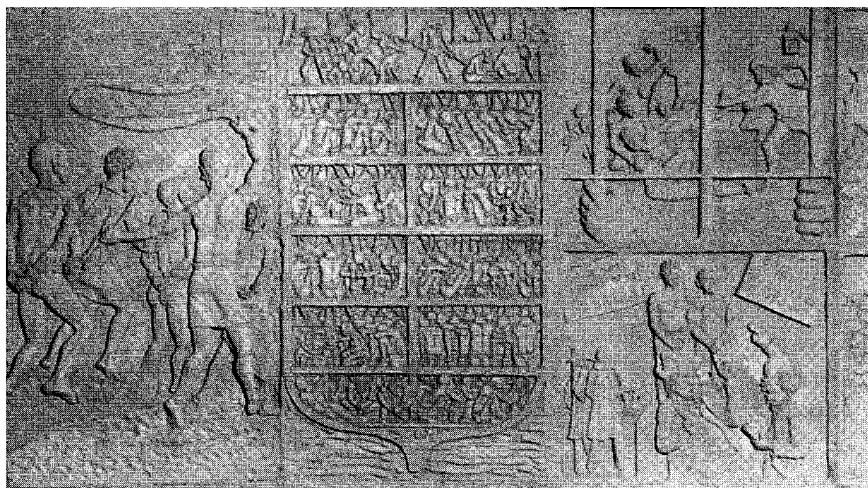


Perspectives in HISTORY



ALPHA BETA PHI
CHAPTER
PHI ALPHA THETA

JOURNAL OF THE ALPHA BETA PHI
CHAPTER OF PHI ALPHA THETA

**Perspectives
in
HISTORY**

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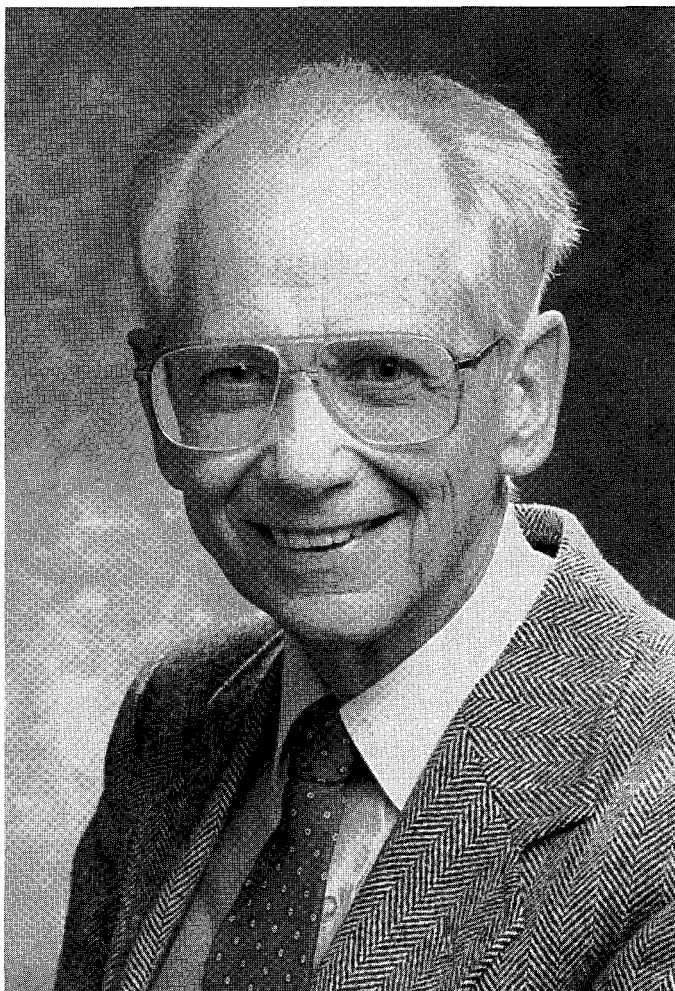
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75 OFFICERS

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*Volume XIV of Perspectives in History is
dedicated to
Dr. James A. Ramage, Faculty Advisor,
Alpha Beta Phi Chapter, Phi Alpha Theta*

DEDICATION

Of all the requests made of me, I was never more flattered than by the invitation of the staff of *Perspectives in History* to write the statement in dedication of this issue to their Faculty Advisor, Regents Professor Dr. James A. Ramage. Frequently I have said that if I have any claim to fame it is my privilege to point to many graduates I have taught through almost half a century. Of all these graduates, none makes me more proud than Jim Ramage.

It is superfluous to note his very extensive publications. His books and articles are undoubtedly familiar to all Civil War scholars and lay readers. Dr. Ramage has probably lectured to more numerous and more varied audiences than any other faculty member at Northern. He has given generously of his time to his community and to this University, which he serves so well. Yet, emulating the distinguished president of the American Historical Association who some years ago entitled his address "Let Us Gladly Teach," Jim has always found time for the classroom.

Most particularly, over the past fifteen years, this Air Force veteran has piloted Alpha Beta Phi Chapter of Phi Alpha Theta to the national Best Chapter Award in six out of the last seven years and two Gerald D. Nash Student Journal Awards. More than two hundred student members have benefited from his leadership. Many times he has accompanied students on field trips to historic sites and to out-of-town Phi Alpha Theta conventions.

Beyond any facet of the academic, Dr. James Ramage is the personification of the individual of integrity. Imbibing deep religious convictions in his early years in rural western Kentucky, he has never been ashamed to make spiritual values basic to the professional academic life. When I became Northern's first president, I knew that my former Murray State University student was the type of individual I wanted as my administrative assistant. I invited him to join Northern as one of the first half-dozen appointees I recruited. I could hardly have foreseen the enormity of the permanent contributions he has made to students, fellow faculty, and administrators wise enough to seek his counsel. May he continue down the professional path he chose in preference to that of administration; may many future students have the privilege of knowing him.

Frank Steely

LETTER FROM THE PRESIDENT

It is my privilege, as President of Alpha Beta Phi Chapter of Phi Alpha Theta, to welcome you to another edition of *Perspectives in History*. We want to thank those students and faculty of Northern Kentucky University who have contributed to this year's volume. We express appreciation to our Editor, Bonnie May, and to Faculty Advisor, Dr. James Ramage, for all of the time they took from their busy teaching schedules to edit and publish the journal. These contributions of effort and time have enhanced the reputation of the journal and made it successful.

This year has been a wonderful success for the Chapter. We won the 1998 Best Chapter Award and the 1998 Gerald D. Nash Student Journal of History Prize. This marks the second time the journal has won in national competition, and the Chapter has won the Best Chapter Award in six of the last seven years. At the Regional Meeting at Cumberland College on April 10, 1999, Bonnie May won the Best Paper Award in the graduate division.

Both the Best Chapter Award and the journal award came with a \$250 stipend. Funds from the journal award will be applied to the expenses in publishing this year's volume, and we are grateful to Dr. Rogers Redding, Dean of the College of Arts and Sciences, for matching the grant with another \$250. The Chapter voted to request Acting Archivist Nicole Justice to purchase books for Special Collections in the Steely Library with the funds from the Best Chapter Award. We appreciate Nicole's help.

The Chapter sponsored a wide range of activities. With Regents Professor, Dr. Michael Adams, and the History and Geography Department, we co-sponsored the Military Lecture Series which featured five well-attended lectures and a panel presented one afternoon and again that evening. Dr. Thomas E. Comte, Professor of Management and Marketing, related his experiences in the Vietnam War and showed slides. His paper was entitled, "'Coastal Group 37': A Memoir of the Junk Force in the Mekong Delta." Dr. Michael Adams lectured on "'What Parker Did and Pitcairn Said': An Investigation into the Affair on Lexington Green, April 19, 1775." Agnes Feak, Chair of the National Women Veterans Committee, and Linda Spoonster Schwartz, Chair of the National Veterans Administration Committee on Women Veterans, conducted a panel on women in the Vietnam War at 4:30 P.M. and 7:00 P.M. on January 27, 1999. Bonnie May invited the speakers and organized this program, which included lunch in the Department with some of the Phi Alpha Theta officers and faculty. The program was videotaped and has been broadcast on the University's cable channel. Suzanne De Luca spoke on "'It was Sweet While It Lasted': British Women Tell Stories of Their Relationships with American GIs During World War Two." At 7:30 in the evening on March 24, 1999, Dr. George C. Herring, Professor of History at the University of Kentucky, spoke on "'Vietnam': The War That Never Seems To Go Away." Dr. Larry Gara, Professor of History and Peace Studies at Wilmington College, lectured on "'A Few Small Candles': War Resisters of World War II."

We had a great summer picnic at Bonnie and Jim May's home on May 24, 1998; and Karen Watkins and Walt Heringer worked restoring Battery Bates on September 19, 1998. We gave a "Welcome Back" reception to the Department faculty and staff on September 16, 1998; held a Department Reception-Canned Food Drive for the Parish Kitchen in Covington on December 9, 1998; participated in the Steely Library Christmas Tree decoration, and participated in the McKee Toy Project for under-privileged children.

Our field trips were very enjoyable this year. On September 26, 1998 we went to the World War I air show and re-enactment at Wright-Patterson Air Force Base in Dayton, Ohio. We saw re-enactors dressed in flight suits and uniforms of the major powers of the war, and we learned why the troops wore leggings and the origin of the wrist watch. The highlight of the day was seeing the aircraft flying in formation and dropping flour bombs on a target. Thanks to Dr. Tripta Desai, who went with us to Dayton. On November 13-14, 1998, we took an overnight field trip to Amish country in Mesopotamia, Ohio and to the Rock and Roll Hall of Fame in Cleveland. Among the Amish, we visited in the home of Joe and Sarah Miller, parents of fourteen children, and learned about their culture, religion and life style. There was something for everyone at the Rock and Roll Hall of Fame, and especially for Elvis Presley fans.

Our fund raisers were fun and successful—many say we have the best bake sales on campus. We sold a variety of baked goods, cider and hot chocolate at Halloween and Valentine's Day and everyone enjoyed the videos we showed. Thanks go to everyone who brought items to sell and worked. On March 2-3, 1999 we had one of our best annual book sales. We are grateful to all alumni and faculty who generously donated books, without which there would have been no sale, and thanks to all of the members who worked long hours.

Six members and the Faculty Advisor attended the Regional at Cumberland College. Bonnie May's winning paper was entitled, "'She Served Too!' Women and the Vietnam War Experience," and I presented the paper "The Impact of the Media in Public Opinion After the Tet Offensive of 1968."

I would like to thank Dr. Robert Vitz, History and Geography Department Chair, and all of the faculty and staff of the department. All of the help and support during our fund raisers and other activities has been most encouraging. I thank Jan Rachford, Bertie Sandy, and Tara Higgins for their help with the journal, monthly mail-outs of the newsletter and special letters, and their cheerful help in more ways than I can mention. I thank the officers for this year: Vice-President Karen Watkins, Secretary Carrie Mayer, Treasurer Jeff May, Historian Walt Heringer, and Editor Bonnie May. Your suggestions and enthusiasm to participate made my job much easier. I especially want to thank Dr. Ramage for all the help he has given and for the inspiration he has been to me and to his students. His hard work and dedication to history is a shining example to everyone.

