the role, Florence Harding, Jacqueline Kennedy, and Michelle Obama have all reaped the consequences of the spectacle.

⁶⁴ “Transcript: Michelle Obama's Convention Speech,” NPR (4 September 2012): <http://www.npr.org/2012/09/04/160578836/transcript-michelle-obamas-convention-speech>.

⁶⁵ Obama, Michelle. "Let's Keep Moving!" *The Phi Delta Kappan* 93, no. 7 (2012): 8-9. <http://www.jstor.org.ezproxy.sju.edu/stable/23209996>.

⁶⁶ *Ibid.*

Although it is met with tough judgment and constant attention, being a celebrity has absolutely worked in their favor for more ways than one. As research and analysis have been completed, two common themes attributing to these women becoming celebrities have been developed through this essay. For one, Florence, Jackie, and Michelle all used the most innovative media for their time to its fullest potential. By using movie stars, television, and social media, the ideologies and beliefs of each woman were widespread and communicated through what was most advanced, making their words even more powerful. The second notable theme is the way in which all three First Ladies made the presidency more personal. Because Florence removed the sheep, Jackie gave a televised tour of the White House, and Michelle wrote tweets to her followers, politics and the First Ladies themselves became more intimate with the people of the United States and globally. The First Ladies could interact with the people in a way that was never done before. These arguments have attributed to the enthrallment with these ladies' characters in the White House and generated fixations unlike many of their predecessors. While the women and their actions were all distinctively different, the ways in which they utilized the media and allowed people in to their personal lives created a dynamic between the public and the presidency that will forever impact their legacy and the historical role of First Lady.

References

Primary Sources

Kerwin, Anne Marie. "With Michelle Obama on the Cover, Vogue Gets Real." *Advertising Age* 80, no. 6 (February 16, 2009): 15.

<http://search.ebscohost.com.ezproxy.sju.edu/login.aspx?direct=true&db=bth&AN=36563039&site=eds-live>.

Obama, Michelle. *Becoming*. New York: Crown, 2018.

Obama, Michelle. "Let's Keep Moving!" *The Phi Delta Kappan* 93, no. 7 (2012): 8-9.

<http://www.jstor.org.ezproxy.sju.edu/stable/23209996>.

Philadelphia Ledger, September 9, 1922, quoted in Sibley, 2009: 150.

PR Newswire. "Barack Obama Most Beloved Celebrity by Millennials, According to MBLM's BFF Report." PR Newswire US, December 6, 2018.

<http://search.ebscohost.com.ezproxy.sju.edu/login.aspx?direct=true&db=bwh&AN=201812061030PR.NEWS.USPR.NY93848&site=eds-live>.

Study of the First Ladies of the United States. Report no. 5. C-SPAN, Siena College Research Institute. 2014. Accessed May 2, 2019.

“Transcript: Michelle Obama’s Convention Speech,” NPR (4 September 2012): <http://www.npr.org/2012/09/04/160578836/transcript-michelle-obamas-convention-speech>.

Washington Post, October 10, 1920: “Mrs. Harding on Front Porch Plays an Important Role.” A Companion to First Ladies (Wiley Blackwell Companions to American History) (p. 400). Wiley. Kindle Edition.

Secondary Sources

Alam, Mohammed Badrul. *Jackie Kennedy: Images and Reality*. Presidential Wives Series. Hauppauge, N.Y.: Nova Science Publishers, Inc, 2010.

<http://search.ebscohost.com.ezproxy.sju.edu/login.aspx?direct=true&db=nlebk&AN=1350504&site=eds-live>.

Anderson, Mark Lynn. "1921: Movies and Personality." In *American Cinema of the 1920s: Themes and Variations*, edited by Fischer Lucy, 46-69. Rutgers University Press, 2009. <http://www.jstor.org/stable/j.ctt5hj652.7>.

Aronson, Michael. "1920: Movies, Margarine, and Main Street." In *American Cinema of the 1920s: Themes and Variations*, edited by Fischer Lucy, 23-45. Rutgers University Press, 2009. <http://www.jstor.org/stable/j.ctt5hj652.6>.

Davis, J. 1996. *Jacqueline Bouvier: An Intimate Memoir*. New York: John Wiley & Sons, Inc. 189.

Jellison, Katherine. *Jacqueline Kennedy*. Sibley, A Companion to First Ladies.

Klacynsky, Barbara. *Edith Wilson: The First Lady in Charge*. Sibley, Katherine A. S. A Companion to First Ladies.

Kooijman, Jaap. "Yes We Can, This Is It: America and Celebrity Culture." In *Fabricating the Absolute Fake: America in Contemporary Pop Culture - Revised Edition*, 147-68. Amsterdam: Amsterdam University Press, 2013.

<http://www.jstor.org.ezproxy.sju.edu/stable/j.ctt6wp7ck.11>.

- Paul, Newly, and Gregory Perreault. "The First Lady of Social Media: The Visual Rhetoric of Michelle Obama's Twitter Images." *Atlantic Journal of Communication* 26, no. 3 (July 2018): 164–79. doi:10.1080/15456870.2018.1472092.
- Perry, B. A. 2004. *Jacqueline Kennedy: First Lady of the New Frontier*. Lawrence: University Press of Kansas.
- Slowik, Michael. "Revealing Reality: Fan Magazine Rhetoric, Sound Technology, and Stardom in the Early Sound Era." *Journal of Film & Video* 70, no. 2 (Summer 2018): 30–45. doi:10.5406/jfilmvideo.70.2.0030.
- Sibley, Katherine A. S. *A Companion to First Ladies*. Wiley Blackwell Companions to American History. Chichester, West Sussex, UK ; Malden, Massachusetts : John Wiley & Sons, 2016., 2017.
<https://ezproxy.sju.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=c02540a&AN=sju.b1362994&site=eds-live>.
- Sibley, Katherine A. S. *First Lady Florence Harding : Behind the Tragedy and Controversy*. *Modern First Ladies*. [Lawrence] : University Press of Kansas, c2009., 2009.
<https://ezproxy.sju.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=c02540a&AN=sju.b1308888&site=eds-live>.

Section III

Regulations and Legal
Systems in American
History

“Changes in the Relationship between Slavery and the Law in North Carolina”

Gabriella Gutierrez

The institution and experience of slavery in the antebellum South was heavily influenced by the law. The experience of enslaved peoples in the law was unique in comparison to the white experience. Slave codes directly controlled the everyday lives of slaves, but the extent and harshness of the enforcement of these codes varied within the context of the societal climate, slaveholders' and slaves' relationships, and political circumstances. The laws of slavery did not remain fixed over time, as southern societies responded to real and perceived threats from slaves and sought to impose greater surveillance and order on them. Also, in the interests of establishing clearer and fairer legal proceedings regarding slaves, slave states changed court procedures to allow for more uniform practices in pleadings and evidence.

These changes in societal sentiments towards the institution of slavery, and the resulting changes in the enslaved experience in the law, can be tracked through cases before the courts at this time, specifically the North Carolina Supreme Court. This state was chosen for examination due to the accessibility of their case law. For the most part, their records are readily kept for examination. With that said, given the limited record of lower court information, this essay relies on the state Supreme Court records to track the slave law cases. The state Supreme Court decisions provided the framework within which slave law was defined during this time period. North Carolina, in particular, had prominent political figures who played large roles in the court at the time. This is another main reason why North Carolina was selected for this study. The prominent legal figures created a unique context for the legal experience in North Carolina and the opportunity for these case rulings to have an extensive impact. Their opinions carried weight outside of North Carolina, so that court proceedings, there, point to developments elsewhere.

These cases reveal an increased recognition and protection of slaves' will and humanity under the law. When the master originally had complete control over a slave, there were new limitations to this total dominance. These changes were enacted to protect the slaves as property of the whites. This understanding was established by the courtroom practice that was then translated and supported through legislative changes that followed. The analysis of cases before the state Supreme Court

reveal that North Carolina was trying to construct the perfect balance between maintaining the institution of slavery where whites had dominance over slaves as property and admitting the humanity of slaves, at least in terms of assigning them responsibility for their criminal actions.

Contextual Information

In order to analyze the changes occurring under the judiciary, it is necessary to first understand the context in which these changes occurred. As a slave-holding society, North Carolina gradually developed a set of regulations that were established to govern the behavior of slaves. These codes also provided guidance for masters by instructing them on what they must do in order to maintain control over their slaves. Similar systems, referred to as slave codes, existed throughout the South but varied depending on the societal climate and demands of each area. Slave codes, in general, were created as a police system to control black populations and to maintain a social standard in the community.¹ The codes were written for the protection of the greater community and to perpetuate the dominance of whites. This meant the behavior of the slaves was governed by the standards of the community and held the master legally accountable for the demands of the community. If slaves broke these guidelines for behavior or transgressed against the common law, and these instances reached established courts, slaves would be tried in a separate court system from whites. The degree to which these codes were enforced changed over time, depending on the societal climate and circumstances. The specifics of the slave codes often changed in response to events and changes in societal atmosphere, such as increased fear of slave resistance or rebellion. An example of this is when the original 1712 version of North Carolina's slave code, as derived from the Virginia slave codes, was revised in 1741 and made stricter in response to fear amongst whites after the bloody Stono Slave Revolt of 1739 in South Carolina.² This occurrence shows how closely the treatment of slaves under the law was related to the circumstances and sentiments in society. This relationship continued throughout the South during the antebellum period.

The treatment of blacks under the law was distinct from the treatment of whites. Not only were the courts where the trials occurred different for enslaved and free peoples, but the regulations guiding

¹ Ernest James Clark, "Aspects of The North Carolina Slave Code, 1715-1860," *The North Carolina Historical Review*

39, no. 2 (1962): 148-64.

² *Ibid.*

the court process was different as well. This difference existed because of the view southerners held towards slaves overall: “At law, a slave was reduced in considerable degree from a person to a thing, having no legitimate will of its own and belonging bodily to its owner, [as] property.”³ This was the view that most Southerners held and was reflected in the court of law. This meant that masters could do whatever they wanted to their slaves without facing repercussions, prior to changes that are later shown through the cases occurring after the 1830s.

Between 1790 and 1830, the procedural protections rights of slaves under the law were extended to mirror the procedural rights of whites, such as trial by jury, appealing to the Supreme Court and the right to counsel. ⁴ Slaves still did not enjoy all the same procedural rights as whites, such as the right to testify on their own behalf. The extension of procedural rights, while limited, was done through statutes of the state legislature in North Carolina; however, the rights were not as expansive as those given to whites. These changes began to be implemented during the nineteenth century due to the continued influence of the Enlightenment, as well as, to provide greater refutation to abolitionists who claimed slavery was totally unjust and inhumane.⁵ This change to allow the appeal of a slave case to the state Supreme Court provided new difficulties for justices on the bench as they could expect their decisions, due to the publicity of these cases, to be scrutinized by abolitionists. In 1850, one judge, Judge Eugenius Nisbet of the Georgia Supreme Court, who experienced the shift of trying slaves for criminal offenses in special slave courts to regular courts, wrote, “Thus it is, that by this Act, as well as by numerous other provisions of the law, whilst they are, in law and in fact, property, they are recognized as human creatures.”⁶ This sentiment was reflected also in the North Carolina courts as justices made efforts to create a balance between protecting the property rights of slaveholders and defending themselves against abolitionist critiques of inhumane treatment of blacks.

³ Don E. Fehrenbacher, *Slavery, Law, and Politics: The Dred Scott Case in Historical Perspective* (Oxford: Oxford University Press, 1981), 7.

⁴ Ernest James Clark, "Aspects of The North Carolina Slave Code, 1715-1860," *The North Carolina Historical Review* 39, no. 2 (1962): 148-64.

⁵ Don E. Fehrenbacher, *Slavery, Law, and Politics: The Dred Scott Case in Historical Perspective* (Oxford: Oxford University Press, 1981), 17.

⁶ Mark V. Tushnet, *The American Law of Slavery: 1810-1860: Considerations of Humanity and Interest* (Princeton: N.J., 1981), 19.

This gave the justices a way to show they were treating blacks fairly, by acknowledging that they are human, while also maintaining their firm stance that slaves are indeed property.

One of the most influential judges in maintaining this balance in the law during the 1820s-1850s was Chief Justice Thomas Ruffin. Born on November 17, 1787, in Newington, North Carolina, Ruffin was highly educated specifically in the field of law. He operated two plantations that his family owned and was a devoted member of the Episcopal church. Ruffin was politically involved as part of the Democratic Party from his early years.

These personal interests created the possibility for controversy, due to his strong religious background and economic ties to the institution of slavery. Even with these personal interests, he was distinguished for the equity of his decisions in the courts. He was elected to the Superior Court of North Carolina in 1828 and then served as Chief Justice of the court from 1833-1852.⁷ In a compilation of biographies of prominent figures of North Carolina, one historian wrote regarding Ruffin's judicial influence: "[Ruffin's writings] are of unsurpassed excellence, unrivaled in the jurisprudence of any other state or country; and they constitute a memorial of North Carolina thought, sentiment, and juridical learning that posterity will ever value as the chiefs pride of our people."⁸ This remark shows the skill that Ruffin had in the court and the importance that his input had for the people of the time, not only in his state but for the South as a whole. For these reasons, the cases under examination had a heightened importance as Ruffin was on the court at this time and was a highly respected figure who other jurists and legislators looked to for guidance. When Ruffin eventually retired from the bench, he returned to a prosperous life running his plantations while also being heavily involved in the Alamance County courts. In his retired life, he continued to be known as one of the most progressive and successful farmers of the time.

The other prominent Justice in the North Carolina Supreme Court during this time, 1830- 1845, was William Gaston. Gaston was born on September 19, 1778, in New Bern, North Carolina and studied law at Princeton College. Not only was he notable for his legal influence, but he also was an influential political figure. He was aligned with the Federalists and served in the state senate prior to his involvement with the state Supreme Court.

⁷ Samuel A. Ashe, *Biographical History of North Carolina From Colonial Times to the Present*, Vol. 5 (Greensboro, N.C.: C.L. Van Noppen, 1905), 352.

⁸ *Ibid.*, 353.

While involved with politics, Gaston gained “a national reputation for the eloquence of his speeches.”⁹ His main political priority was internal improvements for North Carolina including the need for colleges, railroads, hospitals and asylums for the handicapped.¹⁰ Gaston also adamantly supported the Bank of the United States and opposed the Loan Bill proposed by President James Madison, which were both very controversial at the time. As a Federalist leader, Gaston was elected to the state senate in 1800 and served on various committees. After the decline of the Federalist Party, Gaston identified as a member of the Whig Party.¹¹ He retired from Congress in 1817, and in 1818 Gaston was part of the legislative committee that framed the act creating the North Carolina Supreme Court. At this time, he returned to the practice of law. Gaston never re-entered national politics; however, he remained vocal about his political standings. For example, President John Quincy Adams considered naming Gaston as the secretary of war in 1826, due to Gaston’s avid support of the current administration and party.¹²

His role in politics made him a top choice for people seeking legal aid in North Carolina. He received great praise for his work. While reporting about a case in the court, the New Bern newspaper stated, “the concluding argument made by this distinguished jurist, [Gaston,] was pronounced to be the ablest intellectual effort ever heard or witnessed here.”¹³ This shows the extent of Gaston’s ability as well as the recognition he received throughout the state causing him to become a prominent source of legal example and expertise. He was appointed as a judge of the Supreme Court of North Carolina in 1833 and held this position until his death in 1844. At this time, North Carolina’s Supreme Court Justices were selected by the general assembly and served life terms. Only if there was a vacancy would the governor directly appoint a replacement.

Originally, Gaston was hesitant to accept this appointment, but he received much pressure from other prominent legal figures to do so. This included Thomas Ruffin who wrote eleven pages to Gaston explaining why Ruffin viewed Gaston as the best fit to join him on the bench and a fear that the state Supreme Court would not survive if Gaston did not accept the position.¹⁴

⁹ Charles H. Bowman, “Gaston, William,” NCpedia, 1989, <https://www.ncpedia.org/biography/gaston-william>.

¹⁰ Ibid.

¹¹ The Whig Party was one of the two major political parties in the United States during the middle of the nineteenth century. This party was grounded in ideas such as supporting protective tariffs, national banking, and federal aid for internal improvements. The party contested with the Democratic Party at the time.

¹² Charles H. Bowman, “Gaston, William,” NCpedia, 1989, <https://www.ncpedia.org/biography/gaston-william>.

¹³ *United States Catholic Miscellany*, December 10, 1831.

¹⁴ J. Herman Schauinger, *William Gaston: Carolinian* (Milwaukee: The Bruce Publishing Company, 1949), 158.

This exchange shows the prominence that Gaston had throughout North Carolina and this respect only continued to grow during his time on the court. His appointment was greeted with almost universal praise except for a few critics who feared prejudice because of his religious background as a devoted Roman Catholic.¹⁵ His political affiliation as a member of the Whig party also lent him support as he served on the court because, during the 1830s-1840s, the Whigs controlled the North Carolina state legislature.¹⁶ Gaston remained affiliated with the Whig party throughout the duration of his time sitting on the court.

Another notable aspect of Gaston's life was his ownership of slaves and a plantation in Craven County. This was typical of well-established figures in southern societies. This reality was interesting in the context of Gaston's political involvement. This dichotomy, between Gaston's ownership of slaves and political writings regarding enslaved peoples and blacks, was seen when Gaston was sent as a representative to the State Constitutional Convention of 1835. One of the main questions which Gaston focused on was the issue of black suffrage. Gaston spoke in support of maintaining black suffrage as he stated, "I do think [a free black] should not be politically excommunicated and have an additional mark of degradation fixed upon him solely on account of his color."¹⁷ This statement reveals Gaston's adherence to the proper rule of law rather than attempting to change the standards based on racists' views. He succeeded in convincing many in the convention of his view; however, the vote to exclude blacks from suffrage passed sixty-six to sixty-one. These personal interests were closely intertwined to the issue of slavery in the law, so they are important to keep in mind during the analysis of his decisions.