In closing, I would like to express the pride and honor I have had in serving as this year's President. I thank all of the people who supported me and trusted me with

this responsibility. I want to thank my wife Jenny who stood behind me and even participated in many of the Chapter activities. I hope that Alpha Beta Phi Chapter will continue to grow and flourish in future years. I trust that you will enjoy the scholarly works in this journal.

Rick Trump
President

FOREWORD

As editor of this journal for two years, I have been reminded that through history, we learn truly amazing things. During this short two years, this journal and its authors have taken some very interesting journeys into the past. In the history of Kentucky, we have studied events during the Revolutionary War, and the years of slavery and the Underground Railroad, when Kentucky was a crucial border state. We have learned about the problems of coal miners and about the love of Kentuckians for horse racing.

We have come to a better understanding of the challenges of African Americans as they faced kidnapping on the *Amistad*, lynching, riots in Chicago, and war in Vietnam. An in-depth interview with black activist Charles Sherrod and a study of colorful and courageous Supreme Court Justice Thurgood Marshall remind us of the role of leadership in positive change in our country.

We gain an appreciation of military history as we revisit Mary Silliman's Revolutionary War, and consider the battles of Lexington and Concord and Khe Sanh. We have honored the significant contribution of women in history by including articles evaluating the life of Mary Boykin Chesnut, Confederate critic of slavery, the Sears Discrimination case for women's equality, and the superb service of Eleanor Roosevelt in creating the Universal Declaration of Human Rights. We have viewed the role of art in history with articles on Mark Rothko and Russian Icons.

For the opportunity to participate in this journey, I wish to express my appreciation to Alpha Beta Phi Chapter of Phi Alpha Theta and the History and Geography Department of Northern Kentucky University. The encouragement and support of student scholarship is a major focus of this department and the resulting benefits to students are of great importance. It is with the leadership of our advisor, Dr. James A. Ramage, Regents Professor of History, that we continually pursue excellence in our endeavors. We have dedicated this edition of the journal to him in recognition of his fifteen years and, literally thousands of hours of service to the goals of this organization. Dr. Robert C. Vitz, Department Chair, provides not only support, but graciously and generously shares his budget to insure that our journal continues each year. Dr. Michael C.C. Adams, as Director of the Military History Lecture Series, seeks and obtains speakers of highest quality who provide role models for students interested in historical research and writing.

We also recognize the University's dedication to excellence. Dr. James Votruba, President of Northern Kentucky University, has set a course that demands that students and faculty work together to become a creative foundation within our community. Dr. Paul Gaston, Provost and Executive Vice President, is one of the Chapter's most enthusiastic supporters. Dr. Rogers Redding, Dean of the College of Arts and Sciences, also brings the University's dedication to excellence into action by recognizing and supporting the Chapter. This year, Dean Redding's match of our best journal award is highly encouraging.

In addition, a number of university staff make this publication possible. Kathy Stewart and University Relations, and Kathy Dawn and Printing Services readily consulted and assisted us with vital professional work in production. Joe Ruh, University Photographer, provided the cover art and Dr. Ramage's photograph. Also, our departmental staff, Jan Rachford, Bertie Sandy and Tara Higgins, provided necessary assistance in meeting our deadlines. I am very proud to present the 1998-1999 issue of *Perspectives in History* on behalf of every person who helped make it possible.

Bonnie Wheeler May
Editor

A Most Reluctant Crusade: The United States and the Creation of the Universal Declaration of Human Rights

by
Rowland Brucken

Soon after the U.S. Senate had ratified the United Nations Charter in July 1945, P. Bernard Young, the editor of a black newspaper in Norfolk, Virginia, telegraphed President Harry S. Truman. After endorsing Truman's call for free elections in Bulgaria, Young asked if his comments applied to the disenfranchisement of blacks in the American South. "This newspaper is concerned," he commented, "lest our allies and other peoples whom we have liberated increasingly doubt the sincerity of our leaders who advocate a democratic way of life for them but refuse to make it a reality in this country." The hypocrisy identified by Young, which would haunt Truman's efforts to help draft the world's first declaration of human rights, meant legal experts in the State and Justice departments had to try to satisfy several contradictory demands. They had to produce a list of human rights that would inspire peoples world-wide while preventing domestic activists from using it to challenge, in U.S. courts or United Nations (U.N.) bodies, the denial of such rights to African and Asian Americans. Their work also had to incorporate American legal norms while gaining the approval of nations with vastly different legal traditions and political agendas. The stakes were high, for the nation's credibility as the guardian of human rights was at stake as the Cold War dawned.¹

The solution chosen by the Truman Administration was to pursue a very conservative policy that celebrated vague, symbolic results. After President Franklin D. Roosevelt had committed the U.S. to support the drafting of a postwar bill of rights through the Atlantic Charter, the 1942 Declaration by the United Nations, and speeches at the San Francisco Conference that created the U.N., his successor and State Department legal advisors would push to create a list of familiar civil and political rights, adding only vague economic and social promises. They would hold out for a non-binding declaration that could not overturn domestic law. And they would contain attempts by civil rights groups to have the U.N. investigate allegations of domestic human rights abuses. After accomplishing all three goals, they would trumpet the resulting document before a global audience as the beginning of a human rights revolution. The 1948 Universal Declaration of Human Rights is a paper monument to their success. The consequences, though, would be an increasingly emasculated U.N. human rights program, strained relations with allies in the

Dr. Rowland Brucken, full-time lecturer in History at Northern Kentucky University, earned a Ph.D. in History at The Ohio State University, May, 1999. At Ohio State, he joined Zeta Chapter of Phi Alpha Theta. Teaching at Northern for his second year, he is an active member of Alpha Beta Phi Chapter.

United Nations Commission on Human Rights (UNCHR) and key African American leaders at home, and damage to U.S. credibility on human rights issues abroad.

To guide American policy through these challenges, Truman personally asked Eleanor Roosevelt to serve as a U.N. delegate. The decision was sound politics: the appointment was a memorial to her popular late husband, a reward for her own long-standing Democratic Party activism, and a stratagem designed to cement progressive support for Truman. The choice proved brilliant in retrospect. Although not a lawyer and instinctively bored by the intricacies of legal writing, she possessed a tremendous capacity to learn and the patience and diplomatic tact needed to advocate for U.S. human rights policy while also serving as chair of the UNCHR. Her appointment brought instant credibility to the department's human rights work from domestic human rights activists who knew of her work against pre-war isolationism, for assistance to wartime refugees, and on behalf of postwar peace with the Soviet Union. She also gave Truman political support from African Americans, who both remembered her husband fondly and her own work against segregation, disenfranchisement, and poverty. Appointed by the delegation to sit on the UNCHR, she presided over its deliberations for four years, gaining the respect of its members for her dedication, modesty, and composure. Accepting the appointment, though, meant she had to balance the conflicting goals of U.S. human rights policy, even when doing so contrasted with her own views and those of her nongovernmental allies.²

With World War II atrocities such as the Holocaust fresh in their minds, U.N. members worked quickly to establish a human rights commission that would begin to draft a bill of rights. At its first session in London, the General Assembly voted to form a "nuclear" or temporary human rights commission that would build its own mandate and structure.³ With little disagreement, delegates to the UNCHR's first nuclear session in New York City in April 1946 quickly agreed on the full commission's structure and agenda. Consisting of eighteen members nominated by governments and elected by the Economic and Social Council (ECOSOC), the body's first priority would be to draft a bill of rights. Roosevelt and the State Department were pleased with these results, for they corresponded closely to their own proposals. They had faith that Article 2(7) of the charter, under which the U.N. was forbidden "to intervene in matters which are essentially within the domestic jurisdiction of any state," would prevent the UNCHR from any meddling in American internal affairs.⁴

The first domestic challenge to this understanding arose a month after the nuclear commission issued its report. In late May, the communist-dominated National Negro Congress held its tenth annual conference in Detroit under the banner, "Death Blow to Jim Crow." The gathering sent a damning nine-page petition to the UNCHR entitled, "The Oppression of the Negro: The Facts," by historian Herbert Aptheker, which statistically documented occupational, income, housing, educational, and legal discrimination nation-wide against African Americans. Citing the U.N. Charter, the congress asked the human rights commission to investigate and make

recommendations for eliminating racial discrimination in the United States. On June 6, Max Yergin, the congress' leader, personally presented the petition to Petrus Schmidt, UNCHR's secretary. Schmidt informed Yergin that as the UNCHR had not yet outlined procedures for receiving petitions, he could only forward the document to Roosevelt, the UNCHR's chairperson. Disappointed, lacking funds, and victimized by a growing anti-communist witchhunt, Yergin soon joined mainstream civil rights organizations, including the N.A.A.C.P., to mount a more public campaign to have UNCHR investigate racial discrimination.⁵

In a decision that would have profound consequences on what would become the human rights declaration, the State Department responded by rendering the UNCHR powerless to act on petitions. By fall 1946, the commission had to decide what to do with one thousand communications on human rights received by U.N. Secretary-General Trygve Lie. When the UNCHR met as a full body for the first time in late January, Roosevelt joined the Soviet Union to pass a declaration of inaction. The commission's vote to "recognize that it has no power to take *any* action in regard to *any* complaints concerning human rights." Passage of Resolution 75(V), otherwise known as the "self-denying rule," marked another victory for American efforts to prevent the UNCHR's work from impinging on domestic sovereignty.⁶

Beginning in the fall of 1946, several State Department lawyers began to outline the possible contents of a declaration in advance of UNCHR's first session. The position paper, written by Durward Sandifer and Marjorie Whiteman, called for the commission to complete a non-binding proclamation of political, economic, and social rights that would "command the respect of people throughout the world."⁷ The conservative American approach won acceptance by UNCHR members who, lacking time, home government instructions, and a clear alternative proposal, favored completing a non-binding declaration first. Roosevelt, with assistance from the Soviet Union and Great Britain, successfully opposed motions by India and Australia to formulate enforcement recommendations now to guide the drafting committee. Such measures, Sandifer and Whiteman concluded, were not an "immediate, practical objective" due to their complex and controversial nature. The commission's report called for the UNCHR's officers, in cooperation with the Secretariat, to compose an international bill of rights in the form of a non-binding resolution for submission to the UNCHR's second session. With that issue settled, the State Department turned to studying the bill's possible contents. Roosevelt advisor James Hendrick stated the American goal quite bluntly: "Our policy was to get a declaration which was a carbon copy of the American Declaration of Independence and Bill of Rights."⁸

The first bill of rights generated by the State Department reflected the desire to protect national sovereignty by including only rights guaranteed by the U.S. Constitution. Just two weeks after the UNCHR's session ended, Assistant Legal Advisor John Howard composed an outline. The ten-article document, written as a U.N. resolution, fulfilled Hendrick's goal. Beginning with the words, "We the Peoples of the United Nations," the bill incorporated a list of guarantees lifted from the U.S. Bill of Rights:

“equal protection of the law,” “probable cause” for search and seizures, and a ban on “cruel and inhuman punishments.” It contained, in short, the basic elements of the First, Fourth, Fifth, Sixth, Eighth, Thirteenth, and Fourteenth Amendments with two additions: the right of peoples to self-government through periodic and free elections, and the freedom of individuals to find a job, receive a public education, and collect social security. The latter article, Howard carefully explained, did not guarantee those rights; it only prevented the state from arbitrarily denying some of life’s economic and social necessities. Howard’s boss, Legal Advisor Charles Fahy, approved the draft with minor changes.⁹

Other agencies within the Truman Administration also began to mold an unenforceable list of rights that fit within existing U.S. law for submission to the UNCHR’s drafting committee. The newly created Interdepartmental Committee on International Social Policy (ISP) and its Subcommittee on Human Rights and the Status of Women (HRW), comprised of delegates from the departments of state, interior, agriculture, commerce, justice, and labor and the Federal Security Agency (FSA), sketched position papers on the proposed bill of rights.¹⁰ Laying aside the Howard and Fahy outline, the HRW decided to revise a forty-eight article bill of rights written by John Humphrey of the U.N. Secretariat. Not all of their amendments were regressive: HRW members proposed to augment the ban on unusual punishments to include inhumane prison conditions and add the rights of criminal defendants to bail and to a speedy trial. They tried to re-fashion unfamiliar rights, such as to own property and to not suffer racial discrimination, into state guarantees of due process and equal protection. The latter change was crucial, for such an article could not then touch Jim Crow statutes, which the U.S. Supreme Court had declared in harmony with the Fourteenth Amendment. Finally, the HRW voted to delete guarantees that were not recognized by domestic law, including the rights to “resist oppression,” to acquire a nationality, and to gain asylum in any country.¹¹

The HRW also recast Humphrey’s articles that made governments responsible for providing medical care, free public education, social security, “socially useful work,” food, and housing. Recognizing that such guarantees did not fit within traditional American jurisprudence, HRW members framed them as goals that governments should strive to satisfy given their available resources and economic ideology. The final draft approved by the HRW and the ISP included the duty of governments to promote, but not guarantee, “full employment” and “adequate” levels of health care, food, housing, and education. This policy of favoring procedural and civil rights while seeking to eliminate or severely limit recognition of economic and social rights soon became a major source of tension within the UNCHR, even among U.S. allies.¹²

HRW members furthermore agreed to include economic and social duties only if the entire document was not binding on U.N. members. Although the UNCHR had decided to postpone debate over implementation, Humphrey’s bill allowed individuals to petition the U.N. for redress and stated that its contents were now “fundamental principles of international law and of the national law” of U.N.

members. The State Department objected, citing national sovereignty concerns and fears that Americans would file appeals. Disingenuously, the department argued that the UNCHR was not willing to accept petitions; it also did not want to “stimulate unwarranted hopes” by recognizing such a right. The subcommittee and its parent body agreed to delete references to international law and the duty of states to protect the enumerated rights. As a substitute for the former, they offered to allow the U.N. to act upon violations in accordance with its charter. This alternative meant little, as the State Department had always maintained that Article 2(7) prevented domestic intervention by the U.N. absent a looming international crisis. As ISP frankly concluded in its position paper, “The charter imposes no duty to refrain from violations of human rights within the borders of a state.”¹³

Equipped with detailed position papers and possessing formidable diplomatic skills, Roosevelt successfully lobbied for the HRW’s and the ISP’s positions within UNCHR’s Drafting Committee that met at Lake Success, New York, in June 1947. The most important and divisive issue for the eight-person body was whether to formulate a binding treaty or a declaration of principles. Great Britain, desiring to discuss the former only, submitted a convention of mostly political rights. Australia seconded the need for a treaty, proposing to set up an international court of human rights. Roosevelt and the Soviet Union led the charge for a declaration. To break the impasse, the committee decided to submit texts of both simultaneously and let the full UNCHR decide which to approve. The committee then asked renown French jurist Rene Cassin, after examining the Humphrey’s proposal, to forge a declaration and revise it in light of subsequent comments by committee members.¹⁴

Due to Roosevelt’s determined lobbying, Cassin’s version, as amended and sent to the full UNCHR for discussion at its December meeting, included most of the major changes proposed by the HRW and the ISP. Of its thirty-six articles, only seven articulated economic and social rights. Moreover, the state had no responsibility to fulfill the rights to “adequate” health care, “socially useful work,” social security, higher education, and safe working conditions. Finally, committee members did not include an article on immigration, allowed states to determine their own asylum laws, and included an equal protection article. Due to the drafting committee’s concurrent work on a binding treaty, its members agreed to delete all references to international law and to a nation’s responsibility to legally incorporate the enumerated rights. Roosevelt also successfully changed the right to petition the U.N. into a promise by governments that they would not interfere with citizens who chose to do so. “The U.S. views were accepted on virtually every point,” U.S. Ambassador to the U.N. Warren Austin telegraphed Secretary of State George Marshall. Marshall agreed and proclaimed in a letter to Roosevelt that the outcome was “a very real tribute to your ability as United States Representative and as Chairman.”¹⁵

Despite these victories, the activities of civil rights groups, the U.S. Supreme Court, and the President’s Committee on Civil Rights threatened to derail State Department support for even a non-binding declaration. Building on earlier work by the National Negro Congress, NAACP leaders compiled an extensive report of

the discriminatory treatment of African Americans. Part history, part socio-economic study, and part legal treatise edited by W.E.B. DuBois, *An Appeal to the World* was a powerful and detailed indictment that revealed the hypocrisy of the free world's self-identified leader. DuBois circulated it to Secretary-General Lie, every U.N. delegation, and NAACP board member Roosevelt, asking their assistance to bring the report before the General Assembly.¹⁶

Cowed by the State Department, which told Humphrey that "no good would come" from receiving the petition, Lie and Humphrey at first retreated behind the walls of Resolution 75(V) and refused to accept it. A defiant DuBois then leaked the petition to major newspapers, including the *New York Times*. The resulting interest of U.N. delegations ranging from Great Britain and India to the Soviet Union, Mexico, and Liberia, forced Humphrey to retreat. On October 23, Humphrey listened impassively as DuBois implored him to not bury the petition in the archives. Humphrey, still "afraid of the document" according to DuBois, countered with ECOSOC's instructions that it remain confidential as one of thousands of communications passed to a powerless UNCHR. Although the publicity embarrassed the State Department, Resolution 75(V) had prevented the U.N. from acting on the petition. The incident reaffirmed Washington's opposition to adding the right to petition to the human rights declaration.¹⁷

Marshall, Roosevelt, and their legal advisors also feared the U.S. Supreme Court might find the charter's vague human rights articles, and therefore possibly the contents of the human rights declaration, as binding on federal and state governments. The day before DuBois released the NAACP study, former Undersecretary of State Dean Acheson argued before the court the unconstitutionality of California's Alien Land Law, which banned the ownership of land by Japanese nationals. Both the petitioners' brief in *Oyama v. California* and an amicus brief filed by the American Civil Liberties Union asserted that the charter's human rights clauses controlled over the hostile state law. One week later, Attorney General Tom Clark announced he would file an amicus brief that argued the opposite in four cases adjudicating the constitutionality of restrictive covenants then before the high court. The legal jockeying reinvigorated the department's push for a simply-written declaration that would clearly have no internal legal significance.¹⁸

The final report of the President's Committee on Civil Rights, *To Secure These Rights*, issued on October 29 to large audiences at home and abroad, similarly frightened State Department lawyers. Truman formed the group of religious, labor, and business leaders ten months earlier to study more effective ways of protecting the civil rights of all Americans. After detailing the economic, political, and judicial discrimination suffered by African Americans, the report declared that the repercussions of such treatment "echo from one end of the globe to the other." For how, it asked, could U.S. diplomats demand free elections overseas if American citizens remain disenfranchised? The committee concluded that the federal government could derive authority to pass civil rights laws from the U.N. Charter. Because the charter, as a treaty, was now "the supreme Law of the Land," Congress and Truman

could use their obligation to promote “respect for, and observance of, human rights and fundamental freedoms” as the statutory basis for passing civil rights laws. The committee therefore rejected the State Department’s contention that Article 2(7) eliminated any power that might otherwise radiate from that provision.¹⁹

The now intensified search for a simple declaration with very limited content caused HRW to abandon the UNCHR’s Drafting Committee text for its own shorter version. By September, HRW’s commentary on the declaration had grown to over sixty pages. Its authors, including Sandifer, Hendrick, and Whiteman, supported deleting provisions on marriage and the responsibility of governments to promote full employment and favored substituting a general limitation clause for lists of acceptable state derogations in each article. The irony of conducting such careful and detailed study on a non-binding document that already contained substantial American language was not lost on Hendrick, FSA delegate Earl Simrell, and Rachel Nason from the Labor Department. “We could continue to discuss and make changes from now until Doomsday,” an exasperated Hendrick told Walter Kotschnig of State’s Division of United Nations Economic and Social Affairs. Within a week of obtaining the HRW’s approval on August 22, the three submitted a ten-article document that fit on a single page.²⁰

Hendrick, Simrell, and Nason strove to encapsulate the thus far irreconcilable goals of obtaining world approval on a simply-written, concise document informed by U.S. constitutional jurisprudence that nevertheless placed no obligations on the federal government. Their “short form” was, like Howard’s and Fahy’s earlier attempt, mostly a re-statement of the Bill of Rights and Thirteenth and Fourteenth amendments. Their willingness to include additional rights rested on two overlapping safeguards. As a non-binding statement of individual rights, they could attach articles permitting petitions that UNCHR could not act upon anyway, clauses prohibiting racial discrimination without worrying about their domestic impact, and provisions granting the rights to work, health care, social security, and education without questioning their compatibility with a free enterprise economy. Yet even these limitations did not satisfy Acting Secretary of State Robert Lovett, who refused to clear the short form until ISP deleted two preambulatory statements. He restored one excision, though, when he embarrassingly discovered it to be lifted from the U.N. Charter’s human rights promises.²¹

Although UNCHR members decided to discuss the Drafting Committee’s text rather than the short form in their December session, Roosevelt’s skillful lobbying resulted in a declaration that fit within the confines of State Department policy. Due to Soviet bloc abstentions, the working group easily deleted the right to resist oppression. Roosevelt also successfully lobbied against a Soviet amendment to ban miscegenation laws. The body approved U.S.-backed articles on property, work, and marriage that made all rights subject to statutory regulation by national governments. To further defend national sovereignty, Roosevelt proposed, and the group approved, a general limitation clause that made all rights limited “by the just requirements of the democratic State.”²²

The greatest source of tension, though, was between the U.S. and Soviet Union against the French, Australian, and Latin American delegates over implementation. Fearful the U.S. would reject any proposed draft convention, the latter group called on countries to “ensure their law[s are] brought into, and maintained in, conformity with the principles of the present Declaration.” Due to Roosevelt’s determined opposition, though, the full UNCHR agreed that a country’s laws should conform to the vague human rights clauses in the U.N. Charter instead. After making minor revisions, the UNCHR sent its thirty-three article declaration to all U.N. members for comment. Roosevelt, although still disappointed in the length and complexity of the document, found its contents acceptable. Truman agreed, congratulating her just before Christmas on “the valiant fight” she had waged “on behalf of our ideals.”²³

By February 1948, State Department fears that the NAACP and the U.S. Supreme Court would use the U.N. Charter, and possibly a future human rights declaration, to overturn discriminatory laws lessened. The department, arguing that no machinery existed to study petitions, defeated a Soviet move in December to introduce *An Appeal to the World* to a UNCHR subcommission. With that defeat, the NAACP left the U.N. arena to search of victory in federal courts. On January 19, the U.S. Supreme Court rejected arguments in *Oyama* that California’s Alien Land Law violated the U.N. Charter. Chief Justice Frederick Vinson stated the charter imparted no binding obligation on California’s government.²⁴ The court accepted that view once and for all in *Shelley v. Kramer*, which challenged the constitutionality of restrictive covenants. Attorney General Clark’s amicus brief conceded only that racial discrimination embarrassed the U.S. abroad and was “inconsistent with the public policy of the United States.” The Supreme Court implicitly agreed, for its unanimous decision on May 3, 1948 relied only on the Fifth and Fourteenth Amendments to find state and federal enforcement of restrictive covenants unconstitutional. The court was “thunderously silent,” in the words of human rights lawyer Bert Lockwood, on claims raised under the charter. Between 1948 and 1955, the court rejected amicus claims of U.N. Charter violations in eight other civil rights cases.²⁵

Though satisfied with these victories, the State Department sought to reaffirm that UNCHR’s declaration would have no legal significance. Dean Rusk, director of the Office of United Nations Affairs, and Kotschnig advocated re-introducing the short form in the drafting committee’s May, 1948 session despite its prior rejection by the UNCHR. Roosevelt and Hendrick disagreed, the latter observing that even allies in UNCHR thought the U.S. “was trying to ram down the throats of other countries a declaration so devoid of substantive content as to be virtually meaningless.” In a compromise, the HRW asked Hendrick, Nason, and Simrell to revise UNCHR’s draft. The three suggested changing all mandatory language to declaratory phrases to eliminate any semantical suggestions that the declaration had legal force. The HRW and the ISP approved their report, which Truman sent to the U.N. Secretary-General on April 13. “It is inappropriate to state the rights in the

Declaration in terms of governmental responsibility,” the letter proclaimed, due to different national philosophies on the proper economic or social functions of the state. The Declaration should only be a list of goals to inspire peoples around the globe.²⁶

To obtain a shorter declaration and minimize any possible domestic legal fallout, the HRW and the ISP sought to delete all provisions that could upset the racial status quo. HRW continued to advocate recasting the non-discrimination clause into an equal protection article similar to the Fourteenth Amendment. ISP approved a forty-page list of detailed, previously suggested alterations. If the UNCHR adopted their recommendations, the U.S. judiciary would have to demolish three barriers before using the declaration to challenge racial discrimination statutes: the declaration’s non-binding legal status as a General Assembly resolution, its conservative language largely consistent with the U.S. Constitution, and its clause permitting derogations according to “the just requirements of the democratic state.”²⁷

Roosevelt continued her fight to shorten the declaration and delete all implementation articles when the drafting committee met from May 3 to 21, 1948. Many nations seconded her dissatisfaction with the length and complexity of their work by moving to standardize its abstract declaratory language (“everyone has the right to...”), shorten articles, and postpone a discussion of implementation. As UNCHR members assumed the General Assembly would vote on their work in December, they struggled to achieve a timely consensus on complex issues. Given this atmosphere, Roosevelt had little difficulty deferring consideration of U.N. petitions.²⁸

With the communist bloc outnumbered and the majority satisfied with a non-binding declaration for now, the UNCHR’s third session produced a document that contained few substantive changes. The commission standardized the declaration’s language and added a preamble proposed by Roosevelt, which referred to the document as a only a “common standard of achievement.” UNCHR members, to the State Department’s relief, overwhelmingly voted to delete a call for nations to harmonize their own laws with the declaration’s contents. In a major defeat for the communists, the majority, led by England, India, and the U.S., omitted all specific obligations by nations to fulfill economic and social rights. The six articles were void of context and merely stated that individuals had the rights to food, clothing, housing, a basic education, medical care, property, social security, rest and leisure, and employment opportunities. Overall, the UNCHR approved more than eighty percent of almost fifty recommendations given to Roosevelt. Roosevelt and the State Department had successfully completed their quest for an inspiring but ultimately hollow list of basic human needs. “Americans will find in the *Declaration* a good many things with which they are very familiar,” Roosevelt reassured in a press release, “A good deal of good, sound American tradition and law are wrapped up in it.” While such a result might have led to disapproval by other nations, the declaration’s non-binding character and its intrinsic value as the first international human rights code combined to ensure its passage.²⁹

The State Department found out what a difficult task that would be from listening to two days of criticism in the ECOSOC. Even U.S. allies, such as France, and the Netherlands, demanded that the declaration impose real obligations on U.N. members, and the latter even proposed sending it back to UNCHR to attach implementation provisions. On August 26, the ECOSOC sent the declaration without a recommendation to the General Assembly. Turning aside all objections expressed in the ECOSOC, Roosevelt, Sandifer, and James Simsarian, who had replaced Hendrick, now decided to lobby intensively for final passage of the declaration with minimal debate and no amendment.³⁰

Although the assembly's Third Committee spent eighty-six meetings from late September to early December debating the declaration, the State Department was pleased that the declaration underwent few revisions. The length of debate was due to discussion of over one hundred fifty ultimately unsuccessful amendments proposed by Western, Latin American, and Soviet-bloc nations, lengthy speeches, and the committee's decision to examine the declaration word-by-word. Despite disappointment over the length and format of the debate, State Department efforts to omit the U.N. petition article succeeded. The informal caucus also defeated attempts to make the declaration legally binding. Finally, on December 7, 1948, the Third Committee passed the human rights declaration with no dissenting votes and seven abstentions from mostly the Soviet bloc.³¹

The approval of the Universal Declaration of Human Rights by the General Assembly three days later in a similar vote demonstrated not only a U.S. victory, but a milestone in world history. Although its content was orthodox and its legal status weak, the document was the first global, voluntary code of conduct nations promised to observe toward their own citizens. "We stand today at the threshold of a great event both in the life of the United Nations and in the life of mankind," Roosevelt hopefully told the assembly, "This declaration may well become the international Magna Carta of all men everywhere." The outcome was in no small way a tribute to her tactfulness, patience, and charm that kept UNCHR delegates focused on achieving consensus despite the controversial nature of their work. Yet as the U.S. delegate, she had difficulty in explaining conservative State Department policy that contained several internal contradictions. Her success in persuading other nations to follow Washington's lead on the declaration, though, would not continue once the UNCHR began to draft a binding code of human rights. Within two years, a majority of non-aligned, underdeveloped nations rebelled against the conservative definition of human rights and their enforcement as outlined by Roosevelt. Passage of the Universal Declaration was thus a climax of Roosevelt's leadership and of U.S. influence on human rights issues at the United Nations.³²

Endnotes

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A Note on the Military Engagement at Lexington, Massachusetts, on April 19, 1775.

**by
Michael C. C. Adams**

This essay is based on printed works. It does not uncover fresh primary documents regarding events. Rather, it seeks through analysis of the evidence that is already known to offer a reasonably satisfying accounting of the event that began the Revolutionary War. Although many of those present on the morning of April 19, 1775, testified later to what happened, and despite a succession of authors since then who have sifted the data about what is a relatively limited event in both time and space, there is a great deal of disagreement, even confusion, about what happened on Lexington Green. Both fact and interpretation are in dispute.

Sources generally agree that Captain John Parker, commanding the Lexington militia, had between seventy and seventy-six men on the Green itself when the regulars entered the town. But estimates of the Foot who directly confronted him range from 200 to over 400. The number of regulars who left Boston that morning is placed at anywhere between 700 and 900, in companies ranging in number from eight to twenty-one. Were the redcoats hoping to seize the provincials' military supplies at Concord and also arrest John Hancock and John Adams, leading opponents of ministerial policy believed to be ensconced in Lexington, or was it Samuel Adams, John's fiery cousin who was with Hancock? Was Captain Parker killed on Lexington Green? Some sources say so. It is not clear who began the firing on the Common. Eyewitnesses disagreed, the provincials largely blaming the King's men, the government officers accusing the populace or peasants as they called them.¹

On one thing, however, there has been quite general agreement. Most authors have blamed the lowly on both sides, particularly the redcoats, for the debacle. By general agreement, the officers have been found not guilty of ordering or even of directly precipitating the exchange of fire which left eight provincials dead and ten wounded. It is this general agreement that I would like to dispute. In particular, the behavior of the royal light infantry has been misunderstood, I believe, to their lasting detriment.

It is generally agreed that the regulars left their quarters around 10 p.m. on the night of April 18, probably a little over 700 men from twenty-one picked companies

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of light infantry and grenadiers, the elite units of the regiments, chosen for this precarious expedition because of their mental alertness and physical stamina.² The commander was Lieutenant Colonel Francis Smith of the 10th Foot, his subordinate Major John Pitcairn of the Royal Marines. It was ominous that officers and men were from different units, not used to working together. At about the same hour, the alarm began to spread out from Boston, with Paul Revere and William Dawes riding out into the Massachusetts countryside on different routes toward Lexington, some ten miles away. At midnight or so, Revere reached Lexington to tell the town leaders that "The regulars are coming out!"³ Dawes arrived in half an hour, and somewhat later Captain Parker finished the two miles from his home to find part of his company on the Green awaiting orders. Parker ordered the roll to be called and the men there to load with ball ammunition. About 130 were present. At around 2 a.m. or a little before, a conference was held, a not unusual occurrence in militia companies where the men expected some discussion of a major situation. John Hancock and Samuel, not John, Adams took part. Parker then dismissed the men temporarily, due to the coldness of the night, but warned them to stay within earshot of beat of drum. Some went to their homes but others headed for the Buckman Tavern where the imbibing of alcohol probably did little to keep wits cool and collected.⁴

At 4:30 a.m. a scout, Thaddeus Bowman, one of several sent out by Parker to reconnoiter the Boston road, galloped into Lexington with word that a strong force of Foot were not more than half an hour away. The advance elements were actually within fifteen minutes of the town at this time. Parker had the roll beaten on the drum and his men began to reassemble, some half-clothed and others without ammunition. These he ordered to go to the Meeting House across the Common and furnish themselves from the magazine there.⁵ About seventy-six men were in rank, fifty odd less than earlier. Some were at home, some getting ammunition, others still in the tavern. Parker began to draw his men up in two ranks facing toward Boston and covering but not blocking the Concord road. It was now early light and the sun was rising.