The other most important topic to understand within the context of these slave cases was the development of anti-slavery criticism and southern responses to it. There were longstanding criticisms towards the institution of slavery, but, in the 1830s, the abolitionist movement began to intensify. Within North Carolina there was a small but active anti-slavery presence, mainly concentrated amongst the Quakers. They were involved with the Underground Railroad, but many were not willing to break the law despite their support for the anti-slavery movement.¹⁸

¹⁵ Ibid., 162.

¹⁶ Charles H. Bowman, "Gaston, William," NCpedia, 1989, <https://www.ncpedia.org/biography/gaston-william>.

¹⁷ Ibid., 184.

¹⁸ Rebecca Graham Lasley, "Anti-Slavery Movement in North Carolina," NCpedia, 2018, <https://www.ncpedia.org/history/1776-1860/anti-slavery-movement>.

Besides the presence of the Quakers, there was not much of an antislavery sentiment in North Carolina by the 1830s.

North Carolina was susceptible to anti-slavery notions due to the division in the type of work done within the state. The eastern and southern edges of the state were involved with the cotton industry, but the rest of the state was mainly made up of poor, small, independent farmers.¹⁹ The east contained most of the economic and political power due to the design of representation by the North Carolina Constitution. This issue of unequal representation was addressed in the Constitutional Convention of 1835, at which Gaston was a key participant.

Another notable development in the anti-slavery debate at this time was the beginning publication of *The Liberator* in 1831 which became a famous abolitionist newspaper. This increased publicity of anti-slavery critiques, especially as abolitionists sought to blanket the South with antislavery literature, made them abundant and apparent to the southern supporters of slavery. With incendiary works such as David Walker's *Appeal* (1828) calling for outright slave resistance circulating in North Carolina, and the danger of radical ideas coming in via ships from northern and European sources, southerners were also experiencing a general sense of rising fear; that fear rose also due to current events such as the Nat Turner rebellion in 1831 in Virginia and the seeming growing strength of abolitionists. The moral condemnation of slavery also touched some southerners' hearts. All this threatened the stability and security of the institution of slavery. This intensifying of the slavery debate increased the pressure on the southern states to defend their support of the institution of slavery. Changes in slave law were one response.

Cases under Analysis

The following is a selection of cases that portray the rulings occurring in the North Carolina State Supreme Court in the antebellum period. These cases are selected in order to determine if there was indeed a change overtime in the treatment of the enslaved under the law. Most cases involving enslaved peoples did not reach the state Supreme Court in North Carolina as well as most other southern states. These cases were benchmarks of change due to their elevation to the upper courts and the unique circumstances that allowed them to reach this level.

¹⁹ John Spencer Bassett, "Anti-Slavery Leaders of North Carolina" (Baltimore: The John Hopkins Press, 1898), 8.

State v. Mann (1829)

The conditions and laws of slavery stripped slaves of basic human rights that others living under the government of the United States enjoyed. As chattel property in law, slaves had no claim to liberty and in some cases even their life. Up until the 1830s in North Carolina, masters could not be charged for assault against a slave even if the assault was unprovoked or excessive.²⁰ A clear example of this sentiment being defended by the law is in the case of *State v. John Mann* (1829). In this case, John Mann had hired a slave, Lydia, and tried to punish her for a “small offence.”²¹ Lydia then ran from this punishment and Mann shot her. Mann was charged and convicted of assault and battery in Chowan County. The defendant then appealed the case to the State Supreme Court which overturned the conviction. This ruling meant that masters were not liable in the court of law for battery upon a slave, rented or owned. This was a further affirmation of slaves being viewed as property that masters had total control over rather than being seen as human beings.

With that said, the issue of the slave being hired created an extra complication in this specific case. For the cases of slavery in the law, the issues at hand were further complicated due to the involvement of the regulation of the market as well. Since the property was rented, this left the possibility for the owner to pursue a civil suit for damages to the property she owned. The case before the court was a criminal case and so the ruling only settled that aspect of the question. This meant the hirer was still liable for long-term damages to the rented property. In the decision, Judge Ruffin explained that the owner would still have the ability to take action to receive remedies for any permanent damage that occurred to the slave.²²

It is the claims expressed in the decision that have a greater impact for slavery and the law than the ruling does itself. The crafting of the decision was a difficult process for Ruffin as displayed through the three surviving drafts of the opinion besides the official published copy.²³

²⁰ Ernest James Clark, "Aspects of The North Carolina Slave Code, 1715-1860," *The North Carolina Historical Review* 39, no. 2 (1962): 148-64.

²¹ *State v. Mann*, 13 N.C. 263 (1829).

²² Thomas D. Morris, *Southern Slavery and the Law 1619-1860* (Chapel Hill and London: University of Carolina Press, 1996), 139.

²³ Martin H. Brinkley, "State v. John Mann," NCpedia, *Encyclopedia of North Carolina*, 2006, <https://www.ncpedia.org/state-v-john-mann>.

This reveals how critical the decision was due to the possible implications the decision could have for the greater society. Ruffin's opinion admits a reluctance to comment upon the extent of a master's control over a slave, yet he does so as he feels compelled because of his duty to the Court.²⁴ He states, "the power of the master must be absolute to render the submission of the slave perfect. I most freely confess my sense of the harshness of this proposition . . . [b]ut in the actual condition of things it must be so."²⁵ This statement legally gave masters authority to treat their slaves in whatever manner they desired. This conveys the overwhelming ability for the court to dictate the limitations of, or lack thereof, the domination over enslaved peoples. This was done as the court would interpret the meaning of slave codes and then, through the ruling, convey how these codes would apply in the day-to-day lives of slave holders. This statement also reflects Ruffin's personal sentiments towards slavery. He later states in this same ruling, "while slavery exists amongst us in its present state . . . it will be the imperative duty of the judges to recognize the full dominion of the owner over the slave, . . . this dominion is essential to the value of slaves as property, to the security of the master, and the public tranquility [is] greatly dependent upon their subordination."²⁶ He admits that the institution of slavery is harsh and creates tension with notions of justice, but he must rule this way in order to preserve the system. He also used the notion of protection for greater society overall as a reason that justified his recognition of masters' authority. This made it a master's duty to have total control over the slave in order to protect and maintain the greater good of society overall.

Ruffin's decision also stressed his value of judicial restraint. He urged the court not to interfere with the power of the master, unless there is specific legislature allowing this action.²⁷ This shows that Ruffin wanted to maintain the balance between the role of the judiciary and the legislature in dictating the behavior of masters in regards to slavery. This also shows a deference to the overall desires of the community as these are best expressed through the legislature.

Judge Gaston shared similar sentiments regarding the conflicts between the institution of slavery and the law. In unpublished personal papers that he wrote, Gaston expressed, "slavery is regarded as an evil not to be removed, but as susceptible of mitigation. The Laws are constantly contributing to this result- but public opinion and enlightened self-interest contribute far more

²⁴ *State v. Mann*, 13 N.C. 263 (1829).

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

efficaciously.”²⁸ The writings of both of these justices regarding this case reveal a personal conflict with the institution; however, both men also state a clear stance of protecting the institution as a necessary part of North Carolina society. This ruling, despite the clear conflict shared by the ruling justices, reveals that the institution of slavery and the interests of masters were supported by the law more so than the humanity of slaves.

State v. Negro Will (1834)

The absolute power of the master began to change in the courts after the ruling of *Mann*. This is portrayed in the case of *State v. Negro Will* (1834). After an altercation between a slave named Will and a slave foreman, the overseer of the plantation, Richard Baxter, pursued Will and shot him in the back with a gun. Will was badly wounded but continued to flee when the overseer intercepted him. During this struggle, Will delivered a fatal knife wound to Baxter. The local court sentenced Will to death after finding him guilty of first-degree murder. Will’s owner, James S. Battle of Edgecombe County, investigated the events of the murder and became convinced that Will had acted in self-defense. Battle hired two prominent lawyers, Bartholomew F. Moore and George Washington Mordecai, to appeal the case to the North Carolina Supreme Court. To acquire the services of the lawyers, Battle had to pay a fee of a thousand dollars, which was an extraordinary fee for the time.²⁹ Battle received harsh criticism for defending his slave from fellow slaveholders in the state who feared the implications that the ruling would have on their power over slaves.³⁰ One source stated that Battle’s reason for supplying such qualified lawyers to appeal the case was because Battle was “a just and humane man and thought it to be his duty to see that the rights of his slaves were fully protected.”³¹ This statement seems to provide a valid reason for the dedication to the legal aid of the slave Will; however, this source was written by one of Battle’s descendants. This means that this statement could be written for the preservation of the family’s status, so this claim must be read with some caution. No personal writings could be located revealing Battle’s true motivations for seeking legal protection

²⁸ Thomas D. Morris, *Southern Slavery and the Law 1619-1860* (Chapel Hill and London: University of Carolina Press, 1996), 191.

²⁹ Martin H. Brinkley, “*State v. Negro Will*,” NCpedia, *Encyclopedia of North Carolina*, 2006, <https://www.ncpedia.org/state-v-negro-will>.

³⁰ George Gordon Battle, “The State of North Carolina v. Negro Will, a Slave of James S. Battle; A Cause Celebre of Ante-Bellum Times,” *Virginia Law Review* 6, no. 7 (1920), 515.

³¹ *Ibid.*, 518.

for his slave. One likely motivation could have been that Battle did not want to lose the value of his slave.

Once the case was heard by the Supreme Court, Will's sentence was reduced from first-degree murder to manslaughter which removed the death penalty from the sentence. After the sentence was reduced, Will was discharged back into Battle's care. Battle then sent Will to a plantation the family owned in Mississippi, not by the sentence of the court but in order to remove Will from the guilt and tragedy now surrounding him. While at the new plantation, Will killed a fellow slave and was hanged.³²

Returning to the significance of ruling, the central question of this case was if a slave could legally resist an excessive battery committed by his master. In the ruling of *Mann*, it was established that a slave has the duty to submit to his master; therefore, Will's actions were a breach of duty on the plantation. In acknowledging this breach of duty, the court found that Will's actions were not justifiable but they were also not taken in malice. This means that the sentence for this action could be reduced from murder to manslaughter. The court ruled that, "if a slave, in defense of his life, and under circumstances strongly calculated to excite his passions of terror and resentment, kills his overseer, the homicide is, by such circumstances, mitigated to manslaughter."³³ This exception also applied to interactions with a master or a temporary owner. This case seems as though it should have been ruled based on the precedent of *State v. Mann*; however, this ruling shows a distinct change from *Mann* as there are now protections granted to slaves under the law:

Unconditional submission is the general duty of the slave; unlimited power, is in general, the legal right of the master. Unquestionably there are exceptions to this rule. It is certain that the master has not the right to slay his slave, and I hold it to be equally certain that the slave has a right to defend himself against the unlawful attempt of his master to deprive him of life.³⁴

Justice Gaston, the author of the court's decision, explained that the ruling of *Mann* still applied where the master has generally unlimited power, but there are limitations to this power such as if a master tries to deprive a slave of life.

³² George Gordon Battle, "The State of North Carolina v. Negro Will, a Slave of James S. Battle; A Cause Celebre of Ante-Bellum Times," *Virginia Law Review* 6, no. 7 (1920), 530.

³³ *State v. Will*, 18 N.C. 121 (1834).

³⁴ *Ibid.*

This case also introduced topics new to the court, such as the passions of a slave and questions of the degree of humanity that slaves have. Gaston had to analyze the facts of the case within the context of common law since there was no statute that covered the specifics of the case.³⁵ This meant that this ruling became the new precedent and guiding force of how North Carolina would continue to address similar questions. To put this question in the context of common law, Gaston first defined the qualities required for a killing to be ruled as murder.

Gaston compared the facts of this case to other relationships such as two freemen, a master and apprentice, an officer and a citizen and the current relationship at hand, master and slave. In these scenarios, if a transgression was made against an overseer, the court more often than not regarded the overseer as maintaining the same character and authority of the master. He acknowledged the differences in these relationships, but also pointed out the commonalities between the assessment of the situation. Gaston explained that a killing would not be murder if one was overcome with “a sudden transport of passion.”³⁶ After the careful analysis of the facts and detailed contemplation regarding the attributes that amount to malice, Gaston concluded the following:

But the appeal here is to the common law, which declares passion not transcending all reasonable limits, to be distinct from malice. The prisoner is a human being, degraded indeed by slavery, but yet having “organs, dimensions, senses, affections, passions,” like our own.³⁷

The court found that Will was overcome by a natural passion. This ruling was a further affirmation of slaves seen as human in the eyes of the court. This was accomplished due to the applications of qualities that previously only applied to whites that were extended in this ruling to also apply to the enslaved blacks.

This pivotal ruling was strongly influenced by the arguments brought forth by Will’s defense lawyers. When Moore appealed to the State Supreme Court, he asked that the court use a more humane attitude towards the slave. The lawyers also had at the focus of their argument the concept that ruling in Will’s favor would not be overturning *Mann*; rather, it would be applying a greater compliance with the previous decision. This point was critical due to the large role that precedent

³⁵ Thomas D. Morris, *Southern Slavery and the Law 1619-1860* (Chapel Hill and London: University of North Carolina Press, 2003), 281.

³⁶ *State v. Will*, 18 N.C. 121 (1834).

³⁷ *Ibid.*

played in the decision-making process of the justices, and that *Mann* was the only true precedent to look towards. By emphasizing that the ruling would not go against *Mann*, the lawyers were making it easier for Gaston to explain a decision in Will's favor.

Gaston's acknowledgment of the humanity of slaves in this ruling appears to be an increase towards the equal treatment of slaves through the acknowledgment of their will in the law. This ruling does indeed act to increase the protections of slaves through the law, yet the ruling aligns more with efforts to find a balance between the protection of the humanity of slaves and the authority of the master, including their interest to best protect their property from damages.

This way of thinking is paralleled in Ruffin's personal ideology. Ruffin supported a "harmony of interest" doctrine.³⁸ He explained and supported this ideology in an address he gave in 1855. This ideology believes that "where slavery exists labor and capital never come in conflict, because they are in the same hands and operate in harmony."³⁹ This expresses Ruffin's overall interest and desire to maintain the institution of slavery as a means for the betterment of society. This address was delivered after the ruling of this case; however, this sentiment had to develop overtime in order for Ruffin to feel informed enough to address the general population at a time where slavery was under strict scrutiny. This ideology further supports the concept that the changes in treatment of slaves in the law was done to find the balance between the treatment of slaves as persons and maintaining the authority of masters to overall protect the institution of slavery.

It is necessary to also look towards changes in the legislature and societal atmosphere at this time to provide the proper context in which to analyze the true meaning of the rulings following *Mann*. One such piece of legislature reveals a lot regarding the typical view of slavery in North Carolina at this time. Between 1741-1830, lower courts had the power to grant licenses to masters to emancipate their slaves. These licenses did not guarantee that the masters would emancipate any slaves, it just gave them the power to do so if they decided.

³⁸ Thomas D. Morris, *Southern Slavery and the Law: 1619-1860* (Chapel Hill: University of North Carolina Press, 2003), 192.

³⁹ Thomas Ruffin, "Address of Thomas Ruffin Delivered Before the Agricultural Society of North Carolina, October 18, 1855," in *Papers of Thomas Ruffin*, vol. 4, ed. J.G. de Roulhac Hamilton (Raleigh: Edwards & Broughton Printing Co., 1920).

At the time, these licenses were being granted freely upon request by the master but the law required a consideration of “meritorious services” performed by the slave to deserve emancipation. As the national debate over slavery was beginning to increase drastically, whites became hyper aware of the number of freed people in North Carolina.⁴⁰ This fear was reflected in the legislature, as well as paralleled in this ruling, through changes in the slave code over the power to grant emancipation licenses. Due to this change in sentiment, and increased fear towards free blacks, the slave code was revised to no longer allow county courts the power to grant these licenses. Instead, masters had to petition superior courts and pay bond per slave they intended to emancipate. This was a clear deterrence in the emancipation process as it created more steps for slaveholders to go through and a higher cost. This change shows that, overall, North Carolina was not weakening the stance towards protecting slavery as an institution.

This case is a clear instance of protecting a slave under the law; however, the greater concern for the court, and North Carolina overall, was to protect the people who were profiting from slavery rather than to protect the slaves themselves. This was shown in the reality of the legislature at the time as it reflects the growing desire to protect the institution of slavery. This was unique to some degree to the North Carolina rulings. For example, around this same time in Georgia there was a case that addressed the issue of a slave killing a master.⁴¹ This case refused to acknowledge the passions of a slave because to do so would give the slave ability to judge the reasonableness of a master. This differed from North Carolina because the killing of a master in Georgia could be ruled as a justifiable homicide or murder, but could never be reduced to manslaughter.⁴²

Changes that Followed

After the ruling in *State v. Will*, there was a gradual trend to providing greater protection of slaves under the law though rulings in the State Supreme Court. A few of these changes are selected and explained in the following section to display some of these increased protections; however, the cases extending the acknowledgment of slaves as human in the law are not limited to the following.

⁴⁰ Ernest James Clark, "Aspects of The North Carolina Slave Code, 1715-1860," *The North Carolina Historical Review* 39, no. 2 (1962): 148-64.

⁴¹ *Jim, (a slave), v. State*, 15 Georgia 543-44 (1854).

⁴² Thomas D. Morris, *Southern Slavery and the Law: 1619-1860* (Chapel Hill: University of North Carolina Press, 2003), 282.