Shortly thereafter, at approximately quarter to five, the advance guard of the regulars, under Major Pitcairn, reached the town. These were six companies of light infantry, mainly in column on the road but with flankers thrown out a hundred yards on each side to prevent ambush. Behind the Meeting House, which the militia were facing, the road ahead of the ministerial forces forked, one branch leading left to Concord and the other right toward Bedford and directly onto the Green where Parker's men were waiting, about one hundred yards away. As the forward company reached the junction, Marine Lieutenant Jesse Adair decided to lead it down the right fork toward the militia and the next two companies followed. Pitcairn now rode up and took control, ordering the lead companies of the 4th and 10th regiments from column into line of battle facing the militia less than seventy yards away, and holding the light company of the 5th in reserve in column on the Bedford road. The three remaining companies he "told off" onto the Concord road where they halted,

still in column.⁶ Thus Pitcairn had only two companies in firing line, probably less than 100 men in all, despite estimates that place the number as high as 400, facing the provincials whom the major estimated in the dim light to number around 200. This disposition was probably an error on Pitcairn's part, for his lack of a commanding majority at the point of crisis must have added to his sense of urgency in trying to force the situation to a resolution.⁷

Pitcairn and other mounted officers now rode toward the militia and ordered them to disperse. The major may even have got in the provincials' rear in his eagerness to make his demands plain to them. There was some confusion and discordant activity in Parker's ranks. Apparently, Parker did order his men to disperse in face of the regulars' obvious determination but not all his men heard or obeyed. There were also provincials gathered on both wings of the Green, to right and left of the hostile battle lines. Some of these spectators were armed. Militiamen were also in and around the Meeting House and Tavern, in rear and on the right flank of the redcoats.

At some point amidst the shouting, shots were fired, probably from several directions and from both sides.⁸ Pitcairn and Parker (who did not die on the Green but succumbed to consumption six months later in the ranks of George Washington's Continentals) both later denied having given the order to fire. After a scattering fire, coherent volleys of musketry roared out from the Foot, followed by charging bayonets in the hands of howling soldiers. Jonas Parker, a cousin of the captain, was shot to his knees and bayoneted to death as he struggled to reload his musket. The provincials were particularly incensed that a number of militia were shot and bayoneted in the back, trying to leave the Green. From that day to this the redcoat rankers have borne the brunt of blame for what happened. They are said to have fired without orders and, reaching a screaming frenzy, to have lost unit cohesion and charged about, butchering out of hand. Lieutenant John Barker said that "The men were so wild that they could hear no orders." Ezra Stiles, a Yankee, said about the same: "The impetuosity of the king's troops was such, that a promiscuous, uncommanded, but general fire took place, which Pitcairn could not prevent."⁹

Historians have agreed overwhelmingly. Robert A. Gross concludes that "There is no doubt that Pitcairn's men raged out of control." Michael Pearson, an English historian, says that, "Without any orders they raised their muskets to their shoulders and fired; then they charged, yelling as they went," the implication being that the men had lost discipline and emotional control. James Kirby Martin and Mark Edward Lender, highly respected military historians, assert that the "redcoats lost control of themselves." And John R. Galvin, a U.S. soldier and careful student of the day's events, agrees that "Within a minute or so Pitcairn had completely lost control of the six companies."¹⁰ I doubt it. For one thing, only two companies were directly involved in the fighting. For another, this general reading of the men's behavior rests on a failure to understand standard British infantry tactics of the period.

I would suggest that the leaders on both sides made this engagement extremely

likely if not inevitable and that they, not the common soldiers, bear the responsibility for events. To examine the provincial side first, Captain Parker offered what any regular soldier would take as a deliberate and threatening provocation, with predictable consequences. In detail, Parker may be faulted on two counts. First, he was guilty of creating an open-ended, potentially violent and consequently volatile situation, placing his men and the regulars in danger while not having a fully defined objective or a plan for gaining it. He appeared to be waiting on circumstance and apparently had not a firm resolve of what he would do if the situation escalated beyond mere posturing. Not surprisingly, he gave ambiguous, even contradictory orders, which partially prevented him from retaining control of events on the Common. It is clear that he intended a gesture, an act of provocation, but the purpose is not fully certain.¹¹ Did he hope to intimidate the regulars into retreating by assuming a threatening posture? What if they didn't? Did he hope to intimate the certainty of resistance if the regulars resorted to highhanded acts such as searching the towns on their route? But would a rebellious posture have the desired effect of cautioning the regulars or would it merely exasperate them? How could such a dangerous gambit be controlled in a highly volatile and fluid situation, particularly as the captain does not appear to have been certain of his plan of action?

At the meeting around 2 a.m., there was undoubtedly heated and inflammatory talk, probably encouraged by Hancock and Adams. Several times during the night Hancock was heard to remark that, "If I had my musket I would never turn my back on these troops."¹² Blood-stirring words. Adams was a notorious provocateur who had orchestrated the political incident known as the Boston Massacre and he may have encouraged some stragemen to provoke the regulars now. Later in the day, when he heard the rattle of musketry on Lexington Common, he remarked to Hancock, "Oh, what a glorious morning this is!"¹³ At the same time, the militia meeting "concluded not to be discovered, nor meddle, nor make with regular troops unless they should insult or molest us." So ambiguity was in the air; the regulars were to be confronted by men in rank with loaded weapons but this would not constitute meddling or even discovery. Esther Forbes, a biographer of Revere, points to this contradiction and its danger: "If they had not intended to be discovered, they would have stayed in Buchman's Tavern — well out of view of the marching British. Once lined up in belligerent attitudes on the Green, they could not escape insult or molestation."¹⁴

The lack of clarity as to what was intended or how to achieve it remained when the company reformed on the Green at 4:30 a.m. As the government column approached, Paul Revere, who was crossing the Green, heard Parker state: "Let the troops pass by. Don't molest them, without they being first."¹⁵ All well and good, but why then be there at all? Martin and Lender hypothesize that the captain's intention was not to provoke a fight but to assert the traditional Whig or liberal stance that "troops of the King's standing army had no legal right in time of peace to trample on the property of freeborn Englishmen."¹⁶ The trouble is that this resolve was made manifest not in considered arguments but in ranks of armed men in an

illegal gathering, and redcoats were used to being deployed in situations where they had to face hostile men disputing the government's authority and disperse them with musketry. They were, after all, the only serious police force available to contain the many situations of riot and mob violence endemic to eighteenth century political life which perennially threatened life and property.¹⁷

John R. Galvin tries to justify Parker on the grounds that he showed his pacific intention by drawing up his company in parade ground formation and not in a more obviously hostile combat disposition such as ambush.¹⁸ This is a dubious rationale, as Parker could not assume that his pacific intention would be clear to his regular counterparts. Militia used the same musket drill as regulars and quite typically fought in line of battle, precisely the formation chosen by the provincials.¹⁹ Why, if Parker wanted to show that he meant to start no trouble, did he draw up in echelon where he could enfilade the redcoat column on the Concord road? Any professional officer would have been justified in assuming that the intent was to have the option available of inflicting heavy injury upon his column.

Parker further deepened the ambiguity of his intentions as the light infantry deployed to his front. A militiaman said to him, "There are so few of us it is folly to stand here," to which his captain replied, "The first man who offers to run shall be shot down," hardly the words of a man who was intent only on making a gesture. Then, perhaps trying to further clarify what he wanted, he said to the company, "Stand your ground! Don't fire unless fired upon. But if they want to have a war let it begin here!"²⁰

As the crisis quickly mounted, Parker perhaps changed his mind about having a war and tried to effect a dispersal. But he had firmly refused to sanction this very move just minutes before. A number of militiamen stayed in line. Some undoubtedly had failed to hear Parker amidst the din and confusion. But some must have feared to be shot by their captain if they moved or might have remembered his command to let the war begin here if it must. It is understandable that they would be confused. Further, it cannot be known definitely what Parker meant by dispersal and what it implied to those on the Green. Pitcairn and his officers were calling clearly for the militia not simply to disperse or go away but to leave their arms on the Green as well to prove their peaceable intentions. Neither Parker nor any of his men dropped their weapons.²¹ In this context of continued defiance by the unit commander, it is conceivable that "disperse" was understood to mean "take cover."

This possibility is enhanced by the fact that some of the militia were moving toward a stone wall on their left, to the right of the ministerial line, from which a defensive fire would have been highly effective and hard to suppress without severe casualties. Already, it appears, some militia, presumably filtering out of Buchman's Tavern in the rear of the wall, had taken position there and some eyewitnesses locate elements of the first scattering fire as coming from behind this natural breastwork. The light infantry definitely thought this, as some turned and fired at the wall, kicking up splinters from the stonework.²² At any rate, whatever the case, it is clear that Parker had not fully worked out his course of action should the regulars call his

bold dare but was trusting to chance and expediency, thus exposing his men to an ill-calculated heavy risk. He compounded this error by giving ambiguous if not contradictory orders. As a veteran of the French and Indian War, he should have known better than to deliberately create for the regulars a highly hostile and volatile environment if he did not wilfully intend to provoke a fight.

The second area where Parker can be faulted is that he did not have full control of his unit, partly because of his confusing orders. But he had also allowed his men to disperse for too long, some to the tavern, where drinking would have taken place, weakening the links of discipline. He failed to recall his unit in time to ensure that all were in readiness. Some of his men were not prepared when the crisis came and had to be sent off for ammunition, further dissipating his command. Indeed, Sergeant William Munroe was still trying to get the men into two ranks when the first light infantry entered the Green.²³ Thus, the company was neither steady nor concentrated but sprinkled around the Green, some in buildings, some standing in clumps with civilians, needlessly intensifying the hostile environment perceived by the King's men and also out of reach of Parker's directions. It is very probable that the first shots on the provincial side were fired by some of these loose militiamen. Thus Parker failed to be in a position to ensure that his men would not "meddle" with the regulars and start a fight.

Turning now to the regulars, Pitcairn insisted until his death at Bunker Hill that he had not ordered the Foot to fire. Because he was an officer and a gentleman, and considered to have great personal integrity, his word has been accepted generally.²⁴ But it may be that in the emotional circumstance of crisis and confusion, with events happening very fast, Pitcairn took actions which he later genuinely failed to recall. Or perhaps like Parker, he too gave fatally ambiguous orders. As his three leading companies filed toward the Green, Pitcairn remembered telling his men, "on no account to fire, nor even to attempt it without Orders." But whose orders? Pitcairn needed to be absolutely specific because these companies, each drawn from different regiments, not used to acting under his command, would naturally look to their own company officers for direction. Should they order fire, the rankers would obey unless specifically directed otherwise. Also, two officers remembered Pitcairn not as saying "don't fire" but "mind your space" and "keep your ranks" as they entered the Common.²⁵

It is easy to see why the major would want later to believe that he was not culpable. Who would want major responsibility for starting the biggest rebellion in modern British history? But if we avoid looking at the incident from the viewpoint of posterity and confine ourselves strictly to the situation facing Pitcairn on the Common that morning, the question becomes not why he might have fired but why he or any other self-respecting professional officer would have avoided this action without appearing grossly negligent? Consider the circumstances. Pitcairn had thrown two companies into line of battle on the Green, a clear warning for the militia to dissolve. When there was hesitation, he and other officers rode forward and shouted harsh commands. Some remembered the words, "Ye villains, ye rebels,

disperse, damn you, disperse!" But, crucially, Pitcairn and his fellow officers also shouted, "Lay down your arms, damn you!" and, when the provincials kept their guns, "Why don't you lay down your arms?" This was pivotal. Some militiamen were drifting out of danger, but others were standing their ground, perhaps even preparing to fire, and a substantial party were heading toward the stone wall, *with* their weapons.²⁶ This was tactically highly threatening and thus unacceptable behavior. It explains what Galvin sees as contradictory orders given by Pitcairn, who was shouting to the militia to disperse while also telling the Foot to surround them.²⁷ There is no paradox if by disperse Pitcairn meant "go away peacefully without your arms" and, when this failed to happen, he ordered his men to contain the provincials so as to prevent them reaching the wall and making it into a strongpoint.