One extension of the procedural protections of slaves in the law can be seen in the case of *State v. James Leigh* (1838). This case is important due to the implications it had for the relationship between master and slave. The court ruled that masters had “the obligation of the slave’s defense, and the law generally charges [the master] with it as a duty alike to the slave and to the fair administration of public justice.”⁴³ This meant that masters were responsible to provide adequate counsel for and cover the fees of their slaves under the law. This ruling is notable because it did not only impact the master-slave relationship but because it also impacted the overall duty of the public. This complied with the Southern values of upholding their responsibilities to the general public and the society they lived within. This ruling also compelled masters to protect their slaves under the law by providing professionals to advocate for the slave. It was deemed a public duty to do this. This ruling was further supported by North Carolina legislature that protected this right as well. This shows a clear increase of the protections of slaves under the law by also holding the masters responsible.

A more monumental increase of the rights of slaves under the law is seen in the case of *State v. John Hoover* (1839). The case involved a slave named Mira who was brutally whipped and beaten by her master, resulting in her death. Mira was being whipped for not obeying an order, but witnesses stated she was disobeying this order to work because she physically could not accomplish the desired task due to her pregnancy. Chief Justice Ruffin wrote the ruling in this court stating:

Where the punishment is barbarously immoderate and unreasonable in the measure, the continuance and the instruments, accompanied by other hard usage, and painful privations of food, clothing and rest, it loses all character of correction in foro domestico, and denotes plainly that the master must have contemplated a fatal termination to his barbarous cruelties; and in such case, if death ensue, he is guilty of murder.⁴⁴

This ruling brought the case of *Mann* into new light. While it maintained that a master had the right to punish a slave, the case limited the extent of this punishment. A master still maintained the right to punish a slave and if death occurred accidentally after moderate punishment the courts would provide consideration in a ruling. If the punishment was barbarous and with the intention to terminate the life of the slave, then the master would be held guilty of murder under this new ruling.

⁴³ *State v. James Leigh*, 20 N.C. 126 (1838).

⁴⁴ *State v. Hoover*, 20 N.C. 500 (1839).

This further restricted the ability of masters by regulating if the punishment was barbarous or not; however, masters still maintained almost total autonomy to treat their slaves as they wished as long as they did not act “barbarously.” The masters still retained this ability to do as they wished because these cases were rarely brought before the court; therefore, there was little autonomy of the slaves to hold their masters accountable. This ruling confirmed the state’s ability to interfere with the master’s total dominance over a slave in certain, but rare, circumstances.

This ruling may appear as a clear case of protection for the slaves as humans; however, this is not entirely accurate. One historian, Mark V. Tushnet, explained that the logic of this ruling was accepted by the masters because the restrictions created for the masters were discrete: “Prosecutions for murder could arise only in quite limited circumstances, while prosecutions for assault and battery raised the possibility of inquiring into the entire range of a master’s treatment of his slaves.”⁴⁵ This case appears expansive for the protections of a slave as a person; however, this was a situation where the justices were continuing to balance the recognition of a slave’s humanity while also maintaining the control that masters had and that whites would have over blacks.

This ruling was paralleled and expanded by the case of *State v. Christopher Robbins* (1855). This case dealt with a similar subject matter as *Hoover* as well as *State v. Will*. The court ruled that a master had no legal right to inflict punishment with a deadly weapon, such as a buggy whip, an axe or a gun.⁴⁶ If a master did so, and this resulted in the death of a slave, the court could then find the master guilty of murder. This may seem like a miniscule detail but the ruling is a clear extension of the protection of slaves under the law. The ruling further limited the ability of masters to punish their slaves in inhumane ways. This meant that the courts were continuing to reinforce the recognition of the humanity of a slave. Not only did they legally recognize this, but the courts actively expanded the protections that are attached to humanity and were previously excluded from slaves.

⁴⁵ Mark V. Tushnet, *Slave Law in the American South: State v. Mann in History and Literature* (Lawrence, Kan.: University Press of Kansas, 2003), 34.

⁴⁶ *State v. Christopher Robbins*, 48 N.C. 250 (1855).

Continental Comparison

The decisions of Justice Ruffin had a great impact for the courts even beyond the boundaries of North Carolina. His decisions were heavily quoted by other states as well as Westminster Hall, which serves as the center for London's legal system, and were heavily relied upon by the Supreme Court of the United States.⁴⁷ His writings made up the bulk of the judicial literature that governed the generation of his time.⁴⁸

Some other southern state courts revealed a similar shift towards recognizing the humanity of slaves under the law. This can be seen in the courts of Mississippi. Under Mississippi courts slaves never had protection of rights similar to those granted by the English common law.⁴⁹ Then, in 1844, ten years after the ruling in *State v. Will*, the Mississippi High Court of Errors and Appeals ruled that the codes regarding coerced confessions applied to slaves as they had white defenders. This shows one example of increased equalities between whites and blacks under the law. This could have occurred due to the North Carolina experience affecting developments nationally due to the high profile of the judges involved with the N.C. rulings. This ruling also recognizes the humanity of slaves to some degree by requiring the same treatment between races under the law. At the same time, this can be seen as a measure to greater protect a master's property by preventing harsh treatments by officials and lowering the chance that a slave would confess, and ultimately be convicted even if this confession was false, due to coercion.

Mississippi law also made it a crime to murder a slave as similarly portrayed in the North Carolina rulings. The general public did not adhere to this law as juries rarely convicted defendants in these Mississippi cases.⁵⁰ This can be an indicator that the presence of the law was to counter critiques of the inhumane qualities of slavery as an institution; however, societies resistance to convict in these cases shows that the general public did not acknowledged the humanity of slaves despite this legislature.

⁴⁷ Samuel A. Ashe, *Biographical History of North Carolina From Colonial Times to the Present*, Vol. 5 (Greensboro, N.C.: C.L. Van Noppen, 1905), 353.

⁴⁸ *Ibid.*

⁴⁹ Christopher Waldrep, *Roots of Disorder: Race and Criminal Justice in the American South, 1817-80* (Urbana: University of Illinois Press, 1998), 46.

⁵⁰ *Ibid.*, 18.

This sentiment was echoed across the south as Virginia and South Carolinian had laws that excused masters who murdered their slaves.⁵¹

Conclusion

During the antebellum period the slave code in North Carolina was gradually changed with the purpose of extending basic legal privileges to slaves. This did not equalize the treatment between whites and blacks in the court as many privileges were still not experienced by blacks despite the new acknowledgments of humanity. The implementation of the North Carolina slave code became increasingly concerned with protecting slaves as a human being as well as property. The rulings further outlined the extent of a master's control and the limitations of that control. The cases addressed the balance between the acknowledgment of the will of a slave and a master's domination over the enslaved. The state Supreme Court granted more humanity for the slaves by making common law more applicable to slaves but only under certain conditions. This was displayed by the rulings in the State Supreme Court that would be able to be scrutinized by other states. With that said, there was still an overall desire amongst those in North and South Carolina to maintain the institution of slavery. Historian Don E. Fehrenbacher accurately describes this trend by stating, "in protecting a slave's person one also protected a master's property, while at the same time offering refutation to the abolitionist indictment of slavery as totally unjust and inhumane."⁵² The increased protection given to slaves did not reflect a trend towards a weaker stance on the institution of slavery. These changes were enacted to counter the critiques of abolitionists by showing a humane treatment of slaves. North Carolina was trying to construct the perfect balance between maintaining the institution of slavery where whites had dominance over slaves as property and admitting the humanity of slaves.

⁵¹ Thomas D. Morris, *Southern Slavery and the Law: 1619-1860* (Chapel Hill: University of North Carolina Press, 2003), 161-81.

⁵² Don E. Fehrenbacher, *Slavery, Law, and Politics: The Dred Scott Case in Historical Perspective* (Oxford: Oxford University Press, 1981), 17.

Works Cited

- Ashe, Samuel A. *Biographical History of North Carolina From Colonial Times to the Present*. Vol. 5. Greensboro, N.C.: C.L. Van Noppen, 1905.
- Bassett, John Spencer. "Anti-Slavery Leaders of North Carolina." Baltimore: The John Hopkins Press, 1898.
- Battle, George Gordon. "The State of North Carolina v. Negro Will, a Slave of James S. Battle; A Cause Celebre of Ante-Bellum Times." *Virginia Law Review* 6, no. 7 (1920): 515-30. doi:10.2307/1063172.
- Bowman, Charles H.. "Gaston, William." NCpedia, 1989. <https://www.ncpedia.org/biography/gaston-william>.
- Brinkley, Martin H.. "State v. John Mann." NCpedia. *Encyclopedia of North Carolina*, 2006. <https://www.ncpedia.org/state-v-john-mann>.
- Brinkley, Martin H.. "State v. Negro Will." NCpedia. *Encyclopedia of North Carolina*, 2006. <https://www.ncpedia.org/state-v-negro-will>.
- Clark, Ernest James. "Aspects of The North Carolina Slave Code, 1715-1860." *The North Carolina Historical Review* 39, no. 2 (1962): 148-64. www.jstor.org/stable/23517558.
- Fehrenbacher, Don E. *Slavery, Law, and Politics: The Dred Scott Case in Historical Perspective*. Oxford: Oxford University Press, 1981.
- Finkelman, Paul. 1996. *Slavery & the Law*. Vol. 1st ed. Madison, Wis: Rowman & Littlefield Publishers. <https://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=634813&site=eds-live>.
- Flanigan, Daniel J. "Criminal Procedure in Slave Trials in the Antebellum South." *The Journal of Southern History* 40, no. 4 (1974): 537-64. doi:10.2307/2206354.
- Jim, (a slave), v. State*, 15 Georgia 543-44 (1854).
- Lasley, Rebecca Graham. "Anti-Slavery Movement in North Carolina." NCpedia, 2018. <https://www.ncpedia.org/history/1776-1860/anti-slavery-movement>.
- Morris, Thomas D. *Southern Slavery and the Law: 1619-1860*. Chapel Hill: University of North Carolina Press, 2003.
- "North Carolina Historic Sites." Historic Sites. Accessed November 25, 2019. <https://historicsites.nc.gov/resources/north-carolina-civil-war/road-secession>.

- Rohrs, Richard C. "State v. Edmund, a Slave (1833): Perceptions of the Legal Status of Slaves and Free Blacks in Antebellum North Carolina." *North Carolina Historical Review* 95, no. 1 (January 2018): 29-46.
- Ruffin, Thomas. "Address of Thomas Ruffin: Delivered Before the Agricultural Society of North Carolina, October 18, 1855." *The Papers of Thomas Ruffin*, vol. 4, ed. J.G. de Roulhac Hamilton. Raleigh: Edwards & Broughton Printing Co., 1920.
- Schauinger, J. Herman. *William Gaston: Carolinian*. Milwaukee: The Bruce Publishing Company, 1949.
- State v. Christopher Robbins*, 48 N.C. 250 (1855).
- State v. Hoover*, 20 N.C. 500 (1839).
- State v. James Leigh*, 20 N.C. 126 (1838).
- State v. Mann*, 13 N.C. 263 (1829).
- State v. Negro Will*, 18 N.C. 121 (1834).
- Tushnet, Mark V. *The American Law of Slavery: 1810-1860: Considerations of Humanity and Interest*. Princeton: N.J., 1981.
- Tushnet, Mark V. *Slave Law in the American South: State v. Mann in History and Literature*. Lawrence, Kan.: University Press of Kansas, 2003.
- United States Catholic Miscellany*, December 10, 1831.
- Waldrep, Christopher. *Roots of Disorder: Race and Criminal Justice in the American South, 1817-80*. Urbana: University of Illinois Press, 1998.

“The Impact of Private Clubs on Hunting”

Michael Olsakowski

Hunting over the course of American history was a way of life and its objective was for survival which had undergone drastic changes throughout the 19th and 20th centuries. Generations passed down hunting skills, tactics, and expertise as part of their culture for centuries. Over time, hunting had been a democratic system that sustained itself for generations following the American Revolution. It was an action that proved a manly self-assertion and one would be considered the most civilized of all men by hunting. However, from the east to west, the late 19th century had brought problems to a hunting system that was able to flourish for centuries prior. At no point over the course of American hunting history does one see such a switch in the way hunting was carried out regarding animals. The rise of private hunting clubs led by wealthy aristocrats in the late 19th century is responsible for the abrupt switch of hunting norms. What was once a liberal and free system, had now turned chaotic, filled with violence over hunting, unequal distribution of land, and tensions among social classes. If it had not been for control of private hunting clubs, today, one would see few game animals. What emerged from this disorderly system of private hunting clubs was rules and regulations that not only saved relations among people, but the species of game all over the United States from extinction. If it had not been for the rise of private hunting clubs, hunting in the late 19th, early 20th century would not have prompted the emergence of rules and regulations.

Early America's Move West Creates a New Identity

During the half a century following the American Revolution, there was a time in American history when a great number of people envied the lifestyle of farmers.¹ The ideology of being self-sufficient had been to live on the frontier and demonstrate the distinguishing factor of providing for your family. Farming was an occupation that many were proud of. If one had not been a farmer or had an agricultural background, they would have a large amount of admiration for these people. However, in the Jacksonian Era, taking place between the 1820s and 1840s, farmers across the country exchanged their work for new occupations such as hunting. Many families moved to cities for work,

¹ Herman, Daniel Justin. "Hunting Democracy." *Montana: The Magazine of Western History* 55, (2005): 24

but some moved west. Daniel Herman, author of *Hunting Democracy* writes "...More and more of them moved to cities or farther into the vast, newly opened territories of the west." ² This journey west brought the emergence of heroes in the hunting community. This was credited to the people who moved west that incorporated a new rural lifestyle. Daniel Boone and Davy Crockett, the most admirable of all outdoorsmen, had created a type of lifestyle that was desired by many because it indicated a more civilized self-sufficient man. These types of heroes not only proved a manly self-assertion and an individual independence, but a reflection of how people like Daniel Boone lived a rural lifestyle in the mid- 19th century. Now, the development of hunting had been well underway toward the mid-19th century with families and generations idolizing such heroes. Compared to the early 1800s where many had occupations as farmers, hunting was a new occupation. The shift from farming to hunting reflected self-sufficiency and was one of many reasons hunting gained popularity by the late 19th century.

Hunting Before Private Clubs

In the early 19th century, hunting was similar to the way Native Americans and early settlers had hunted wild animals, roaming free on unowned lands. When in need of food, one would set out, roam lands, and stalk an animal to bring back to camp. For prior generations, hunting was considered a way of life because unclaimed lands prompted more hunting yields across the developing United States. Hunters had wandered land surrounding their community to hunt animals that would support their lifestyle with food, tools used from bones, and hides that provided warmth in colder months. For lower classes and people that could not maintain a regular source of income, hunting allowed these families and individuals to survive. From the American Revolution to the Jacksonian Era, hunting had very little restrictions and essentially no rules or regulations. Game, which is defined as a huntable animal for sport, or in this case for the harvesting of resources and meat, had been taken when needed and all its resources had been used. The notion of over hunting, hunting for sport, or hunting as a leisure activity had been nonexistent because hunting game was for a need. Native Americans and lower-class individuals that lived in the United States in the 18th and 19th century hunted because it

² Herman, Daniel Justin. "Hunting Democracy." *Montana: The Magazine of Western History* 55, (2005): 24.

was not only a way of life, but for survival. Daniel Herman's, *Hunting and the American Imagination* notes that "the Supreme Court had ruled that game became the property of the man who killed it."³ In 1805, when this was ruled, many believed that roaming free on vast amounts of land had proved full claim of a kill since the last hunters were roaming was unclaimed. Hunting in post revolution America had subsequently been "catch and kill", with no repercussions on where you were or how you did it. Little to the knowledge of the hunters that have lived like this as a way of life, it was going to change.

The Rise of Private Hunting Clubs

Between the years of 1865-1885, hunting in the United States had encountered a massive change. As many lower-class individuals and families aspired to be heroes of the time like Daniel Boone and Davy Crocket, aristocrats soon followed their tracks into the land of hunting. In this time, hunting had given a man respect, proved a manly assertion, and individuality of accomplishment. Elites had wanted this lifestyle because in a life of wealth and privilege, they could obtain anything. Living a self-sufficient life of a poor man proved there was little they could not do. This had been enticing to aristocrats that had lived a luxurious life different from their neighbor. Hunting had been a gateway for rich elites to prove themselves in a hardworking American society, while lower classes worked in rural or urban settings. As many aristocrat individuals idolized the hero aspect of hunting, private hunting clubs emerged. These clubs were exclusive to wealthy individuals that were willing to pay a substantial amount of money to hunt in exclusive sectioned off pieces of land or buy massive properties only affordable to them.

Once buying in, they would be able to use the land at any time and hunt without interruptions or outsiders interfering on their game. Another way that aristocrats hunted was in the form of canned hunting. Canned hunting is the action when one would pay a certain amount of money for a shooting game, whether waterfowl or deer. They did this to hunt in a closed quarter, ensuring a kill for the paying participant. This would take out nearly every external and environmental factor that makes hunting a challenge.

³ Herman, Daniel Justin. *Hunting and the American Imagination*. Washington: Smithsonian Institution Press, 2001: 123.

No longer did hunting skills gain respect among hunters nationwide, but merely a pretty penny and possibility of a picture gained the respect and audience of wealthy individuals.⁴

Advertisements in newspapers often were focused on targeting these wealthy individuals for the full intent of purchasing private game lands. These newspapers, that were close to identical in big cities around the country, marketed vast landscapes that could be bought into massive private reserves strictly for the buyer. *The Philadelphia Inquirer* is an example of a seller trying to attract farmers and hunters to invest in properties being sold. Newspapers were often seen with similar headings like, "...Attention sheep, hog, or cattle raisers, or Attention! Someone who can afford sportsman Paradise, private hunting and fishing lodge."⁵ Newspapers and advertisements proclaiming private hunting lands and clubs had been posted to encourage the wealthy to not only purchase these lands, but also lease them to get a return on investment. Many farmers that did this, would lease land to hunters that would pay as much as fifty dollars to shoot on their property and have excessive gunning privileges.⁶ This portrays the amount of money involved in hunting these lands. It shows the extent that landowners would go to sell properties to wealthy elites to create private clubs. Newspaper articles were a popular way to sell properties to elites and were one reason why aristocrats were able to create public clubs with ease.

From about 1885-1920, the number of private hunting clubs exploded, monopolizing game lands that were once public, unclaimed, or privately bought. This number would continue to rise. As public lands had become rare and harder to find across the country, lower class hunters who tried to hunt private clubs faced several problems. Many attempts resulted in altercations and lower classes being tagged with the reputation as poachers and villains. What was once a way of life for many boiled down to a war against classes for control of land. Money had become a leading factor as wealthy aristocrats bought out all the sales and leased lands. With the momentum of land buying aristocrats rising, cities appointed game commissioners or individuals whose sole purpose was to buy land surrounding cities that were for sale. This was an attempt to combat private clubs for the sake of lower classes and public hunting.

⁴ Herman, Daniel Justin. *Hunting and the American Imagination*. Washington: Smithsonian Institution Press, 2001.

⁵ "Real Estate For Sale." *The Philadelphia Inquirer*. February 1st, 1925.

⁶ "Posting Lands Is Now on the Decline." *The Philadelphia Inquirer*. November 15, 1925.

This effort to support lower classes to compete with the exponentially rising private hunting clubs had caused a great deal of anger for lower classes not involved within these private clubs.

Pittsburgh is an example of how this came to fruition. Two appointed officials publicize that they will be looking to buy properties that are for sale. Cities would do this with full intentions to oppose wealthy land buying elites, so they would not turn land into private hunting clubs. In 1922, both game commissioner Inshot and Judge Heck had announced in the Pittsburgh Gazette that they "...Advised the immediate purchase of lands in Cameron, Elk, Lycoming, Clinton, Potter, and Forest counties" in Pennsylvania.⁷ Annually, private clubs were purchasing more forested lands and turning them into private game preserves and hunting grounds. The immediate purchase of these for sale lands prompted an opportunity to lessen the grip of private clubs in Pennsylvania as a whole and save the over hunting of native game animals. In the 1920s, private clubs were difficult to miss. It was important for game commissioners to battle private clubs, and many cities, including Philadelphia, would have similar actions as these because it was a last stand against diminishing game numbers, and the land to carry out these hunts.

Trespass Signs Protecting Property

The early 20th century established a struggle for lower classes due to the expansion of private clubs and their rapid growth of owning vast amounts of land. After the purchase of these lands, trees on the outskirts of the properties were stapled with trespass signs. This was an effort to deter Native Americans or lower-class individuals from approaching private properties, let alone hunting game. The support behind these actions was to forbid poachers and pot hunters from impeding on private hunting clubs' hunts. Poachers are defined as being similar whereas the hunter will break the law to kill an animal. The law can be the number of animals, trespassing on private property, killing undersized animals and killing the wrong gender. Pot hunters are hunters that simply kill for the prize. In a reaction to these individual reports like *Trap, Gun and Rod's*, Tom Marshall of Pennsylvania's Pittsburgh Gazette reckons "outsiders understood and sounded the warning of the future menace in store for the hunters of the state.

⁷ 'More State Lands' Policy of Wild Life League Men." News of Trap, Stream and Woods. The Pittsburgh Gazette Times. June 11th, 1922

Every year the hunters are being confronted with more trespass signs.”⁸ The exploding number of private hunting clubs developed an intensification and escalation with the number of trespass signs. They would coat the outskirts of properties; however, it did not prove as useful as originally thought by the private club owners. Tom Marshall, lower classes, and renown figures in the political world such as Theodore Roosevelt advocated for the liberation of private clubs. They were at a point of no return where they feared these private hunting clubs would control the hunting sphere.

As early as 1893, Theodore Roosevelt wrote that he would hate and regret, “...To see hunting confined to a system of large private game preserves, kept for the enjoyment of the very rich.”⁹ Roosevelt was a progressive and advocator of egalitarianism because he pushed for equal rights for the common man. He struggled with the notion that hunting, one of his passions, was being forced down a road of exclusion. He anticipated this problem early before it became a realization of the nation and a commonplace among the United States. Around the time Roosevelt predicted the magnitude of what private hunting could become, the Adirondack Mountains were a playground of privately-owned land and clubs. The Adirondacks had been a playground for hunters due to their abundance of deer and trout. While only being a two to three- day wagon or boat ride from New York City, the Adirondacks were special because there was “the chance for the urban, middle-class men to interact with guides who, like Boone, were perceived as avatars of nature.”¹⁰ In the early 20th century nearly 791,208 acres were private game clubs owned by only 60 owners. J.P. Morgan and Cornelius Vanderbilt were some of these notorious money makers that controlled large portions of land sectioned off for hunting only for themselves and certain friends. This proved the magnitude of the elite’s influence that the lower classes had been facing in their struggle to hunt across the United States. Some hunting reserves contained numbers of animals that were exponentially higher than some national parks.

⁸ 'More State Lands' Policy of Wild Life League Men." *News of Trap, Stream and Woods*. The Pittsburgh Gazette Times. June 11th, 1922

⁹ Herman, Daniel Justin. "Hunting Democracy." *Montana: The Magazine of Western History* 55, 2005: 25

¹⁰ Herman, Daniel Justin. *Hunting and the American Imagination*. Washington: Smithsonian Institution Press, 2001: 57.

For example, a private game park in New Hampshire boasted nearly 220 bison which was roughly 10 times the number that survived Yellowstone National Park. Between the year 1900 and the 1920s, many people had become aware that the future of hunting was going to be owned by aristocrats. Lower classes came to realize that nearly all U.S. hunting was going to be on private preserves and an aristocratic sport as public lands and game numbers diminished. These factors had showed the shift that hunting would now be an occupation entitled to men of wealth.¹¹

Similar to the Adirondacks, locations all over the east, Mid-West, and the west experienced the rise of private clubs. By 1903, Oregon and Washington had been posted with trespass signs and closed off with private clubs. Many lower classes who had enjoyed duck hunting on the west coast for decades, now faced the situation of not being able to afford club memberships. This feeling had echoed through the United States. In San Francisco, just three hunting clubs had owned or leased over 116,000 acres of land in 1904 that were patrolled by gamekeepers. One would assume that the west had learned from the east regarding the judicial cases and war against raiding private clubs, however; little if anything differed. Many described it as waging a war and were convinced that in time, people would turn guns on each other.

Respectable businessmen were labeled as pot hunters and poachers simply because of their purchase of a firearm.¹² This is seen throughout the history of private clubs with raiding Native Americans and the hiring of guards to protect the owner's property. Lower classes and Native Americans were considered poachers simply for their financial or individual status as humans. Whether it was purchasing a firearm, fishing, or hunting for game, wealthy elitists owning or being involved in private clubs would label the majorities that participated in any type of hunting as poachers. Because private hunting clubs had such large controls on land near the homes of poorer hunters or farmers, they were meaninglessly intertwined into the mess of poachers and villains.

¹¹ Herman, Daniel Justin. "Hunting Democracy." *Montana: The Magazine of Western History* 55. 2005: 25.

¹² Herman, Daniel Justin. "Hunting Democracy." *Montana: The Magazine of Western History* 55. 2005: 22-33.

The War on Land and Class

The emergence of the notion that hunting was a wall, excluding outsiders like lower class individuals or Native Americans, had not come without protest or quick dissent. Native Americans had often ventured out on excursions with the intent to destroy private game preserves, animals included. They would routinely invade hunting grounds that were owned or leased by the wealthiest of individuals. Many of these raids often occurred around the cities of Chicago and New York but were prominent throughout the country. In New York, many incidents were reported in the Adirondacks to push back on the famous figures that owned massive amounts of land and because of the growing popularity during the mid-19th century. It made the mountains a target. Motives behind these attacks stemmed back to the way these individuals hunted, and what they did with the game when they hunted. Native Americans and lower classes aimed to disrupt the hunting that they could not be involved in. Often, these groups poached canned hunting animals or vandalized the properties. Tactics they used included setting fire to trees, plains, or marshes to destroy habitats. Private hunting clubs dealt with this for decades and battled to protect the lands they purchased. Early reports indicate that this had been prominent for private clubs in years as early as 1889.

This can be traced back to the late 19th century because of the discrepancies among cultures of hunting. Expanding outdoorsmen of wealthy backgrounds clashed with Native American tribes because these new hunters conquered land, held it by force while driving off or exterminating game. Throughout the east, and just as prominent in the west, "...When settlers moved on or near Indian Hunting grounds...game animals rapidly disappeared, and the Indians were forced farther into wilderness."¹³ Once these hunting grounds had been deemed worthless, Indians were cornered to sell the land to the U.S. government for pennies an acre. If tribes who experienced these multitude of events ever encountered outdoorsmen in the wild, "they were more likely to be mortal enemies than friends."¹⁴ Native Americans who targeted outdoorsmen, would also take up fatal means, not only to humans. They would invest time into destroying properties, large scale hunts, or even game itself if it meant they could not do what they have done to survive their whole lives.

¹³ Draper, *Life of Daniel Boone*, 263." Quoted in: Herman, Daniel Justin. *Hunting and the American Imagination*. Washington: Smithsonian Institution Press, 2001.

¹⁴ Herman, Daniel Justin. *Hunting and the American Imagination*. Washington: Smithsonian Institution Press, 2001.

With tensions rising, it became important for aristocrats to protect the lands they have spent large amounts of money on. Robert B. Vale, in the *Philadelphia Inquirer* wrote in November of 1925 that “the worst thing to happen today...is that guards are employed to protect property.”¹⁵ As property managers and farmers became desperate to fight against poaching, pot hunters, and Indian raids, individuals were hired to guard property lines. These private investigators, often called “officers and keepers,” had been armed to protect ‘their game.’ In many cases and to some extremes, Pinkerton detectives, who were private investigators and security guards, were contacted because these raids had become so serious in certain areas of the United States.

A correspondent from the *Forest and Stream* magazine had described these people as “Big Pinkerton Men” who would relieve trespassers and vandalizers of their assets that would cause trouble to these rich individuals. Pinkertons would often “grab these rough fellows, pound them up, throw them in the river,” taking assets by “confiscating their guns and smashing their boats”⁵ The goal of these guards was not only to deter the Native Americans and lower- class individuals, but stop the acts against the private clubs entirely. If they wanted to fight, they had the money to do so. Ultimately, it became a low scale war of the aristocratic land-owning society versus the lower classes on hunting grounds. To get into greater detail, there were many cases where individuals faced legal action for trespassing on private grounds for hunting or even fishing. An example of private hunting clubs using financial means to force legal consequences against sportsmen that have trespassed could be seen in Michigan.

“Quite recently a similar case developed in Michigan. Two fishermen who were wading in a stream were arrested by a deputy employed by a wealthy landowner. When the case was tried in the county court a Jury made up mostly of farmers acquitted the fishermen.

¹⁵ Robert B. Vale Quoted in "Posting Lands Is Now on the Decline." *The Philadelphia Inquirer*. November 15, 1925.

The owner took the case to the appellate court. The case will likely get into the Supreme Court because it has become a national issue.”¹⁶

These detectives gained popularity within the last decade of the 19th century into the mid-1920s. What proved difficult for the detectives was that the growing public that resented not only the legal actions of the wealthy against the lower classes and Native Americans, but the massive grasp on land they had. The acquittal of these individuals in court is because of the common people that were sitting on the jury. They understood the struggle and exclusion of participating in fishing and hunting in the United States because of the exponential number of private clubs in the United States.

Many would assume that this was an issue in the east because of the vast number of immigrants and exploding population in urban and rural areas around the year 1900. However, the west was subject to similar events. Farmers and Native America in the west had been confronted with the same problems due to the expansion of the railway system. Swaths of people would move across the United States and push people that were living in the same location for years prior, to pick up and move farther west for opportunities they once had. This angered families that were local to certain communities and had been lucky enough to not be surrounded by private properties and clubs. Locals were apprehensive of the outcomes of strangers near their properties who were setting up communities close to their homes and feared it was only a matter of time before they would become victims to private clubs. West of the Mississippi, Native Americans and farmers were subject to attempts of persuasion by the U.S. government and private hunting clubs to intensify their farming. As many farmers and tribes had taken into consideration, “it would mean giving up a way of life.”¹⁷ This tactic from the government and private club owners proved ineffective as farmers and small communities did not want to pack their families and move west for larger farming properties. Farmers and Native Americans were not able to adapt their lives in such little time. Subsequently, they were forced west in search of new hunting grounds because of the few game animals where they once were. Private hunting clubs had taken enough game animals that were once roaming the lands of these

¹⁶ "Posting Lands Is Now on the Decline." *The Philadelphia Inquirer*. November 15, 1925

¹⁷ Belue, *Long Hunt*, 15: Quoted in Herman, Daniel Justin. *Hunting and the American Imagination*. Washington: Smithsonian Institution Press, 2001: 57.

farmers and tribes that it was difficult and rare to ever see them in the wild. With numbers dwindling, farmers and Native Americans had taken what was left of game animals and moved west in search of new hunting grounds.

Animals Pushed Near the Brink of Extinction

Following the massive hunting of big game species in the east such as deer, even small animals such as certain birds and fowl were hunted. Many states in the east had seen the disappearance of deer in the wild. As game populations decreased in the late nineteenth century, the increasing number of hunters had been encouraged to still meet the demand of local subsistence and markets. In 1894, the *Philadelphia Inquirer* wrote a story articulating the experiences of a Philadelphian's trip to the great north. He wondered "how long can any single, race of animals survive such persistent hunting and killing of the male species, involving such lavish expenditures with money and energy...what takes days to kill, now takes years."¹⁸ With Americans noticing this in 1894, they feared what could happen to animals of all sizes and regions across the United States if the problem persisted. As game became nearly extinct, they sought out substitutes that could still meet their revenue goals when it came to selling meats or fur pelts into markets. The west had become a victim of this because grizzly bears, elk, buffalo, and antelope had become nearly extinct by 1900.¹⁹ Extinction had looked impossible with the immense number of animals and species; however, humans lay at fault for nearly wiping out a multitude of species, similarly to the bison in the 1880s.

Private clubs, the mindset within these aristocrat owners, and land leasers provided reason for this widespread depletion. The notion and logic behind the low supply of certain animals, high demand for furs and meats meant mass hunting and annihilation of the next best species. As many hunters had the occupation of gathering the next best species, private hunting clubs the same steps. The next best species was categorized under whatever met the needs of private hunting clubs or canned hunters. This was baffling to individuals comprising of lower classes because private

¹⁸ "A Philadelphian's Story of a Visit to the Great North." *The Philadelphia Inquirer*. November 25th, 1894

¹⁹ Herman, Daniel Justin. "Hunting Democracy." *Montana: The Magazine of Western History* 55. 2005: 25.

hunting clubs had no remorse for the remaining animals, and the massive amount of numbers that were hunting them. By the 1920s, rural Pennsylvanians could consider stories of John Phillips, a hunter from the state "...who feared that he had killed the last deer in Pennsylvania."²⁰ His stories show the sheer exhaustion of not only deer but big game animals. The generation of families and sportsmen that grew up in the late 19th century and early 20th century had seen an eradication of animals, which had never been seen in United States history.

Hunters from the entire country, not only Pennsylvanian sportsmen, had stories identical to J.Q. Creveling, who was interviewed in the 1950s. He was an elderly sportsman at the time but had lived through the rise of private hunting clubs and witnessed the demise of game populations. He recalls his story, "While on a fishing trip on the Willowmac Creek in New York, I had run across a fresh deer track in the mud along the creek." Although he was a dedicated young outdoorsman, "deer populations were so low that he had never seen one in the wild before."²¹ This anecdote from Creveling helps define the struggle that private hunting clubs imposed on most hunters in the nation. Lower classes that were not able to hunt on private lands faced the difficult situation of ever finding game animals in the wild. He had blamed the exploding number of upper middle class and elitists hunters for the near extinction of deer and various other animals. With the more animals' numbers depleting, conversations with sportsmen, game commissions, and state officials sparked conservation ideas to push back the growing populations of private game hunters and open more public lands.

Hunting Licenses

When states across America attempted to attack the widespread epidemic of private hunting clubs and decreasing numbers of game, game commissions and sportsmen asked the federal government for help. With relatively little help from the U.S. government, states had set up wardens to help protect public lands. The beginning of the 20th century, and the awareness of lower

²⁰ Warren, Louis. *The Hunter's Game: Poachers and Conservationists in Twentieth-Century America*. Page 69. Yale University Press, 1999.

²¹ Warren, Louis. *The Hunter's Game: Poachers and Conservationists in Twentieth-Century America*. Page 70. Yale University Press, 1999.

classes, cities, and states bought game commissioners and wardens as a reaction to private hunting clubs. The acquisition of public lands was a long process and continued to divide the lower classes. To acquire and buy these massive properties, states had issued hunting licenses and required the purchase of them to hunt on these lands. Although some states had required a license for hunting, it was not officially enforced until the early 20th century. In 1699, Virginia required licenses to hunt deer within its boundaries, however, it was not legally imposed until 1916, 217 years later.²² States were beginning to understand that they were the ones responsible to act if they wanted to fix the United States environmental status and disrupt the imbalance of private hunting. They first took steps toward acquiring land and in Pennsylvania started the issuance of widespread hunting licenses. In Pennsylvania, in 1916, “the receipts from an additional \$1.25 large game hunting license would have given game commissions \$150,000 for the purchase for public hunting grounds and game refuge areas.”²³ While many people commended states for issuing these licenses, it sparked debate and division among the lower- class society. Many believed the money from licenses was a scam for aristocrat elitists. In 1922, Tom Marshall, an avid outdoorsman that wrote in *Trap, Gun, and Rod*, explains how people from Pittsburgh argued with the state because there was skepticism that they were not doing enough for the lower class.