At this point, a scattering of fire broke out, perhaps a single shot or two followed by a rattling of rounds. Pitcairn's horse took two balls and a redcoat private was wounded.²⁸ No professional officer worth his commission could fail to take aggressive action at this point to protect his command and retain control of the tactical situation, particularly as Pitcairn had one hundred men or less in firing order and faced hostile people on all four sides of his position. We now see the firing as pregnant with significance because it inaugurated a civil war but in the immediate context it would not be unusual: regulars firing into seditious gatherings or mobs was a standard police procedure, if such action was justified by clear and present danger of grievous bodily harm to the soldiery. Pitcairn would be protected from prosecution by the wounds received.²⁹ If he really didn't order a return of fire, his only excuse could be that he had ridden so far from his men in order to belabor the provincials that, when the crisis came sharply upon him, he was too far removed from his lines to give orders.³⁰

But one or more officers certainly did. Let us now look at the actions of the much-maligned Foot. The key to their behavior lies in uncovering British infantry tactics as practiced from at least the 1740s into the nineteenth century. Contrary to conventional belief, redcoat effectiveness did not rely on repeated rounds of smoothbore musket fire, delivered in quick rotation to achieve a dense field of fire. British officers considered the standard infantry musket as highly unreliable, misfiring about 20% of the time. And experience showed that a firefight usually degenerated into an indecisive slaughter, a costly stalemate. The answer was to use shock to disconcert and disperse the enemy, relying in part on the psychological value of noise and the twenty-two-inch steel bayonet. Redcoats fought at close range. They were trained to hold fire, waiting silently until the enemy came within seventy-yards range or less. Then they gave out the deep-throated British battle cry, a series of huzzahs, and poured two volleys into the faces of their opponents, following up with a bayonet charge, the men being told to scream at the top of their lungs to shatter what was left of enemy morale.³¹ The cheering which began a British action was a form of posturing to warn off an enemy. As soldier and student of war, Dave Grossman, points out, posturing is universal to the animal world and can be successful in rattling the resolution of the enemy and settling a fight before it has really begun.³²

As the Foot defiled into firing lines on the Common, their officers gave the battle huzzah, followed by the men. It may have been this that shook Captain Parker's resolve. He had served with redcoats and knew what the shouting portended. The regular line was also within seventy yards of his men: killing range.³³ What happened next too clearly fits standard British infantry drill to support the traditional theory that the Light Infantry took matters into their own hands and acted without authorization. Several witnesses said that there was a scattering of shots, sounding like a crackle, followed by a loud ripping noise like the tearing of a sheet.³⁴ This was a volley from the British line. It appeared to go high, causing no injuries, leading some militia to believe that the regulars had loaded with powder only, quite customary in the initial stage of crowd control.³⁵ Then a second volley ripped out, striking several victims. Then came the bayonet charge, accompanied by yelling.

Now let's put this together with what the provincials thought the regular officers in front of them said and did. It is a remarkably close fit. At the start of the firing, a mounted officer, who had been shouting at the militia, gave the British battle huzzah and fired his pistol at the militiamen. Some thought this was Pitcairn, who was holding a pistol, but it could have been one of several others, possibly the mercurial-tempered Major Edward Mitchell, Pitcairn's subordinate. Then this or another officer was heard by Levi Harrington to shout orders as follows. "Fire!" There was a popping of musketry but not a volley. "Fire, damn you, fire!" he then shouted. A volley ripped out but, as we know, went high, perhaps because the regulars weren't sure they should shoot into their countrymen opposite. Observing the poor effect of the volley, the officer now cried, according to Harrington, "God damn you, fire *at them*!" Now, the killing volley ripped out and the Light Infantry advanced with the bayonet, shouting heavily.³⁶ A huzzah followed by a shot and an order to fire, two volleys and a bayonet charge accompanied by harsh cheering; this is standard British battle procedure to the letter. It has been there but unseen because historians lost sight of the tactic itself and consequently mistook the indoctrinated shouting of the regulars for the mayhem of an undisciplined, scarlet-coated mob.

What happened next is open to conjecture; Pitcairn claimed difficulty in reforming the men. It may be that the companies of Foot did lose temporary cohesion following the bayonet charge; this would not be surprising. Also, as the command team were unused to working together, they may have had trouble coordinating the recall. But this does not justify blaming the Foot for what was almost certainly an ordered series of actions.³⁷ Why, if the men had committed an outrage and were in the disciplinary dog house, did Colonel Smith, arriving on the Green as the action ended, authorize the traditional victory salute of a volley fired into the air by the triumphant troops?

These, then, are my conclusions. The action on Lexington Green was brought on by the leaders on both sides, who had become impatient with the uneasy and frustrating indecision of the last months and were determined to confront their opponents. Thus, the incident signified not a blunder brought about by ill-disciplined private soldiers but a deliberate willing of action to end an intolerable

political impasse. Captain Parker offered a deliberate provocation when he drew up his men on the Common in what could be read easily as a battle formation. Pitcairn accepted this provocation. If the provocation went further than these men intended, it is because they failed to retain control of the situation. Both men were at least guilty of giving imprecise orders and of placing their men at risk, a situation which added to the inflammatory nature of the meeting. Parker was not sure what he intended and how he would act in the event. As the perimeters of the situation collapsed, he had no controlling response to offer. Pitcairn, in bringing only two companies into line, made it absolutely essential that he master the situation immediately, as he faced potential opponents on all sides and needed to disarm the militia before his tactical position deteriorated. When the situation did deteriorate, he or at least one of his officers ordered the regulars into standard battle drill. After the huge breach in colonial relations created by the long day's bloody work, nobody wanted to claim credit for the first fight of a civil war and it was easy to blame the voiceless private soldier, whom many people, including some of his own officers, saw as a brute in uniform, without character or morals. Why not dump on the private soldier, a man who merited so little respect that, after action, his corpse was buried usually in an unmarked common grave along with his fellows? He surely has had precious few defenders.

Are there any larger conclusions to be drawn from the story? One might be that historians can be as subject to prejudice as the rest of humanity and incline naturally to take the word of a gentleman. It has been almost embarrassingly easy to scapegoat the ordinary folk in this incident. As the London Cockney saying goes, "It's the same the 'ole world over, dearie; it's the rich what gets the gravy and it's the poor what gets the blame."

A second moral might be that myths develop more quickly than we think; not over years or decades but in hours or even minutes of the event. Then, once conventional wisdom has become established, it is very difficult to recover the full story of an event, because repetition finally achieves such momentum that it simply is not questioned. People forget that there might be any reason to wonder about what now appears to be the obvious truth. We cannot see the original event because of the thick coating of myth and we become so familiar with this that we stop looking for any other actuality.

But there is a point more important than this. There is a tendency in our culture to believe that what happened "back then" is of marginal interest at best, something seen as a rationale for a civic holiday or as providing the potential for a commercially successful enterprise such as a theme park. History is far more significant than this; the world we live in was made by history and we are the children of the past, living in the mold of time. The incident at Lexington remains of profound significance in all our daily lives because of what Parker did in provoking an incident and what Pitcairn said in responding to it. The birth of the United States came immediately after a time when men felt that their traditional English liberties were being jeopardized by central government tyranny. They had been apparently

confirmed in that belief by a policy that demanded the militia give up their weapons, considered a traditional right of possession in the Colonies. When Captain Parker refused to lay down arms on Lexington Common, his men were fired upon, furthering the cultural trauma caused by ministerial policy. This, building on the traditional English Whig distrust of standing armies, guaranteed that the right of well-regulated state militias, like Massachusetts', to keep and bear arms, would be written into the Constitution through the Bill of Rights. The fear of ministerial tyranny behind this military provision and the right to carry weapons that it enshrines have become diffused throughout American civilian culture so that this is now the most armed society in the western world, with results that are predictable and quite tragic.³⁸ This situation is in some important part a legacy of Pitcairn's challenge that rang out on Lexington Green, the morning of April 19, 1775: "Damn ye, ye rebels, why don't you lay down your arms!"

Endnotes

1. As examples of these disparities, David Hackett Fischer, *Paul Revere's Ride* (New York, 1994), 189, gives Pitcairn's force as 238; Bruce Blevin, Jr., in *The American Revolution 1760-1783* (New York, 1958), 37, goes with 600. He also thinks Captain Parker was killed, as does Geoffrey Perret, in *A Country Made By War* (New York, 1989), 7. Peter Wells, in *The American War of Independence* (New York, 1968), 101, thinks John Adams was in Lexington.

2. Seven hundred to eight hundred is the most common figure given. The lower sum is endorsed by the careful authors of *American Military History*, ed. Maurice Matloff (Washington, D.C., 1969), 42. Given the high incidence of sickness in eighteenth-century armies, the lower figure for those able to report for duty makes sense. A. J. Barker, in *Redcoats* (London, 1976), 133-34, has the much lower figure of 500 but I see no support for this.

3. Revere used several stock phrases to warn the Massachusetts countryside but the much-quoted "The British are coming" was not among them. Contemporaries all thought of themselves as British. They called the combatants the regulars, the Foot, redcoats, government or ministerial troops, Tories, on one side; and, on the other, militia, provincials, Whigs, Yankees (meaning a New England rustic), even rebels, or peasants. See Fischer, *Revere's Ride*, 109-10.

4. Most sources agree quite closely on times. A clear chronology is in Stephen L. Smith, "Someone Shot First," *Military History* 4:6 (June 1988), 37. Several authors note the move to Buckman's Tavern, e.g., Perret, *War*, 7; and Robert A. Gross, *The Minutemen and Their World* (New York, 1976), 117.

5. On Parker's orders to go for ammunition, Frank Warren Coburn, *The Battle of April 19, 1775* (Port Washington, NY, 1970; repr. of 1912 ed.), 63. We are fortunate that the royal government and the Continental Congress took depositions or reports from participants in the fight. Coburn made a very useful compilation of key material from these statements made by eyewitnesses on both sides.

6. I here follow Fischer's careful reconstruction of the light infantry's disposition in *Revere's Ride*, 189-90. This version is clearly supported by Amos Doolittle's visual representation of the action, drawn from eyewitness accounts, in the fall of 1775. Most modern accounts fail to see that not all the redcoat companies were in line of battle on the Green.