“What has become of that bill making preserves for poor men who don't have the money to join private clubs? It seems to me if the government would establish a town shooting grounds or places like that, they would be doing the poor man a great benefit. What do you think of the government charging the poor man a license for shooting? We pay enough taxes.”²⁴

States had imposed these fees not as taxes, but to include the population that could not hunt within private clubs. It was an opportunity to hunt that states gave to lower classes with the purchase of a license. However, it hurt individuals who could not commit to paying the fee from their income and many believed it to be unfair. It was not the type of hunting that had been in the United States

²² Dray, Philip. *The Fair Chase: The Epic Story of Hunting in America*. New York: Basic Books, 2018.

²³ "In a Social Way." *Game License Jumps Beaten*. *The Philadelphia Inquirer*. April 16, 1925.

²⁴ Marshall, Tom. "Trap, Gun and Rod." *News of Trap, Stream and Woods*. *The Pittsburgh Gazette Times*. June 11, 1922

originally, similar to the way Native Americans had free roamed, hunting wild game. The United States was at the point where hunting could not return to the way it had been generations earlier and this was due to a rising aristocrat population that controlled large portions of land. The divide in the lower-class society had prompted a struggle when its intention was only to help save game animals and hunting grounds. Many proclaimed similar statements such as “State funds being used for the privileged as private farms and shooting clubs are increasing rather than decreasing.”²⁵ Private clubs’ landmass had been increasing but it was at a slower rate as states claimed more public lands for their hunters. The hunting community in Pennsylvania had been in upheaval and was divided due to these fees. As many believed that the “tax” was outrageous and unnecessary, more progressive thinkers had believed this could be a more stable future. Philadelphian hunters realized that “where private clubs have been rapidly taking up available wildland, they will also feel the defeat”²⁶ and this was credited because of the new rise of public hunting grounds. An important aspect to understand is that while paying a fee for licenses had been introduced and enforced in the early years in the 20th century, it took years for advocates of public hunting to grasp and get support for this system. As stated above the hunting community was torn and faced challenges trying to regulate private clubs and public lands.

New Way of Hunting

After 1912, States across America had taken matters into their own hands by the sale of hunting licenses. The article, *Give Wildlife a Chance* in *The Philadelphia Inquirer* explains that one problem that hunting licenses encountered was that in California around 1924, a man who purchased “a dollar license confers the privilege of killing twenty-five ducks a day for three and a half months and most other States are equal offenders.”²⁷ To game commissions and wardens, licenses for hunting still prompted the issue of extinction for many species because seasons were not yet perfected. There was still legislation needed to coincide with breeding seasons and the correct bag limit of the animal being hunted. Despite the creation of licenses, animals were still being over hunted with new rules in place. The proposal of the Permanent WildLife Protection Fund “is not only to secure needed

²⁵ Bob. "Increased License Fee Makes It Possible for Public Area Hunting." Game Commission Can Buy Grounds. *The Philadelphia Inquirer*. January 1, 1928

²⁶ "In a Social Way." Game License Jumps Beaten. *The Philadelphia Inquirer*. April 16, 1925.

²⁷ “Give Wildlife a Chance.” *The Philadelphia Inquirer*. April 9th, 1924.

legislation, but also create public sentiment which will make legislation effective.”²⁸ It prompted the need for long closed seasons that would allow game to breed to a sustainable population.

Pennsylvania hunters were ahead of the game in that regard. They advocated for these long seasons which meant stopping their hunting completely in order to give the game a chance. Pennsylvania had “sportsmen showing a gratifying disposition to cooperate with conservation commissioners and game wardens.”²⁹ They were poised to fix hunting by reviving the populations of large game that had survived the past four decades being over-hunted by lower classes, Native Americans, poachers, pot hunters, and private hunting club members.

The conversation of hunting licenses had been in talks from around 1910 into the late 1920s. Hunting licenses had gone under many revisions like the number sold to the public for a certain season. 1912 had been an important year for the Game Commission. Louis Warren’s, *The Hunting Game: Poachers and Conservationists in the 20th Century*, expresses that “Thanks largely to the lobbying and financial support of its sportsmen.” “In 1912 the State of Pennsylvania sold more hunting licenses than there were people in New Mexico, bringing \$300,000 into Game Commission coffers.”³⁰ The issuance of hunting licenses shows strategic importance because Pennsylvania game authorities could move away from private landowners by 1912, using these proceeds to purchase land for state refuges.³¹ To compare to New Mexico, the small number of licenses sold because of a smaller population, results in New Mexican law relying more on private game reserves. These contrasts between eastern and western states show evidence of a strong federal presence of game protection that is thought out in detail. New Mexico and Pennsylvania both have similar tensions, however, many factors lead to very different results in part because of regional and geographical histories. What is to be taken from this is that private hunting clubs had created tensions across the United States. Two different locations had two diverse results because of over hunting and the near extinction of multiple big game species. The emergence of private hunting clubs had created reactions that would not be solved for generations. The United States was beginning to grasp the ideologies

²⁸ “Give Wildlife a Chance.” *The Philadelphia Inquirer*. April 9th, 1924. ²⁹ “Give Wildlife a Chance.” *The Philadelphia Inquirer*. April 9th, 1924. ³⁰ “Give Wildlife a Chance.” *The Philadelphia Inquirer*. April 9th, 1924.

needed to coexist different social classes from very diverse backgrounds. States sought to find solutions to wildlife populations relating to overhunting and lack of game protection laws.

A way in which states addressed rules and regulations was simply trial and error. As stated, California had imposed a hunting license that would allow 25 ducks per day for over 3 months. To avid sportsmen, it was apparent that these rules would not lessen the strain on the population of certain duck species. They know that this number was tremendously higher, and extinction would possibly be imminent. Over the course of the early 20th century, many states had come to terms with hunting licenses and finalizing, then revising numerous hunting laws. As early as 1910, the *Philadelphia Inquirer* expressed new rules that habitants of Maryland would now follow. Hunters and conservationists, “declare ourselves as opposed to a longer open season than six weeks...and when any species shall have approached the danger line bordering extermination, we favor the absolute closing of the open season until it shall have sufficient time to multiply.”³² In 1910, the heightened awareness of game populations and urge to take actions with legislation had been apparent to hunters. Sportsmen and conservationists worked together to create laws regarding hunting and even created a proper branch called a State Game Commission that would oversee game protection. Working closely, they tried to finalize laws before game animals became too scarce. The article in the *Inquirer* goes into more detail expressing that in Maryland, “the last legislative session, and which will require every hunter to pay an annual fee of at least one dollar...a further reduction in bag limits on all species, pose against hunting of Sundays, holidays, and when snow is on the ground.”³³ Maryland is a prime example of the close relationship between conservationists and sportsmen. They advise for the creation of a group that will oversee game protection. To coincide with this, they are shorter seasons because six weeks proves to be too long. They worked closely together to gather a set of rules and regulations as a reaction to the dwindling numbers of games species.

The rise of private hunting clubs in the late 19th, early 20th century had caused many effects that led to the emergence of rules and regulations. The evolution of hunting within this time period had undergone many changes starting with the expansion of wealthy aristocrats buying massive

³² Strong Organization Will Use Efforts and Influence for Protection of Native Birds and Beasts.” *The Philadelphia Inquirer*. October 10th, 1910.

³³ Strong Organization Will Use Efforts and Influence for Protection of Native Birds and Beasts.” *The Philadelphia Inquirer*. October 10th, 1910.

properties to follow their dreams of becoming a contemporary hero like Daniel Boone. With a deep pocket and desire to prove to themselves that they themselves are civilized and self-sufficient, private hunting clubs gained popularity all over the United States. These clubs impeded on hunting as a way of life for lower class families, farmers, and native Americans and received a negative reaction to combat the expansion of these clubs. Native Americans sought violent means through raids and rebellious acts as a response to these private clubs. Farmers and lower-class hunters decided to move west for more hunting grounds. As a combination between all hunters, overhunting ensued, and the scarcity of game animals became apparent as a result.

Private hunting clubs helped emphasize the need for public hunting reserves. To pay for these large-scale properties, states issued hunting licenses to compensate financially for the purchase of these lands. With further thinking, sportsmen and conservationists worked hand by hand to develop a system to deal with the struggling numbers regarding game animals, and the ability for private hunting clubs and public reserves to coexist together. Private hunting club's vast expansion throughout the United States decades prior had prompted many reactions. With a wide range of reactions, whether it be violence, submission to aristocrats and moving west, or combating private clubs by purchasing land for sale, private hunting clubs had one positive turnout which was rules and regulations. Although these regulations had varied in time periods from east to west, within less than a decade the conversation of legislating for game protection was apparent among state governments, conservationists, game commissions, and sportsmen.

Bibliography

Primary Sources:

“A Philadelphian’s Story of a Visit to the Great North.” *The Philadelphia Inquirer*. November 25th, 1894.

Bob. "Increased License Fee Makes It Possible for Public Area Hunting." Game Commission Can Buy Grounds. *The Philadelphia Inquirer*. January 1, 1928.

“Give Wildlife a Chance.” *The Philadelphia Inquirer*. April 9th, 1924.

"In a Social Way." Game License Jumps Beaten. *The Philadelphia Inquirer*. April 16, 1925.

Marshall, Tom. "Trap, Gun and Rod." News of Trap, Stream and Woods. *The Pittsburgh Gazette Times*. June 11, 1922.

“More State Lands' Policy of Wild Life League Men." News of Trap, Stream and Woods. *The Pittsburgh Gazette Times*. June 11th, 1922.

"Real Estate for Sale." *The Philadelphia Inquirer*. February 1st, 1925.

Robert B. Vale Quoted in "Posting Lands Is Now on the Decline." *The Philadelphia Inquirer*. November 15, 1925.

“Strong Organization Will Use Efforts and influence for Protection of Native Birds and Beasts.” *The Philadelphia Inquirer*. October 10th, 1910.

Secondary Sources:

Dray, Philip. *The Fair Chase: The Epic Story of Hunting in America*. New York: Basic Books, 2018.

Herman, Daniel Justin. "Hunting Democracy." *Montana: The Magazine of Western History* 55, no. 3 (2005): 22-33.

Warren, Louis. *The Hunter's Game: Poachers and Conservationists in Twentieth-Century America*. Yale University Press, September 10th, 1999.

Section IV

Healing of
Memories: Rethinking
History

“Sudan’s War on Religious Freedom”

Callie Stewart

In the 1890s, British forces invaded the Mahdi’s Sudan, where, upon the establishment of their domination, they divided the country along religious lines. The result of this division established a primarily Muslim dominated north and a Christian southern region with a significant Muslim presence. This decision by the British colonial administration would set the stage for Sudan’s internal hostilities between the groups. Although granted independence in 1956, for the last four decades Sudan has been witnessing, intermittently, a civil war of significant ferocity in which the ruling Islamic north has been pitted against the Christian south.¹ Islam, the dominant religion of Sudan, is actively practiced by ninety-seven percent of the country and has through the government’s adoption of Sharia law at the national level in the mid 1980s has “only made the differences more stark resulting in one of the bloodiest wars of the twentieth century.”² The religious persecution of Sudan’s minority religious populations, primarily Christians, has been consistently manifested in the lack of religious tolerance and coexistence under the Sudanese constitutions as a result of the government established Sharia law.

Following the 1954 decision of the British to relinquish all control of Sudan to the ruling Muslim leadership and to leave the country at its own rule, the “ensuing twenty-nine years the Sudanese government was overthrown three times for various political reasons with each government drafting a new constitution”³ Specifically, the Sudanese government’s drafting of the Constitution of 1973 and 1985 ironically contain fundamental personal liberties, however, through the indoctrination of Sharia law. Sharia, an Islamic law, governs the religious rituals and daily aspects of Muslim life.⁴

¹ Ankush B. Sawant. *Ethnic Conflict in Sudan in Historical Perspective*. (London: Sage Publications, 1998).

² *Sudan: Race and Religion in Civil War*. (Berkley Center for Religion, Peace, and World Affairs, 2013), p.10.

³ Steven C. Sherman. *Shari’a Law in the Sudan: Why it Does Not Work Under the Sudanese Constitutions of 1973 and 1985*. (Penn State International Law Review, Vol. 7, No. 2, Article 9, 1989), p.299

⁴ Issam M. Saliba. *What is Sharia Law?* (United States Library of Congress, 2011).

However, there is a significant variation of understanding in how Sharia law is to be interpreted and implemented within Muslim societies, such as Sudan.⁵ For example, the “fundamentalist Muslims ... control the government in the Sudan and insist on complete Islamization of the constitution and the laws enacted thereunder.”⁶ However, the minority religious and ethnic groups argue that Sharia law “is a violation of the Sudan’s constitution and insist upon secularism” as Sharia law can never be constitutional because “by its very nature it infringes upon the fundamental rights of freedom of religion and freedom” as a result of its use of harsh and unusual punishment.”⁷

Through Sudan’s adoption of Sharia law, there are three levels of criminal offenses and punishments: *hadd*, *kisas*, and *ta’zir*, which range from moral offenses against God, physical offenses against man, and moral offenses against man and or the state.⁸ The hadd offense, or the renunciation of the Islamic religion, directly violates the forty-seventh article of Sudan’s 1973 Constitution which explicitly protects “freedom of belief, prayer, and performance of religious practices.”⁹ In Sudanese society, supported by Muslim authorities under Sharia law, “freedom of belief” for the country’s minority religions, especially Christianity, relates to the perception that there is the forced freedom to follow Islam or there is death.¹⁰

⁵ Ibid

⁶ Steven C. Sherman. *Shari’a Law in the Sudan: Why it Does Not Work Under the Sudanese Constitutions of 1973 and 1985*. (Penn State International Law Review, Vol. 7, No. 2, Article 9, 1989), p.278.

⁷ Ibid

⁸ *The Interim National Constitution of the Republic of the Sudan*, 2005.

⁹ *The Democratic Republic of The Sudan Constitution*, 1973.

¹⁰ Steven C. Sherman. *Shari’a Law in the Sudan: Why it Does Not Work Under the Sudanese Constitutions of 1973 and 1985*. (Penn State International Law Review, Vol. 7, No. 2, Article 9, 1989), p.287.

Muslim authority figures will even rationalize this ideology in which, “that freedom of religion exists in choosing between belief and disbelief before embracing Islam ... Once having been born a Muslim or otherwise having adopted Islamic beliefs, this freedom no longer exists because rejection of Islam would be humiliating and derogatory to the faith and must be prevented.”¹¹ Therefore according to the forty-seventh article, the third hadd offense based on Sharia law is unconstitutional. In addition, the injustices and persecutions of Sharia law are also exemplified under the fourth hadd offense, banning the consumption or distribution of alcohol.¹² For Christians, the prohibition of sacramental wine in religious ceremonies directly interferes with their freedom of worship. Therefore, the prohibition of alcohol is an unconstitutional infringement of their right to freedom of religion, as well as, religious discrimination. Sudan’s Chief Justice of the Supreme Court, and a Muslim, justified the constitutionality of this offense through stating that the United States and other countries have at certain times in their histories banned alcohol, however, failed to directly address the religious discrimination.¹³

Many Christians, who make up less than three percent of the country’s population, argue that in addition to being unconstitutional, the Sudanese adoption of Sharia law also promotes violations of fundamental rights and freedoms against non-Islamic religions.¹⁴ The 1973 Constitution states that, “Islamic law and custom (Sharia law) shall be the main sources of legislation.”¹⁵ Sharia law became the primary source of legislation and was included in the country’s constitution in order to appease the reigning Muslim religious groups, however the constitution fails to mention any other religious rules, such as the Ten Commandments.¹⁶

¹¹ Ibid

¹² Ibid

¹³ Ibid

¹⁴ Ibid, p.277.

¹⁵ Ibid, p.284.

¹⁶ Ibid

In addition, under the Sudanese 1988 Penal Code, fabricated from Sharia law, the explicitly stated had punishments include death-by-stoning for adultery, death for apostasy, amputation for theft and armed robbery, and flogging for homosexuality.¹⁷ The extreme punishments presented through Sharia law directly targets and persecutes against the country's non-Muslim populations, especially through the felony of apostasy.

In 2014, the Sudanese government unintentionally attracted international attention and controversy over the conviction of Meriam Yahia Ibrahim Ishag, who was charged with the capital offense of apostasy.¹⁸ In Sudan, apostasy is effectively considered “leaving the Muslim faith, particularly the interpretation of Islam followed by authorities there” and in Sudanese society “to leave the Muslim faith is an automatic death sentence.”¹⁹ On May 15, 2014, the Sudanese government sentenced Meriam Ibrahim, a pregnant Christian woman, to flogging and the death penalty because the Sudanese government failed to accept that she had lived her life as a Christian and married a Christian man.²⁰ The Sudanese court initially ruled on the basis that Ibrahim's father was a Muslim and therefore she should have been raised a Muslim, although Ibrahim's father was absent from her life. Ibrahim was given three days to convert to Islam, however, told authorities she would not abandon her Christian faith. In addition, members of Ibrahim's family claimed she was a Muslim and thus guilty of apostasy for converting. Under Sharia law, if you are considered an apostate you are legally prohibited from marrying someone of another faith. Therefore, in addition to her apostasy charges, the Sudanese court refused to recognize her marriage to a Christian man which resulted in her being found guilty

¹⁷ Ibid, p.289.