7. Perret, *War*, 7, for example, places 400 infantry in battleline on the Green. This cannot be, as these two companies alone would then represent at least half of Smith's whole force. Given that Sir Thomas Gage, commanding in Boston, had about 4,000 men in ten regiments, we can say that he had roughly 400 men per regiment or about 40 per company. This would place 80 to 100 men in the two companies in firing order.

8. Fire must have come from both sides because provincial accounts agree that at least one officer fired and regulars' reports maintain that one or more men shot at them from behind the wall. The rival accusations are summarized in J. W. Fortescue, *A History of the British Army* (London, 1911), 3:152.

9. Barker is quoted in Michael Pearson, *The Revolutionary War: An Unbiased Account* (New York, 1973), 71. Stiles' testimony is in Richard Frothingham, *History of the Siege of Boston, and of the Battles of Lexington, Concord, and Bunker Hill* (New York, 1970; repr. of 1903 ed.), 62.

10. Gross, *Minutemen*, 117; Pearson, *War*, 70; James Kirby Martin and Mark Edward Lender, *A Respectable Army: The Military Origins of the Republic, 1763-1789* (Wheeling, IL, 1982), 2; John R. Galvin, *The Minute Men: The First Fight* (Washington, D.C., 1989), 128. Distinguished historian Don Higginbotham, in the critically acclaimed Public Television documentary *Liberty* (1997), also says that the light infantry got out of control of their officers.

11. There is general agreement among historians that Parker intended a provocation. For example, Galvin, *Minute Men*, 124, says: "it seems clear that Parker did intend some kind of confrontation with the oncoming British; . . ."

12. Fischer, *Revere's Ride*, 177; and Esther Forbes, *Paul Revere and the World He Lived In* (Boston, 1942), 261.

13. John C. Miller, *Sam Adams: Pioneer in Propaganda* (Stanford, 1936), 332. Harold Murdoch earlier suggested that Adams stage-managed the stand at Lexington for propaganda effect ["Historic Doubts on the Battle of Lexington," *Massachusetts Historical Proceedings*, 49 (1916), 374] but Miller sees no evidence for this.

14. Forbes, *Revere*, 265.

15. Forbes, *Revere*, 268.

16. Martin and Lender, *Army*, 2.

17. The most thorough study of regulars as police is Hiller B. Zobel, *The Boston Massacre* (New York, 1971). Also, George Rudé, *Paris and London in the Eighteenth Century* (New York, 1973).

18. Galvin, *Minute Men*, 124.

19. Colonial use of orthodox European military practices is detailed in John Ferling, *Struggle for a Continent: The Wars of Early America* (Arlington Heights, IL, 1993).

20. The words spoken on the Green are retrieved from the depositions of provincial eyewitnesses: Coburn, *Battle*, 64.

21. Coburn made a careful study of the provincial depositions and concludes that Parker gave no order to lay down arms: *Battle*, 64.

22. Frothingham, *History*, 62, on the militia's confusing dispersal, and regulars seeing fire from the wall. Fortescue, *History*, 3:152, concludes from eyewitness testimony that provincials fired from behind the wall and adjacent buildings. Forbes concurs: *Revere*, 268. Pearson, *War*, 70, notes regulars seeing a shot from the direction of Buckman's Tavern. Fischer, *Revere's Ride*, 193, 195, for regulars' bullets hitting the wall.

23. Deposition of William Munroe, cited in Coburn, *Battle*, 63.

24. For example, Michael Pearson, a British historian, finds absolutely no reason to question Pitcairn's word: *War*, 407. A. J. Barker, in *Redcoats*, 135, goes so far as to say that Pitcairn gave a second "order not to fire [that] was probably drowned in the hullabaloo." From the American side, Richard Frothingham, for instance, in his *History*, 195, found the major "a courteous and accomplished officer, and an exemplary man." Finally, Harold Murdock, in *The Nineteenth of April, 1775* (Boston, 1923), says of Pitcairn that, "as a man of 'integrity and honor,' he told the truth; . . ." Murdoch blames the light infantry, who were "raging like a mob" (34).

25. The officers are quoted in Galvin, *Minute Men*, 127. Gross, *Minutemen*, 117, for Pitcairn's version of his exact orders.

26. Coburn, *Battle*, 64; and Frothingham, *History*, 62, on the commands shouted. Gross, *Minutemen*, 117, notes some militia standing their ground. Jonas Parker, for example, had bullets, wadding, and flints in his hat at his feet and was preparing to fire: George F. Scheer, *Rebels and Redcoats* (New York, 1957), 30.

27. Galvin, *Minute Men*, 125.

28. Frothingham, *History*, 62.

29. For examples of soldiers firing into mobs, in addition to Zobel's *The Boston Massacre*, see Rudé, *London*, 235 & 273-75; 240-41 for acquittals of men who fired. Also, Christopher Hibbert, *King Mob: The Story of Lord George Gordon and the Riots of 1780* (London, 1959), 60, 65-66, 93, 108.

30. Gross, *Minutemen*, 117, notes Pitcairn's move to behind the militia's lines.

31. Paddy Griffith, in *Forward into Battle: Fighting Tactics from Waterloo to the Near Future* (Novato, CA, 1990; 2d rev. ed.), 12-49, brought to my attention this battle tactic in the later Napoleonic Wars, 1809-1815. I recognized the same tactic as being in use at least by the mid 1700s, e.g., at Dettingen in 1743 and Quebec in 1759. See Michael Orr, *Dettingen, 1743* (London, 1972), esp. 62, 65; Francis Parkman, *Montcalm and Wolfe* (New York, 1962), 545.

32. Dave Grossman, *On Killing: The Psychological Cost of Learning to Kill in War and Society* (Boston, 1995), 8.

33. Thomas Willard, watching from a house window nearby, heard the huzzahs and noted the redcoat distance from the militia: Scheer, *Rebels*, 29.

34. Fischer, *Revere's Ride*, 194-95, on the sound made by the full volleys. This clearly suggests disciplined, ordered fire.

35. Sylvanus Wood was one of the provincials who thought the first volley contained no ball: Scheer, *Rebels*, 30.

36. Deposition of Harrington and other militiamen in Coburn, *Battle*, 65-66. Harold Murdoch, in *Nineteenth of April*, 41, denies that ordered volleys were fired by the regulars, who he says were quickly out of control, and he claims that the Doolittle print which shows disciplined fire is inaccurate; it should show only clumps of men firing ragged bursts of musketry. I think Murdoch is wrong and that Doolittle's print, based on eyewitness accounts, is a correct rendition. Provincial depositions, which claim that the Foot fired two volleys, coordinated and in sequence, suggests organized platoon fire, as shown by Doolittle. This disciplined fire drill is compatible with the theory that the soldiers were acting under command and not with the idea that they were a mob.

37. This was not the first time that the king's officers, in after-action reports, had blamed the rankers for embarrassing circumstances. The officers with General Edward Braddock on the Monongahela in 1775 generally blamed their men for what went wrong in that debacle. See the officers' accounts collected in Paul E. Kopperman, *Braddock at the Monongahela* (Pittsburgh, 1977).

38. For a provocative essay on the violent legacy of the American Revolution, see Richard Maxwell Brown, "Violence and the American Revolution," in Stephen G. Kurtz and James H. Huston, eds., *Essays on the American Revolution* (Chapel Hill, 1973), 81-120.

The Siege of Khe Sanh, 1968

by
Rick Trump

In 1954, French soldiers were overwhelmingly defeated by Viet Minh forces led by General Vo Nguyen Giap, at an outpost in northwestern Vietnam named Dien Bien Phu. During the bitterly contested two-month siege, the Viet Minh isolated, surrounded and killed or captured all of the French troops inside the defensive perimeter. The battle was decisive, ending French rule and bringing about French withdrawal from Vietnam. The battle was also an indicator of the tenacity and ingenuity of Viet Minh forces under communist leadership.¹ In January 1968, the United States Marine Corps base at Khe Sanh underwent a siege that appeared almost identical to the siege at Dien Bien Phu. However, Khe Sanh was *not* Dien Bien Phu. The North Vietnamese did not accomplish their goal of conquest, for the Marines still held the base when the siege ended. This study will consider some of the differences in the two battles that should have been apparent at the time. In comparing, I asked, why did the U.S. have a base at Khe Sanh, why did the North Vietnamese attack, and what did they hope to accomplish? I analyze the response of the American military and public to the attack and siege and inquire, why was the siege at Khe Sanh compared to the siege of Dien Bien Phu? Finally, I attempt to evaluate the results of the battle.

During U.S. involvement in the war in Vietnam, most military actions were directed and launched from bases dotting the countryside. They varied in size, housing from a few hundred to several thousand personnel. They also varied in their functions. Some bases were set up in areas from which patrols into the jungle could be launched; others were designed to help launch major offensives or were used in support, such as with artillery firebases. And still others were originated so that a defensive presence could be maintained in the area and U.S. presence felt. The Marine base at Khe Sanh was used for all of these purposes.

Located in the northwestern sector of Vietnam, Khe Sanh is approximately six miles east of the Laotian border and fourteen miles south of the DMZ (Demilitarized Zone). The original base was established overlooking Route 9, the main eastbound highway entering Vietnam from Laos in 1962 and manned only by an Army Special Forces group. The base was located, not only to guard this vital route, but also to act as a listening post or surveillance point to monitor the border of Laos and Vietnam. In 1966, U.S. Marines replaced the Special Forces and, after a few months, under orders from General William Westmoreland, Commander in Chief, MACV (Mili-

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tary Assistance Command, Vietnam) moved the base to the site where the fighting would take place in 1968. Westmoreland regarded the base at Khe Sanh as a possible staging area for offensive military actions into Laos, if fighting there became necessary,² as well as an airstrip for reconnaissance planes surveying the Ho Chi Minh Trail, and the “western anchor for the defense south of the DMZ.”³

The fighting around Khe Sanh in January and February 1968 was not the first there. For three weeks in the Spring of 1967 (April 24 to May 12) fighting occurred between forces of the North Vietnamese Army (NVA) and members of the 3rd Marines. They fought for possession of the strategic hills that surround Khe Sanh. The 3rd Marines won this series of battles, but sustained 160 dead and 700 wounded. Many of these casualties were due to inherent design flaws in the new M-16 rifles, defects that caused the weapons to jam if only slightly dirty. It is estimated that on one occasion the base had to rely almost exclusively on artillery to repel an assault by an entire NVA regiment.⁴ There would be no further action in or around Khe Sanh until early January 1968.

On the night of January 2, a patrol from the base, scouting with a sentry dog, checked on something suspicious noticed by the dog and spotted six men in Marine uniforms standing outside the wire. When the officer leading the patrol issued a challenge, one of the six men reached for a hand grenade. At this, the Marine patrol opened fire, killing five of the six men. Investigating closer, they discovered that the men were all North Vietnamese officers: a regimental commander and his operations and communications staff.⁵ When Westmoreland learned of this event, he realized that the North Vietnamese must have had plans for a very large attack on Khe Sanh. He was convinced that the North Vietnamese commander, General Vo Nguyen Giap, was planning to attempt to repeat his success at Dien Bien Phu. Specially trained long-range reconnaissance patrols were sent behind enemy lines to discover what Giap was planning. Photo reconnaissance was ordered, and the pictures analyzed in detail to determine the extent of enemy buildup in the area. Within a few days, Westmoreland thought he had Giap’s plans figured out and, for the most part, he did.