¹⁸ Hearing Before the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations of the Committee on Foreign Affairs House of Representatives. *The Troubling Case of Meriam Ibrahim*. (Washington, 2014), p.1
Really Good source!

¹⁹ Ibid

²⁰ Ibid

of adultery and sentenced to one hundred lashes.²¹ As a result of the harsh application of Sharia law against a Christian, Ibrahim gave birth to her second child in jail chained, under restraints, and without the normal amenities that any pregnant and or nursing mother would require.²² Under Sudan's ostensible and seemingly religiously intolerant constitution, "strictly applied rules almost led to the officially sanctioned beating and execution of a young woman who has lived as a Christian all her life, but who has now been told that she has no right to choose her religious belief."²³ Ibrahim's refusal to abandon her faith, which she had practiced her entire life, was a defiance against the Islamic dictated state of Sudan that has for almost its entirety persecuted against non-Muslims. Sudanese officials "do not have the right to force someone to be Muslim when they assert their beliefs to be otherwise."²⁴ The indoctrination of Sharia law, specifically on non-Muslims, harshly applies "religious and legal principles in violation of national and international law."²⁵ Ibrahim's unfortunate case reveals the true unconstitutional and religious prejudices faced by non-majority religions, primarily Christianity, and the religious discrimination that defines Sudan's Sharia law.

Following 2011, Sudanese authorities acting under Sharia law have arrested an estimated two hundred Christians, including fourteen religious' authorities.²⁶ In addition, approximately half of those two hundred arrests occurred as Christians were protesting the Sudanese government's efforts

²¹ Ibid, p.2

²² Ibid

²³ Ibid

²⁴ Ibid

²⁵ Ibid, p.1

²⁶ *Sudan: The Shrinking Space for and Increasing Persecution of Christians*. (The United States Commission on International Religious Freedom, 2017), p.4.

to demolish or expropriate church properties.²⁷ The Sudanese government has “threatened dozens of churches and related church buildings, including through demolition, closure, and expropriation; and continued to discriminate against Christians and promote Islam.”²⁸ *The Interim National Constitution of Sudan*, formally governing the executive and judiciary authorities under Sharia law, has controversially created numerous court cases against Catholic pastors, believers, and churches in Sudan. Recently, there has been a significant increase in the number of churches being subjugated to court “because the government wants to destroy their buildings and take their land ... the government is illegally appointing fraudulent people to church committees to sell off properties to businessmen aligned with the government.”²⁹ During 2016, the Sudanese government announced that three churches were to be demolished and within two months, another two churches were added to their list.³⁰ The rising confiscation of church properties serves as another example of the persecution faced by Sudan’s Christian population under Islamic rule.

In addition to the seizing of churches, there have been no formal permissions granted by the Ministry, State, or local planning offices towards the creation of non-Muslim places of worship since the 1990s.³¹ These recognized Christian communities have become increasingly marginalized “and their freedom to worship obstructed,” specifically over the forced closure of Christian-owned institutions, the imprisonment of many church leaders, the destruction of church property, and the removal of expatriate Christian workers.³² On August 13, 2016, Pastor Daniel Welia was detained for three full days by

²⁷ Ibid

²⁸ Ibid, p.2

²⁹ Lindsay Steele. “Rise of Persecution in Sudan.” (Mission Network News, 2018).

³⁰ Ibid

³¹ Abdel Salam Sidahmed. *Politics and Islam in Contemporary Sudan*. (St. Martin’s Press, 1996), p.112

³² Ibid

the Sudanese government after refusing the government's efforts to force him to step down from his position as the legitimate committee secretary of his church.³³ Weila's resistant attitudes towards the explicit religious persecutions manifested within Sudan's own government reflects faith in conflict with reason over the oppression of non-Islamic religions and the lack of tolerance established in the Sudanese constitutions.

After numerous years of hostility and conflict between Muslims and non-Muslims, the promulgation of Sharia law, specifically by the country's reigning political leaders, has promoted more disputes and polarization between the religious groups. In 1977, former Sudanese President Gaafar Nimeiry, while in office, demanded that the country's law be based on Islam and formed a special committee charged with revising the country's laws to bring them to conformity with Sharia law.³⁴ This drastic change in Sudan's legal system was extremely controversial as it disregarded existing laws and customs, as well as discriminated against non-Muslims. In Sudan, the judges who refused to apply Sharia law were quickly terminated and replaced with Muslims who had limited experience in government, however, because of their religion were granted authority.³⁵ This explicit imposition of Islamic law, under the Nimeiry regime, was resented by all non-Muslims, especially Christians who felt personally targeted and victimized.

On September 8, 1983, Nimeiry angered the minority religious populations again after announcing that there would be effective immediately "a codification of Sharia Law to be

³³ *Sudan: The Shrinking Space for and Increasing Persecution of Christians*. (The United States Commission on International Religious Freedom, 2017), p.4.

³⁴ Helen Chapin Metz. *Sudan: A Country Study*. (Washington: Library of Congress, 1991).

³⁵ Ibid

applied to all Sudanese, regardless of faith.”³⁶ Furthermore, Nimeiry’s prejudiced decision was a direct violation of article sixteen under the Sudanese Constitution of 1973.³⁷ The Sudanese Constitution states that “any act which is intended or is likely to promote feelings of hatred, enmity, or discord among religious communities shall be contrary to this Constitution and punishable by law.”³⁸ Former President Numeiry’s promulgation of Sharia law was purposely intended to religiously discriminate against non-Muslims and to continue to polarize the Sudanese religious population.

In 1989, Lieutenant General Omar Hassan al-Bashir seized power ruling as an anti- Christian dictator for almost thirty years, and similar to the Numeiry regime, was a strong advocate for Sharia law. Under former president al-Bashir’s regime, Christians endured severe oppression from strict Islamic Sharia law and were imprisoned, tortured, and even assassinated for their faith.³⁹ In addition, under al-Bashir’s administration, the Sudanese government’s persecution during their civil wars resulted in the deaths of more than one million people, the displacement of millions, and the withholding of food from starving Christian communities until they converted to Islam.⁴⁰ As a result of the increased civil unrest from Sudan’s civil wars, al- Bashir garnered the support of hardline Islamists who wanted the government to continue to have complete religious and political control. Under al-Bashir’s leadership, the government suspended political parties and religious tolerant groups and instead established the Islamic group coined Revolutionary Command Council for Nation Salvation.⁴¹ In addition, the former dictator attempted to defeat the army of South Sudan, a primarily Christian group, and further

³⁶ Steven C. Sherman. *Shari’a Law in the Sudan: Why it Does Not Work Under the Sudanese Constitutions of 1973 and 1985*. (Penn State International Law Review, Vol. 7, No. 2, Article 9, 1989), p.292.

³⁷ Ibid, p.293

³⁸ Ibid

³⁹ Helen Chapin Metz. *Sudan: A Country Study*. (Washington: Library of Congress, 1991).

⁴⁰ Ibid

⁴¹ Ibid

the severe Islamic legal code at the national level.

During the holy war of Islamic Sudan fighting against Christian South Sudan, Sudan's pro-jihadist president al-Bashir stated, prior to South Sudan's secession, that "if South Sudan secedes, we will change the Constitution, and at that time there will be no time to speak of diversity of culture and ethnicity. Sharia and Islam will be the main source for the Constitution, Islam the official religion and Arabic the official language ... We call it a Muslim state"⁴² The ongoing religious civil war between Sudan and South Sudan has been in existence for almost the country's entirety and is manifested in the harsh governmental persecution based primarily on religious identification. In addition, the hallmark of President Bashir's genocidal rule has been the persecution of Christians and the merciless ethnic cleansing of black African Sudanese citizens. Until the transitional authorities in Khartoum distance themselves from the fundamentalist Islamism of the past 30 years, there is no guarantee the Sudanese will enjoy a peaceful, free and prosperous future. The international community must demand that Sudan abides by its commitments to the Universal Declaration of Human Rights to which it is a signatory.⁴³ Bashir, using systemic violence and an ethnic cleansing, for the past three decades of corrupt and authoritarian rule has forcibly imposed Sharia law on Christians ultimately leading to millions of deaths and the secession of South Sudan.

In 1999, the United States Commission on International Religious Freedom (USCIRF) officially proposed that the United States government designate Sudan as "a country of particular

⁴² Randy James. "Sudanese President Omar Hassan al-Bashir." (Time, 2009).

⁴³ Nina Shea. *A War on Religion*. (Hudson Institute, 1998).

concern ... for engaging in systemic, ongoing, and egregious violations of freedom of religion or belief.”⁴⁴ The USCIRF even identified Sudan as “the world’s most violent abuser of the right to freedom of religion or belief” as a result of the Sudanese government’s lack of religious tolerance and coexistence manifested through Sharia law.⁴⁵ The commission recognized and specifically addressed the discrimination Christians had faced in particular as a religious community in the state of Sudan. Following 2002, the United States has barred its citizens from participating in business in Sudan as a result of the country’s dangerous war zones and the country’s refusal to recognize their citizens religious freedoms.⁴⁶

Freedom of religion, the right to believe or not believe as one’s conscience leads and to live out one’s beliefs without fear, is consistently violated under the Sudanese adoption of Sharia law. The intrinsic freedom of religion or belief is a core human right and is violated by the ruling Islamic government and is directly represented in the religious persecution of Sudanese Christians. For example, the Sudanese government has been bombing, burning, and looting of southern Christian villages in a brutal campaign of “forced Islamization.”⁴⁷ World Vision, a relief agency, has estimated that the governmental bombings that have kept aid from reaching an estimated two and a half million south Sudanese, who are now at risk of dying from hunger.⁴⁸ In addition while aiding Christian villages, the Christian Solidarity International witnessed and reported that the National Islamic Front recently killed an Episcopalian deacon, vandalized his church, burned hundreds of Bibles, and even took members of the congregation as slaves.⁴⁹

⁴⁴ *Sudan: The Shrinking Space for and Increasing Persecution of Christians*. (The United States Commission on International Religious Freedom, 2017), p.6.

⁴⁵ Ibid

⁴⁶ Ibid

⁴⁷ Nina Shea. *A War on Religion*. (Hudson Institute, 1998).

⁴⁸ Ibid

⁴⁹ Ibid

Catholic Bishop, Macram Gassis, who has been head of front-line dioceses in Sudan has stated that Western leadership is needed in order to find “just peace-one that ends the slaughter and ensures religious freedom for non-Muslims.”⁵⁰

As a result of the Sudanese government’s lack of religious tolerance and coexistence, which is manifested through the country’s constitutions containing Sharia law, the country remains an Islamic holy war targeting the country’s religious minorities, especially Christians. In addition to being proven unconstitutional, the Sudanese historic adoption of Sharia law promotes explicit violations of fundamental rights and freedoms against non-Muslims, as exhibited through Meriam Yahia Ibrahim Ishag, Pastor Daniel Welia, and Macram Gassis. The country of Sudan, since receiving its independence in 1956, has been involved in one of the bloodiest jihadist wars of the twentieth century. This deep-rooted religious persecution of Sudan’s minority populations, primarily Christians, have unfortunately been consistently manifested in the obvious lack of religious tolerance that is Sharia law, which remains protected under the country’s government and existing constitutions.

References

Constitution of the Republic of Sudan, 1998.

⁵⁰ Ibid

<https://ihl-databases.icrc.org/applic/ihl/ihl->

nat.nsf/0/d728f18be88d9482c1256dc600507f33/\$FILE/Constitution%20Sudan%20-%20EN.pdf

- Hearing Before the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations of the Committee on Foreign Affairs House of Representatives. *The Troubling Case of Meriam Ibrahim*. (Washington, 2014), pp.1
https://chrissmith.house.gov/uploadedfiles/2014.07.23_the_troubling_case_of_meriam_ibrahim.pdf
- James, Randy. "President Omar Hassan al-Bashir." Time, 2009.
<http://content.time.com/time/world/article/0,8599,1883213,00.html>
- Metz, Helen Chapin. *Sudan: A Country Study*. Washington: GPO for the Library of Congress, 1991.
<http://countrystudies.us/sudan/>
- Saliba, Issam M. "What is Sharia Law?" United States Library of Congress, 2011.
<https://www.loc.gov/law/help/sharia-law.php>
- Sawant, Ankush B. *Ethnic Conflict in Sudan in Historical Perspective*. London: Sage Publications, 1998.
- Shea, Nina. *A War on Religion*. Hudson Institute, 1998.
<https://www.hudson.org/research/5986-a-war-on-religion>
- Sherman, Steven C. *Shari'a Law in the Sudan: Why it Does Not Work Under the Sudanese Constitutions of 1973 and 1985*. Penn State International Law Review: Vol. 7, No. 2, Article 9, 1989, pp.299.
- Sidahmed, Abdel Salam. *Politics and Islam in Contemporary Sudan*. St. Martin's Press, 1996.
- Sudan: Race and Religion in Civil War*. Berkley Center for Religion, Peace, and World Affairs 2013, pp.10.
- Sudan: The Shrinking Space for and Increasing Persecution of Christians*. The United States Commission on International Religious Freedom, 2017, pp.4.
<https://www.uscirf.gov/sites/default/files/Sudan%20Policy%20Update.pdf>
- Steele, Lindsay. "Rise of Persecution in Sudan." Mission Network News, 2018.
<https://www.mnnonline.org/news/rise-of-persecution-in-sudan/>
- The Democratic Republic of The Sudan Constitution, 1973*
<http://www.righttononviolence.org/mecf/wp-content/uploads/2012/01/Constitution-Sudan-1973--amendment-1975.pdf>
- The Interim National Constitution of the Republic of the Sudan, 2005*.
<https://wipo.lex.wipo.int/en/text/241714>

“How to Remember the Complicated History of Malcolm X”

Sophia Wooden

Malcolm X is remembered as many things. Some view him as the pro-violence leader of the Nation of Islam, a “black racist” due to his Black Nationalist movement and an adversary on Martin Luther King Jr. Others remember him for his passionate push towards equality and sense of Black Pride. Others want more emphasis put on his ability to change himself and what he promoted in order to find what would be best for the fight for equality rather than just his accomplishments. However, Malcolm X should be remembered as an influential member of the civil rights movement who wanted to see it go further, for his skills and strategies seen in his speeches and his work in Africa, his push for violence as self-defense, and the many ways he adapted. He held an important role and the successes of the civil rights movement would not be the same without his efforts for equality.

Malcolm X was the son of Reverend Earl Little and Louise Little, followers of Marcus Garvey (black separatist) and passionate Black Rights activists who instilled a sense of pride in their children for being black. Rev. Little ended up dying, while Malcolm was six years, of a supposed trolley car accident that many believed to be a lynching cover up. Then six years later, his mother suffered a breakdown and was institutionalized causing Malcolm to be separated from his siblings and grew up with family friends¹. There, he went on to be elected class president at his high school by white peers, however when he told a teacher he wanted to be a lawyer, she told him that he had to “be realistic about being a n-”² which pushed him into dropping out of school. After that Malcolm got into hustling and drug dealing and eventually went to prison for ten years where he discovered and converted to the Lost-Found Nation of Islam.³ After release he preached the racial separation and black redemption of the

¹ Henry Hampton and Steve Fayer, *Voices of Freedom* (New York: Bantam Books, 1990), 242.

² Hampton and Fayer, *Voices of Freedom*, 242.

³ Hampton and Fayer, *Voices of Freedom*, 243.

Nation of Islam and was often seen as the alternative route to Martin Luther King Jr. by fellow African Americans when it came to achieving racial equality and civil rights. He later split with the Nation of Islam and travelled to Mecca and Africa, changing his mind on many of the ways he wanted to attain equality⁴. This split pushed him into creating his own ideology where many of his own ideas and beliefs can be more clearly seen.

Many view Malcolm X as someone who pushed for violence and was a radicalized leader who only hurt the movement for equality. The editors of *Voices of Freedom* point out that many viewed him as a black racist and someone who pushed for violence.⁵ It is clear that Malcolm X was viewed negatively by people of the time. Mike Wallace, a newsman who was producing a documentary titled “The Hate That Hate Produced”, said about Malcolm X’s movement, “If indeed the Muslims hated the Whites, and they acknowledged that they did, Malcolm was very eloquent about that...They were racists. They were separatists.”⁶ This depicts the completely negative outlook that many held about Malcolm X and shows how the media displayed him to the world. He was a racist in their view and that is how he was presented to others thus explaining why his achievements are often overlooked. Sonia Sanchez, a poet in Harlem, in the 1960s said that “People quite often want to make you believe that Malcolm was some terrible, terrible man who never smiled and who was always scowling and demanding something that was obscene almost.”⁷ This shows how there was a push to just label Malcolm X as someone bad and that everything he was asking for was unthinkable. It was easier to write him off as a racist than enact the change he pushed for African Americans to get more economic and political power.

⁴ James A. Tyner, “Territoriality, Social Justice and Gendered Revolutions in the Speeches of Malcolm X,” *Transactions of the Institute of British Geographers* 29, no.3 (2004): 339.

⁵ Hampton and Fayer, *Voices of Freedom*, 242.

⁶ Hampton and Fayer, *Voices of Freedom*, 247.

⁷ Hampton and Fayer, *Voices of Freedom*, 252-253.

However, Malcolm X pushed for greater change rather than compromising with the oppressors of African Americans, and he also promoted a sense of black pride within the community. Ossie Davis who met Malcolm X explained that “while we loved all the leaders and we worked for all leaders; Malcolm was by far morally the purest person that we ever ran across”⁸. This quote shows that there was a different view of Malcolm X other than the negative one. The fact that Davis took part in other leaders’ programs and not just Malcolm X’s shows that he was not as biased as someone only working just with him and yet he still claims he was the most moral of them all. Malcolm X did not back down, he wanted African Americans to experience black pride and achieve equality without having to give into their oppressors. Sonia Sanchez said of him that “He made us feel loved. And he made us feel that we were worth something finally on this planet Earth. Finally, we had some worth.”⁹ This shows how Malcolm X had the ability to make African American’s believe more in their own self-worth. This was extremely helpful to the movement as it advocated for more people to stand up for their rights and demand respect. Malcolm X also explains in his “The Bullet or The Ballot” speech that Black Nationalism pushed for African Americans to be conscious of who they vote for, gain political and economic control, and end the social degradation of African Americans.¹⁰ This goes against the idea that it was just a racist ideology and shows that it in fact just pushed for African Americans to gain true power and equality. Greg Whitlock points out that “although Malcom was portrayed as a hate-monger in a wide spectrum of the American media, his message contained instead righteous indignation at the historical treatment of blacks at the hands of Europeans...he increasingly sought to reach out to new allies, including revolutionary whites.”¹¹ Whitlock goes against the negative image presented of Malcolm X pointing that he simply was not afraid to point out the way that African Americans

⁸ Hampton and Fayer, *Voices of Freedom*, 252.

⁹ Hampton and Fayer, *Voices of Freedom*, 255.

¹⁰ Malcom X, “The Ballot or the Bullet,” *AEI Paper & Studies*, (2013): 132.

¹¹ Greg Whitlock, “Reexamining Dr. King and Malcolm X on Violence,” *Philosophical Forum* 27, no. 4 (Summer 1996):293.

were oppressed, not that he just pushed hate. Whitlock also notes that Malcolm X did not exclude whites from his movement (towards the end)¹² which goes against the idea that he simply hated all white people and was a so-called “black racist.” Glen Ford McClatchy points out that “at the core of Malcolm’s black nationalism was the demand for accountability to the black masses from all those who purport to govern or lead them”¹³. Malcolm X wanted change and he was not afraid to hold those in government accountable, often giving him the title of being hateful and violent, when in reality he was just unafraid to back down. McClatchy also points out that Malcolm X continually spoke out against the “Big Six” (Martin Luther King Jr., James Farmer, John Lewis, A. Phillip Randolph, Roy Wilkins, and Whitney Young)¹⁴ and charged them with “cutting deals every time they met with white people behind closed doors”¹⁵ which McClatchy says led to them being held more accountable to those they stood up for. This again shines a new light on Malcolm X, while some viewed him as having a negative impact on the movement, he actually pushed other leaders to be more accountable. Lastly McClatchy presents a quote from Malcolm X, “ We declare our right on this earth to be a man, to be a human being, to be respected as a human being, to be given the rights of a human being in this society, on this earth, in this day, which we intend to bring into existence by any means necessary.”¹⁶ This quote summarizes Malcolm X’s strong stance in his uncompromising fight for equality. He was willing to do anything for his movement. Although this did not exclude violence it is important to note that Malcolm X was not arbitrarily pushing for violence without reason but was fighting for equality.

¹² Whitlock, “Reexamining Dr. King and Malcolm X on Violence,” 293.

¹³ Glen Ford McClatchy, “Another View: Remembering Malcom X on His 85th Birthday,” *Hanford Sentinel*, May 21, 2010, 1.

¹⁴ McClatchy, “Another View: Remembering Malcom X on His 85th Birthday,” 1. ¹⁵ McClatchy, “Another View: Remembering Malcom X on His 85th Birthday,” 1. ¹⁶ McClatchy, “Another View: Remembering Malcom X on His 85th Birthday,” 2.

Malcolm X wanted to push the movement past just desegregation. This can be seen when Malcolm X described the difference between a Negro Revolution and a Black Revolution. He explained that a Negro Revolution (in 1965) was,

“It’s the only revolution in which the goal is a desegregated lunch counter, a desegregated theater, a desegregated park, and a desegregated public toilet; so you can sit down next to white folks-on the toilet. That’s no revolution. Revolution is based on land...Land is the basis of freedom, justice, and equality.”¹⁷

Although this can be interpreted as Malcolm X solely being against the civil rights movements in the United States, it is important to note that he says it is Martin Luther King’s and others goal, thus the final thing they are fighting for. Malcolm X believed that African Americans should be fighting for more and that if they just stop at segregation, true equality will not be achieved. He explains this further in February 1965 pointing out that in Harlem all of the buildings and homes are owned by white people and black people just paid rent and bought the products (products they were charged highly for despite being low quality)¹⁸. Malcolm X saw that the problems were deeper than just segregation, white people continued to exploit African American and were able to do so by owning all of the land. Malcolm X also pointed out that another issue with land was gerrymandering, explaining how white people would keep power away from African American by changing the voting districts to ensure there were no districts heavily concentrated in African Americans¹⁹. This was again another issue he believed should be fought against that was more serious than segregation. Malcolm X also pushed for economic changes believing capitalism to be an inherently racist system and that every white person who was not racist

¹⁷ James A. Tyner, “Territoriality, Social Justice and Gendered Revolutions in the Speeches of Malcolm X,” *Transactions of the Institute of British Geographers* 29, no.3 (2004): 336.

¹⁸ Tyner, “Territoriality, Social Justice and Gendered Revolutions in the Speeches of Malcolm X,” 338.

¹⁹ Tyner, “Territoriality, Social Justice and Gendered Revolutions in the Speeches of Malcolm X,” 336.

had the philosophy of a socialist.²⁰ This points out the wide variety of things Malcolm X stood for and believed in. This proves that he should not just be remembered as this hateful man who wanted to separate black people from white people.

Malcolm X did not stand for meaningless violence but rather self-defense and a necessary option in the fight for equality. Malcolm X's basic explanation for the use of violence is that African Americans were already under attack by white America and anything African Americans did against that was self-defense. In a radio show three days before his death Malcolm X was asked if he incited violence. In response he stated, "Don't ever accuse a black man for voicing his resentment and dissatisfaction for inciting the situation. You have to indict the society that allows these things to exist."²¹ Here, Malcolm X argues that African Americans should not be blamed and attacked for how they choose to fight back against the oppression but rather the people in power who created the unjust situations African Americans live in should be blamed. Instead of blaming the victim (in this case African Americans) the perpetrator should be blamed (in this case the white people in power). Whitlock further explains Malcolm X's stance that although he believed a nonviolent revolution could occur in the United States because of the political systems in place, due to the fact that the United States was "morally bankrupt" and because white liberals still wanted more jobs for themselves, change could not come without any violence²². This shows that Malcolm X was not "for violence" he simply believed it was inevitable in the United States, he did not think white people would willingly allow for the growth of African American rights without some violence being involved. Malcolm X also believed that a human's right to self-defense was a human right and inalienable.²³ Again this helps explain that when speaking about and "promoting" violence he was talking about self-defense.

²⁰ Tyner, "Territoriality, Social Justice and Gendered Revolutions in the Speeches of Malcolm X," 338.

²¹ Tyner, "Territoriality, Social Justice and Gendered Revolutions in the Speeches of Malcolm X," 338.

²² Whitlock, "Reexamining Dr. King and Malcolm X on Violence," 291-292.

²³ Whitlock, "Reexamining Dr. King and Malcolm X on Violence," 296.

He did not just promote violence in any case. Malcolm X himself said that, “And when I saw we should defend ourselves against the violence of others, they use their press skillfully to make the world think that I am calling for violence, period. I wouldn't call anybody to be violent without a cause. But I think the black man...will be more justified when he stands up and starts to protect himself.”²⁴ This shows how Malcolm X only called for violence in defense and due to this history of continual violence against African American, they had the right to use violence. African Americans had continually been under attack since the start of the slave trade in American, so they had the right to defend themselves against their perpetrators.

Malcolm X was also very successful in giving moving speeches. Jack Taylor explains how Malcolm X had to find a way to get across his serious message and appeal to both radicals and more centrist thinkers. He says that “Malcolm [developed] a brilliant rhetorical strategy: You tell jokes; you use humor as a means to deliver messages that might otherwise go unspoken or unheard.”²⁵ Even when talking about very serious issues or making “dangerous” statements such as that the Civil Rights Act will only end in tokenism, Malcolm always did it with a joke. This is a successful strategy because jokes are both able to capture the attention of the listener and lighten things up for the crowd. Chris Jackson pointed out that “Malcolm X will be remembered for his laser-like assessment of American racism and for his iconic oratorical/literary/ leadership ability.”²⁶ This shows that in his speeches he was able to clearly get across his message and that he had a very distinct speech giving ability. Sonia Sanchez said “I’ve never seen anyone appeal to such a broad audience” and described the countless types of people- from professors to drug dealers seen in his audience.²⁷ This shows that he had the

²⁴ Whitlock, “Reexamining Dr. King and Malcolm X on Violence,” 297.

²⁵ Jack Taylor, “Laugh! The Revolution Is Here: Humor and Anger in the Speeches of Malcolm X,” *Journal for the Study of Radicalism* 13, no. 2 (Fall 2019): 162.

²⁶ Chris Jackson, “Martin K., Malcom X. and Billy G,” *Tennessee Tribune*, March 8th, 2019, 1.

²⁷ Hampton and Fayer, *Voices of Freedom*, 254.

ability to make his speeches apply to everyone and that they were entertaining enough to draw in everyone, not just academics, yet were “intelligent” enough to gain the attention of professors. Marian Wright Elderman, a Yale Law school student spoke of how Malcolm used anger, humor, and passion in his speeches and was able to combat any criticism he was given and had to be “tricked” into saying something that did not go with his message.²⁸ This again shows what a wonderful speaker he was. Being such a great speaker is important since it allows for him to get his message across to countless people and change people’s minds and bring them into his movement. Additionally, it is important for how we remember him because of the effect it had on his followers and in them being able to continue his movement after his death.

Malcolm X’s relationship with Martin Luther King Jr was a complex one; however, there were issues they agreed upon and the media exacerbated the divide. It is clear to see how Malcom X and King had separating views. As seen already Malcolm X believed that King compromised too much, criticized his fight against desegregation, and had differing views on the use of violence. However, they did share common ground. Whitlock explains that “King and Malcom all agree that the complacent non-resistor falls below the violent resistor to injustice.”²⁹ Both of them believed that the person to sit back and do nothing hurt the movement the most, so while some may believe Martin Luther King Jr. would pick the violent protestors as the most harmful people and some may believe that Malcolm X would pick the non-violent protests, this was not true. Although he never met King, Malcolm X did briefly interact with his wife Coretta Scott King who said “I think that Martin and Malcom agreed in terms of the ultimate goal of the freedom struggle...I know Martin had the greatest respect for Malcom and he agreed with him in terms of the feeling of racial pride.”³⁰ This shows that

²⁸ Hampton and Fayer, *Voices of Freedom*, 250.

²⁹ Whitlock, “Reexamining Dr. King and Malcolm X on Violence,” 302.

³⁰ Hampton and Fayer, *Voices of Freedom*, 264.

Malcolm and King shared common ground and King's own wife believed that there was a respect and understanding between each other. Mrs. King also points out that she believes they could have made a strong force against oppression if they ever met. It is also important to note the role the media played in their divide. Whitlock points out that "the mass media distorted the positions of both Malcolm and Dr. King concerning self-defense and violence"³¹ and later points out that Malcolm X realized this and King was actually more radical than the media made him out to be, thus making him regret anything he said to create a divide between them.³² This shows that there could have been middle ground found between the two but the media worked to separate them and make it seem like they were more different than they actually were. Also, about a year before his death in his "The Ballot or the Bullet" speech Malcolm X said "So I say in my conclusion, the only way we're going to solve it: we got to unite. We got to work together in unity and harmony."³³ So with this view toward the end of his life it is possible that Malcolm X would have wanted to find some way to unite with King. Sadly, King and Malcolm had plans to meet, however Malcolm was assassinated a week before said meeting.³⁴ Perhaps if they had met they could have come together to create change or realized the things they shared in common and perhaps it is the very fact that there was a chance these two revolutionary workers were going to finally work together, that led up to Malcolm X's assassination.

Malcolm X also had the ability to change and adapt to what would be best in the fight for equality. In talking about how we should remember Malcolm X Grace Lee Boggs points out that he underwent a massive transformation after his separation from the Nation of Islam as he now had the chance and the need to come up with his own platform and ideology from scratch in 1964.³⁵ To do so

³¹ Whitlock, "Reexamining Dr. King and Malcolm X on Violence," 299.

³² Whitlock, "Reexamining Dr. King and Malcolm X on Violence," 302.

³³ X, "The Ballot or the Bullet," 133.

³⁴ Whitlock, "Reexamining Dr. King and Malcolm X on Violence," 302.

³⁵ Grace Lee Boggs, "Martin and Malcolm: How Shall We Honor Our Heroes?" *Monthly Review: An Independent Socialist Magazine* 49, no.2, (1997): 10.

Malcolm traveled to Africa and the Middle East completing the Hajj. His travels in Africa and the Middle East also made Malcom X come to realize something else as well, “in every country you go to, usually the degree of progress can never be separated from the women. If you’re in a country that’s progressive, the woman is progressive.”³⁶ Malcolm X realized that the progress of women was also important in order to create a country of equality. Although previously less concerned with the rights of women he then said “I became thoroughly convinced of...the importance of giving freedom to the woman, giving her education, and giving her the incentive to get out there and put that same spirit and understanding in their children.”³⁷ This shows how Malcolm X grew and was open to changing how he viewed what was necessary to make a more equal country. Ossie Davis pointed out that “Malcolm was truly dedicated to the progress of black people, and to the point where he was prepared to modify even his philosophy...to take back what he had said against white folk.”³⁸ This shows that Malcolm X was not stuck in his ways and was able to change his message in order to best push the movement for rights.

Malcolm X also was inspired by the movements going on in Africa and thought the United States could learn from them. As stated, before Malcolm X traveled to Africa and there, he saw the issues created by colonization and that the sufferings of black people spread far beyond America. He also drew on the revolutions and independence movements in Africa for inspiration for the United States, “I can best learn how to get real freedom by studying how Kenyatta brought it to his people in Kenya...and the excellent job that was done by the Mau Mau freedom fighters.”³⁹ Malcolm saw a connection between what was going on in Africa to what was going on in the United States and saw that what was successful there could be in America as well. Louis Nthenda was a young Malawian student

³⁶ Tyner, “Territoriality, Social Justice and Gendered Revolutions in the Speeches of Malcolm X,” 340.

³⁷ Tyner, “Territoriality, Social Justice and Gendered Revolutions in the Speeches of Malcolm X,” 340.

³⁸ 260

³⁹ Tyner, “Territoriality, Social Justice and Gendered Revolutions in the Speeches of Malcolm X,” 340.

who was a part of the independence movements there, who got to meet Malcolm X in England. In his memoir he wrote about the difference between a “house negro” and a “field negro” in the fight for equality in America, saying that “field negros,” “didn’t care and wouldn’t put out a master’s house engulfed in flames.”⁴⁰ This description shows that the “field negro” was someone less likely to compromise and find common ground with the oppressor, a befitting description for someone like Malcolm X. Meeting with Malcom X Nthenda said that “Malcom and I found common cause as my youthful sympathies lay with the field negro.”⁴¹ This again shows a connection between the movements in Africa and Malcom X’s movement. He not only drew inspiration from Africa but he also gave a broad message that those in Africa agreed with as well. Amadi Ajamu said “With regard to the situation in Africa...it [was] clear that Malcolm was likely the most instructive of our leaders in getting us to understand our relationship with Africa and its right to independence and self- determination.”⁴² This shows how more than any other civil rights leaders Malcom X drew on the connections with what was going on in Africa to the movements in America.

In conclusion, Malcolm X should not be remembered as a “black racist” who pushed for violence, but rather as someone who wanted to uplift African Americans, push the civil rights movement further, and a man of great speech and adaptability abilities. Although he is not without controversy, he played an important role in the Civil Rights movement and was clearly passionate about Black Pride and rights throughout the world.

40 Louis Nthenda, “1964: A Personal Memoir,” *The Society of Malawi Journal* 68, No. 212 (1964):12.

41 Nthenda, “1964: A Personal Memoir,” 13.

42 Amadi Ajamu, “Honoring Malcolm X on the streets of Harlem,” *New York Amsterdam News*, May 12, 2011, 6.

Bibliography

- Ajamu, Amadi. "Honoring Malcolm X on the streets of Harlem." *New York Amsterdam News*, 102, no. 19 (May 2011): 6.
- Boggs, Grace Lee. "Martin and Malcolm: How Shall We Honor Our Heroes?" *Monthly Review: An Independent Socialist Magazine* 49, no.2 (1997): 10.
- Jackson, Chris. "Martin K., Malcom X. and Billy G." *Tennessee Tribune*, March 8, 2018.
- X, Malcom. "The Ballot or the Bullet." *AEI Paper & Studies* (2013): 132-133.
- McClatchy, Glen Ford. "Another View: Remembering Malcom X on His 85th Birthday." *The Hanford Sentinel*, May 21, 2010.
- Nthenda, Louis. "1964: A Personal Memoir." *Society of Malawi Journal* 68, no.2 (2015): 1–17. Taylor, Jack. "Laugh! The Revolution Is Here: Humor and Anger in the Speeches of Malcolm X." *Journal for the Study of Radicalism* 13, no. 213 (2019): 159–86.
- Tyner, James A. "Territoriality, Social Justice and Gendered Revolutions in the Speeches of Malcolm X." *Transactions of the Institute of British Geographers* 29, no. 3 (2004): 330-343.
- Whitlock, Greg. "Reexamining Dr. King and Malcolm X on Violence." *Philosophical Forum* 27, no.4 (1996): 286-320.

“Thurgood Marshall and His Legacy”

Michael Grell

While Thurgood Marshall can be remembered as the first African American nominated to serve on the United States Supreme Court, many only look at his legacy while he served on the court and don't look anywhere else. During his time serving on the Supreme Court, he is often remembered for his involvement in cases in the fields of civil rights and criminal justice. While his legacy on the Supreme Court bench is quite important and should be remembered by all Americans for his service to it, his legacy before he reached the bench of the Supreme Court is entirely overlooked.

Before his time serving on the Supreme Court, he founded the *NAACP Legal Defense and Education Fund*, where he served as the executive director. While holding this position, he argued before the Supreme Court cases such as *Brown v. Board of Education*, *Sweatt v. Painter*, and *Shelley v. Kraemer*. These cases were landmarks in themselves for pushing legislation out of existence that was put in place only to restrict the very sacred rights of minorities and not guarantee them equal protection under the law. Ultimately, this paper will argue that during his time before being nominated to the Supreme Court, his prominence and ascension to the court was built upon a long legacy of putting the rights of mistreated citizens first and fighting for their rights for equal protection under the law. As previously mentioned, this is quite evident as Marshall helped usher in sweeping changes that would overhaul how we as Americans look at our legal system, specifically in the context of minorities, and how the legal system treats them. This argument will be built upon the author Will Haygood, scholar Christopher Vasilopoulos, works from the *Quarterly Journal of Speech*, and other scholarly insights. Primary documents from Thurgood Marshall's own collection and court documents will also be incorporated into the argument to help further examine his life and the purpose it served.

As mentioned previously, Thurgood Marshall was an attorney, but his life before his professional career is also one that is one that should not go unnoticed. Born in the city of Baltimore in 1908, Marshall is the grandson of a freed slave and Union Soldier.¹ Marshall's family dynamic, established at a young age, helped him develop a strong sense of character and determination that would translate into the courtroom. "From his parents he derived a sense of identity, of self-worth, of destiny. He learned from them not to be bitter in the face of racial discrimination and to judge people, white and black, by their character and their achievements."² This sentiment is something that Marshall would think about and carry with him throughout his whole life. After Marshall graduated from high school in Baltimore, he attended Lincoln University. By many accounts, it was called "black Princeton" because much of the faculty were Princeton alumni.³ Having been surrounded by such exceptional faculty and other students of African American descent at Lincoln, Marshall planned on challenging the "status quo" and applied to the all-white University of Maryland School of Law. To his dismay, he was not accepted there and attended Howard University School of Law in Washington D.C. instead. It was here, at this all African American institution, that Marshall showed his genuine self-determination and dedication, graduating top of his class and receiving some of the highest honors, even from the Dean, Charles Hamilton Houston. Houston enlightened Marshall on the practice of lawyering and gave him this advice, "lawyers

¹ Freedman, James O. "Thurgood Marshall: Man of Character." In *Idealism and Liberal Education*, 129-44. Ann Arbor: University of Michigan Press, 1996. www.jstor.org/stable/10.3998/mpub.23245.20.

² *Ibid.*, 131.

³ *Ibid.*, 131.

are either social engineers or parasites.”⁴ Marshall would take this advice and be the social engineer for all, and help make the world a better place by engineering laws that were just and fair for all races. This sentiment can be exemplified in almost all of the court cases he was involved in over his life.

First and foremost, Thurgood Marshall was an attorney. Early on in his career, he took great pride in this aspect of his life. Mark Tushnet of the *Stanford Law Review* recalls, “Marshall always thought of himself as a lawyer first and a civil rights ‘leader’ - a term he was skeptical about- second.”⁵ And while being critical of yourself is something that may be good in some aspects of a person’s life, Marshall’s self-doubts only made him a stronger person, and colleagues who would see him in the courtroom acknowledged Marshall’s natural instinct of making impactful statements.⁶ This statement can be validated by the court cases in which he had a significant impact in such as *Shelley v. Kraemer*, *Smith v. Allright*, *Morgan v. Virginia*, *Sweatt v. Painter*, and most notably *Brown v. Board of Education of Topeka*.⁷ All of these cases were impactful in regards to reversing legislation that had been in place for so long in the U.S. to legally allow and suppress those who were of minority status, many of whom were African American. Even those who litigated against Marshall would take note of his natural abilities and to Marshall’s surprise, get commendations for his speaking abilities in the courtroom. “Texas Supreme Court Chief Judge Joe Greenhill, who litigated against Marshall as a young trial lawyer in the state attorney general’s office, recalled that Marshall was “a real pro in examining and cross-examining witnesses.”⁸ And while Marshall did receive many accolades for his performance in the courtroom, these comments did not always equate to winning cases. Early on in his career,

⁴ Ibid., 131.

⁵ Tushnet, Mark. "Lawyer Thurgood Marshall." *Stanford Law Review* 44 (1992): 1277-299. doi:10.2307/1229060

⁶ Ibid., 1277.

⁷ Powell, Lewis F. "Tribute to Justice Thurgood Marshall." *Stanford Law Review* 44 (1992): 1229-230. doi:10.2307/1229054

⁸ Tushnet, Mark. "Lawyer Thurgood Marshall." *Stanford Law Review* 44 (1992): 1277-299. doi:10.2307/1229060

working for the New York national office of the NAACP, Marshall received quite many challenges when deliberating in the courtroom. Time and time again, winning a case in Marshall's eyes would just mean for his clients, avoiding the death penalty, or getting a life sentence.⁹ Marshall's character was tested very early on in his young career, and his early work for the NAACP is prime evidence that not all legal work is easy. Favorable results did not always occur in a system that is systematically working against you.

As Thurgood Marshall became more prominent, his fame came with fortune, and Marshall's fortune came in a different light than the average person. For him, his time serving as an attorney deliberating before the audience of the Supreme Court would earn him notoriety. This fortune not only got him fame, but recognition for his true self, and what he stood for among his peers. A real example of recognition of Marshall's significance in the courtroom and what it meant to the American legal system is exemplified in his nomination to the Supreme Court. Now while his time before reaching the court is of great importance to his career, it is essential to note that his nomination signified to the American people and the world that the American legal system would now always value the notion of "civil rights."¹⁰ "The confirmation debate concerning Thurgood Marshall's nomination explored and configured the evolving commitment to "civil rights" as an organizing principle of American jurisprudence and constitutional democracy. It was, therefore, a moment of profound significance, for this nomination invited a public judgment about the nature and relevance of 'civil rights' for the American community."¹¹ This idea of "civil rights" would be something that would be carried out throughout his whole legal career. But to understand how Marshall would value "civil rights",

⁹ Ibid., 1277.

¹⁰ Parry-Giles, Trevor. "Character, the Constitution, and the Ideological Embodiment of 'Civil Rights' in the 1967 Nomination of Thurgood Marshall to the Supreme Court." *Quarterly Journal of Speech* 82, no. 4 (November 1996): 364. doi:10.1080/00335639609384163.

¹¹ Ibid., 370.

and what his nomination would mean for the normalization of them in the greater American legal system, you need to look at the court cases before he rose to fame.

One of the most prominent cases Thurgood Marshall had a tremendous influence in was *Brown v. Board of Education of Topeka*. This case would be one to define Marshall's career and would put him over the top as qualifying for being a Justice on the Supreme Court. As Christopher Vasilopoulos says, "So important was *Brown* that Marshall did not need any appointment to the Supreme Court to achieve greatness. It is not too much to say that the High Court needed Thurgood Marshall more than he needed the Court."¹² In this case, Marshall helped orchestrate an argument insisting that state laws that were put into legislation to racially segregate children in schools, even if these schools were equal in overall quality, was unconstitutional. In a unanimous decision given by the Supreme Court, the Justices agreed with Marshall and in favor of the practice of school segregation being put to an end. The plaintiffs, most notably represented by Marshall were able to exemplify to the Court that the "separate but equal" clause asserted in *Plessy v. Ferguson*, was unequal and violated the protections given to citizens from the Equal Protections Clause of the Fourteenth Amendment.¹³ In his asserting opinion, Chief Justice Earl Warren stated, "We conclude that, in the field of public education, the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment."¹⁴

¹² Vasilopoulos, Christopher. "Prevailing Upon the American Dream: Thurgood Marshall and *Brown v. Board of Education*." *The Journal of Negro Education* 63, no. 3 (1994): 289-96. doi:10.2307/2967181

¹³ "Brown v. Board of Education of Topeka (1)." Oyez. Accessed November 22, 2019. <https://www.oyez.org/cases/1940-1955/347us483>. (Court Docket from Case)

¹⁴ *Ibid.*, (Oyez, *Brown v. Board of Education of Topeka*)

This decision handed down by the Supreme Court, forever changed how the legal landscape thereafter would interpret the Fourteenth Amendment and formally bring an end to legally protected segregation often seen in public schools. This opinion blatantly stated by Justice Warren is quite an evident example of how Marshall's early career of fighting for others who could not stand up for themselves, especially those of color, was not only for his own personal gain but for the greater good of all American people.

To continue along with this theme of Marshall being a "people's champion," a case that Marshall had involvement in six years prior to *Brown v. Board of Education of Topeka*, that also had much prominence in his career was *Shelley v. Kraemer*. As many would think that *Brown v. Board of Education* was the first case to recognize racial segregation in our legal system, that predetermination is wrong in that *Shelley v. Kraemer* in 1948, was one case that is often overshadowed by the average person. *Shelley v. Kraemer* was one of the first cases to help bring an end to officially recognized discrimination that had previously been protected under the law.¹⁵ The lawsuit *Shelley v. Kraemer* also threatened to undermine measures that promoted residential segregation.¹⁶ When it was brought to the attention of the Supreme Court in 1948, the argument made by the plaintiff's counsel, one of whom being Thurgood Marshall, got an answer that was an early indication that Civil Rights was making its way into the American legal system. They argued that the validity of private covenants, enforced by state law restricting the use and occupancy of certain real estate only to white people, was not only illegal, but the use of state laws to enforce private covenants denied African Americans access

¹⁵ Anastaplo, George. "Shelley v. Kraemer (1948); Brown v. Board of Education (1954, 1955)." In *Reflections on Constitutional Law*, 146-52. Lexington, Kentucky: University Press of Kentucky, 2006. www.jstor.org/stable/j.ctt2jcfbw.26.
¹⁶ *Ibid.*, 147.

to equal protection as stated in the fourteenth amendment.¹⁷ As stated by Chief Justice Vinson asserting the Court's opinion, "We hold that, in granting judicial enforcement of the restrictive agreements in these cases, the States have denied petitioners the equal protection of the laws, and that, therefore, the action of the state courts cannot stand. We have noted that freedom from discrimination by the States in the enjoyment of property rights was among the basic objectives sought to be effectuated by the framers of the Fourteenth Amendment."¹⁸ In a letter following the Supreme Court's verdict on May 3, 1948, in relevance to *Shelley v. Kraemer*, Marshall wrote a letter to the press on his thoughts of the outcome of the verdict, and what it means to the nation. In his own words, "Today's decision of the Supreme Court of the United States in holding racial restrictive covenants unenforceable is a complete justification of the National Association for the Advancement of Colored People's thirty-one-year fight to outlaw discrimination in housing. This ruling by the court gives thousands of prospective homebuyers throughout the United States new courage and hope in the American form of government."¹⁹

Shelley v. Kraemer, as important of a case it was for the time, would only be another building block in the road to establishing equal rights for Thurgood Marshall. He would be called upon two years later, to continue the fight of fighting for African Americans who sought his legal counsel to give them a chance of gaining an equal opportunity in obtaining a law degree. This is something that Marshall worked so tirelessly for himself to get, and he would not let others fall victim to the pitfalls of a system of segregation that almost denied him from obtaining his legal education. When the lawsuit was filed,

¹⁷ Powell, Lewis F. "Tribute to Justice Thurgood Marshall." *Stanford Law Review* 44 (1992): 1229-230. doi:10.2307/1229054

¹⁸ "Shelley v. Kraemer." Oyez. Accessed November 23, 2019. <https://www.oyez.org/cases/1940-1955/334us1> (Court Docket From Case)

¹⁹ Long, Michael G. *Marshalling Justice: the Early Civil Rights Letters of Thurgood Marshall*. New York, NY: Amistad, 2011. (pg.235)

²⁰ "Sweatt v. Painter." Oyez. Accessed November 24, 2019. <https://www.oyez.org/cases/1940-1955/339us629>. (Court Docket From Case)

an African American man named Herman Marion Sweatt was denied admission to the University of Texas School of Law.²⁰ State laws in Texas had been enacted to restrict university access to only whites, because of this, Sweatt's application was automatically rejected. Sweatt then proceeded to take his case to Texas's state court, asking them to order the University to admit him. In the state's ruling, they had given him admission, but used a previous Supreme Court, *Plessy v. Ferguson*, in which they could admit African American students while keeping segregation as long as the facilities were "separate but equal."²¹ This law school that was established for African Americans was a total sham, and Sweatt realized this very early on and would begin to seek the help of the NAACP, and in doing so, Thurgood Marshall had substantial involvement in this case. "After four years of litigation the Supreme Court of the United States in the renowned case of *Sweatt v. Painter* ordered that Sweatt be admitted to the University of Texas School of Law."²² This case made its way to the Supreme Court, and the Court would rule in Sweatt's favor and a unanimous decision with the words of Chief Justice Vinson concluding, "We hold that the Equal Protection Clause of the Fourteenth Amendment requires that petitioner be admitted to the University of Texas Law School. The judgment is reversed, and the cause is remanded for proceedings not inconsistent with this opinion."²³ Marshall being a significant influence in the *NAACP Legal Defense and Education Fund*, received much praise for his action and perseverance of helping push the litigation forward and to help make further Civil Rights progress even in the higher education system. Pauli Murray, the clerk for the Supreme Court, at the time of *Sweatt v. Painter's* ruling, wrote a letter to Marshall congratulating him on his effort in the case of the

²¹ Ibid., (Oyez, Sweatt v. Painter)

²² "The Sweatt Family Blazes a New Trail Into Jim Crow." *The Journal of Blacks in Higher Education*, no. 8 (1995): 35. doi:10.2307/2963037.

²³ Ibid., (Oyez, Sweatt v. Painter)

overall victory. Naturally, Marshall wrote a letter back to Murray and in his own words, said, “Thanks for your letter of congratulations on the Sweatt and McLaurin cases. Of course it would have been good for the court to have overruled *Plessy v. Ferguson*, but a careful reading of the opinions will show that for all intents and purposes, *Plessy v. Ferguson* has been gutted.”²⁴ This ruling would not only help undermine the validity of *Plessy v. Ferguson* but would also help establish a more solid legal argument for *Brown v. Board of Education of Topeka*, a case that would follow four years after *Sweatt v. Painter*.

Ultimately, Thurgood Marshall’s impression left in the American legal system, especially in the lower courts and leading up to the Supreme Court, proved his dedication for fighting for African Americans and their right for equal rights in all aspects of life. While it is crucial to understand his recognition on the Supreme Court as the first African American Justice appointed, Americans also need to understand what it meant for him when he was nominated and that the previous legal battles that were critical in asserting his nomination, were of great personal sentiment to him. Marshall had been a fighter and not a quitter his whole life. And this statement can be validated through his early years as a law student and up until his death. Marshall never quit, and because of this quality, he would not let others quit who would seek his legal assistance.

Bibliography

Anastaplo, George. "Shelley v. Kraemer (1948); Brown v. Board of Education (1954, 1955)." In *Reflections on Constitutional Law*, 146-52. Lexington, Kentucky: University Press of Kentucky, 2006. www.jstor.org/stable/j.ctt2jcfbw.26.

²⁴ Long, Michael G. *Marshalling Justice: the Early Civil Rights Letters of Thurgood Marshall*. New York, NY: Amistad, 2011. (pg.277)

"Brown v. Board of Education of Topeka (1)." Oyez. Accessed November 22, 2019. <https://www.oyez.org/cases/1940-1955/347us483>. (Court Docket from Case)

Freedman, James O. "Thurgood Marshall: Man of Character." In *Idealism and Liberal Education*, 129-44. Ann Arbor: University of Michigan Press, 1996. www.jstor.org/stable/10.3998/mpub.23245.20.

Long, Michael G. *Marshalling Justice: the Early Civil Rights Letters of Thurgood Marshall*. New York, NY: Amistad, 2011. (pg.235)

Long, Michael G. *Marshalling Justice: the Early Civil Rights Letters of Thurgood Marshall*. New York, NY: Amistad, 2011. (pg.277)

Parry-Giles, Trevor. "Character, the Constitution, and the Ideological Embodiment of 'Civil Rights' in the 1967 Nomination of Thurgood Marshall to the Supreme Court." *Quarterly Journal of Speech* 82, no. 4 (November 1996): 364. doi:10.1080/00335639609384163.

Powell, Lewis F. "Tribute to Justice Thurgood Marshall." *Stanford Law Review* 44 (1992): 1229- 230. doi:10.2307/1229054

"Shelley v. Kraemer." Oyez. Accessed November 23, 2019. <https://www.oyez.org/cases/1940-1955/334us1> (Court Docket From Case)

"Sweatt v. Painter." Oyez. Accessed November 24, 2019. <https://www.oyez.org/cases/1940-1955/339us629>. (Court Docket From Case)

The Sweatt Family Blazes a New Trail Into Jim Crow." *The Journal of Blacks in Higher Education*, no. 8 (1995): 35. doi:10.2307/2963037.

Tushnet, Mark. "Lawyer Thurgood Marshall." *Stanford Law Review* 44 (1992): 1277-299. doi:10.2307/1229060

Vasilopoulos, Christopher. "Prevailing Upon the American Dream: Thurgood Marshall and Brown v. Board of Education." *The Journal of Negro Education* 63, no. 3 (1994): 289-96. doi:10.2307/2967181