The North Vietnamese had deployed at least four regiments from three different divisions within twenty-five miles of Khe Sanh. These regiments were the combat elements of several divisions, and U.S. sensor devices picked up radio communications between the units, making it clear that they were working together. U.S. intelligence also discovered that two artillery units and maybe even an armor unit were available for support, and that roads had been hacked out of the jungle to make transportation easier.⁶ The number of North Vietnamese involved in the buildup numbered an estimated 20,000 to 40,000 men.

This was all part of Giap’s plan for the Tet Offensive, which contained three phases. Phase one was the attack of border areas to draw U.S. forces out of the cities and populated areas; phase two was the uprising of the Viet Cong (VC) cadres and civilian sympathizers in the cities when the attacks began; and phase three was the attack on Khe Sanh. Giap hoped Khe Sanh would be the final, decisive battle that

Dien Bien Phu had been. He hoped the offensive would force the U.S. from South Vietnam and open the door for North Vietnamese unification of the country.⁷ General Westmoreland and other U.S. military and political leaders regarded the buildup around Khe Sanh as the major threat, especially after the attacks in the cities during Tet. They did not see these actions taken by VC troops as a major phase of the North Vietnamese plan, but as a diversionary tactic to direct U.S. reinforcements away from Khe Sanh. Westmoreland believed that the objective of the North Vietnamese in taking Khe Sanh was so they could move into and control the whole of Quang Tri Province. The North Vietnamese could only reach Quang Tri Province by passing through Khe Sanh.⁸

But Khe Sanh was not Dien Bien Phu. It was manned by four battalions of the 26th Marines, which had replaced the 3rd, under the command of Colonel David E. Lownds, and reinforced by a battalion of ARVN (Army of the Republic of Vietnam) rangers. They totaled 6,000 men,⁹ and although outnumbered almost six to one, they had strong artillery support. Inside the base, the Marines and ARVN rangers could call on eighteen 105mm and six 155mm howitzers, six 4.2 inch mortars, six tanks, and ninety-two single or Ontos-mounted 106mm recoil-less rifles. Seventy miles east of Khe Sanh was Camp Carroll, and fifteen miles to the north was "The Rockpile" from which 175 mm howitzers could be called on for support.¹⁰

Aside from all of this support on the ground, the air support could bring in supplies to the men and fire on the enemy. In fact, Westmoreland had already instituted Operation Niagara, an all-out bombing raid by both tactical and strategic bombers on NVA positions. This operation was extremely successful, decimating People's Army of Vietnam (PAVN) divisions with more than 100,000 tons of bombs dropped from aircraft, including B-52 Arc Light (high-altitude) strikes as close as 3,000 feet from friendly positions.¹¹

On January 20, 1968, with all elements for a major battle in place, India Company began patrolling an ambush site from the day before. As they approached the ridge line of Hill 881, in an exposed position, suddenly heavy automatic weapons and rocket-propelled grenades fired on them, killing or wounding twenty men in thirty seconds.¹² The company called in fire support from the base howitzers and prepared to charge the hilltop. However, just as they started moving, Lownds ordered them back. A North Vietnamese defector had approached the base with a white flag, and under interrogation, had given new and valuable information on the overall attack—he gave the precise time attacks were scheduled to begin and where. At 12:30 A.M. that night his information proved correct.

As forecast, 82mm and 122mm mortars and rockets began falling on the Marine outpost on Hill 861. Fifteen minutes later, NVA troops with ladders and armed with automatic weapons and bangalore torpedoes, attacked in waves. They set off claymore mines, and the marines fired flares and opened on the enemy from interlocking machine-gun emplacements. However, NVA troops broke through to the helicopter-landing pad. The Marines were forced to retreat but continued shooting mortars and machine guns at their former positions, and they called in fire

support from the main base. At 5:00 A.M., the Marines counter-attacked, forcing the North Vietnamese off the hill.¹³ This was the only significant fighting that night.

But at 5:30 A.M., North Vietnamese rocket positions on Hill 881, the same hill India Company had patrolled earlier, opened fire on the main base. The ammunition dump sustained a direct hit, resulting in a massive explosion that collapsed tents and buildings and overturned helicopters. Ammunition from the dump rained down on positions inside the perimeter and caused petroleum and oil tanks to explode, adding to the destruction. Later that morning, the North Vietnamese launched an attack against the village of Khe Sanh itself, which was lightly defended by South Vietnamese and a few Marines. Artillery from the surrounding hills helped repulse this attack.¹⁴

Throughout that first day of January 21, both sides kept up a constant firing, but no major assaults were launched against the base. But the North Vietnamese renewed their attack on the village, which was still in the hands of the Marines. As the battle for the village raged, a pagoda was destroyed as well as a restaurant the Americans had named "Howard Johnson's." Lownds decided that the village was expendable and withdrew his forces back inside the base perimeter.

Although the Marines and ARVN rangers had been successful in defending the base, the loss of the ammunition dump with 90 percent of the ammunition, greatly lessened their chances of holding out unless supplies could be delivered. Since the North Vietnamese controlled Route 9, supplies would have to be brought in by air. Lownds estimated that an average of 160 tons of supplies per day would be needed, but on the first day of the battle, only 24 tons were received, given the anti-aircraft fire and damaged runway.¹⁵

After the massive attack on Hill 861 and on the village, there was very little NVA action against the Marines, aside from rocket, artillery and mortar attacks and the occasional attempts of sappers to get past the wire. Suffering from the Niagara bombings, the NVA regiments were unable to conduct a significant ground attack on the base. Instead, they withdrew from the area and regrouped. However, at first the massive bombardments were almost enough. The overall U.S. commander of the Khe Sanh area, Lieutenant General William Rossen and his nominal superior, Lieutenant General Robert Cushman, decided that to hold on to Khe Sanh was too much of a risk. They made plans to evacuate the base, using naval gunfire and air strikes to destroy everything left behind by the retreating men. As soon as Westmoreland heard of these plans, he called a meeting with Rossen and Cushman and vetoed the idea, apparently out of pride and the fact that he refused to allow the NVA or Giap to get the better of him.¹⁶

The inability of the NVA to attack the base with troops can almost certainly be attributed to the air power of the U.S. Navy and Air Force in Operation Niagara. The bombings were the "beginning of the end of enemy plans to restage Dien Bien Phu."¹⁷ During the operation, which lasted seventy-seven days, the length of the siege, six B-52's flew over every three hours, 24 hours per day, dropping a total of 75,000 tons of explosives. These flights numbered 2,602 sorties, in addition to 300 sorties per day by smaller fighter-bombers.¹⁸

However, the “beginning of the end” was not as apparent at the time of the siege. Back home, the American people worried that Khe Sanh would be another Dien Bien Phu. The most frequent lead story during the Tet Offensive compared Khe Sanh to Dien Bien Phu. Reporters scrambled to find detailed information on the French defeat in 1955 to estimate the chances of the Marines. Copies of the British paperback edition of Jules Roy’s *The Battle of Dienbienphu* circulated among the Vietnam press corps. Journalists searched for Bernard Fall’s book, *Hell in a Very Small Place*. Both books offered an inside view of the earlier battle and both concerned strategic concepts.¹⁹ This type of reporting worried the American people.

When the battle for Khe Sanh began, the *New York Times* reported it as a basic rocket and mortar attack, with the enemy probing U.S. lines.²⁰ Therefore readers had no cause for concern; it was a typical NVA attack. But two days later, on January 24, the *Times* reported that the situation was becoming more critical, that the NVA were attacking in greater strength.²¹ The next day, January 25, the paper had reports of the direct hit on the ammunition dump and its explosion.²² After that the paper included no significant news on military action until the Tet Offensive started on January 29, and by then enemy assaults on Khe Sanh seemed to have settled into routine rocket and mortar barrages, with few ground assaults.

On February 1, 1968, the *New York Times* printed a story entitled “Public Opinion in the U.S. and South Vietnam is Viewed as Main Target of New Offensive by Vietcong.” The article reported that army officers were declaring that the enemy was trying to achieve another “Dienbienphu.” The officers predicted that the effort would fail, but the U.S. should expect to suffer many casualties.²³ This type of reporting could have started the American public into fearing that Khe Sanh would end up like Dien Bien Phu. To make the situation more serious, on February 11, the *Times* ran a story that included warnings from Hanoi to the U.S. that Khe Sanh was going to be resolved in the same manner as Dien Bien Phu. “For the past several months,” the article stated, “Khesanh has been surrounded, in a tragic plight. By losing Langvei [a special forces camp 9 miles southwest of the base], the Americans living in Khesanh are cornered even more tightly, in dismay and fear.”²⁴

Television crews and newspaper reporters shuttled back and forth between Saigon and Khe Sanh, and they made the siege the most reported story of the year. *Newsweek* ran an article titled “The Agony of Khe Sanh,” and 50 percent of CBS’s news on Vietnam was devoted to Khe Sanh.²⁵ These stories helped fuel the worry in the minds of the American people and their political officials. Throughout the remainder of the siege of Khe Sanh, the *New York Times* reported other, lighter stories of the Khe Sanh situation. They highlighted the life of Colonel Lownds and described life in the ranks at Khe Sanh. But by the end of the siege, when it appeared certain that this was not another Dien Bien Phu, the paper ignored Khe Sanh, and when it ended, did not even report the lifting of the siege.

The official most concerned by the siege of Khe Sanh was President Lyndon B. Johnson; and he became preoccupied with it. When the news came, he had a model of the Khe Sanh plateau constructed in the White House situation room. He said that

he feared Khe Sanh would be his “Dinbinphoo,” as he pronounced it.²⁶ During the siege he had trouble sleeping. Colonel Robert Ginsburgh and other communications room staff members reported that he would call down for a report on Khe Sanh every two hours. The staff finally reached a point when they began sending him a message, hoping to preclude his calling.²⁷ Johnson’s calls and requests for these reports may indicate that he was beginning to distrust his advisors and other staff members.

In reality, the president and the American public had very little to worry about. U.S. and ARVN forces at Khe Sanh were reinforced and relieved with Operation Pegasus, a plan to send the 1st Air Cavalry Division clearing the way through Route 9 and linking up with Khe Sanh. On April 8 they arrived,²⁸ and on April 9, for the first time in 45 days, no NVA mortars or rockets landed on the base. Operation Scotland, the plan to defend Khe Sanh, was a success.

Who won the Battle of Khe Sanh? The Marines and ARVN rangers held the base after the siege was lifted, but is that how one judges who won or lost? Consider that in June that year, General Creighton Abrams, who replaced Westmoreland as commander, ordered the closing and dismantling of the base at Khe Sanh, leaving only a small force behind to cover the area and Route 9. This allowed the Vietnamese to move into the area virtually unopposed, but did not give them the victory that they wanted to compare to Dien Bien Phu.²⁹ It is not clear why Abrams ordered the closing of the base. It has been suggested that he wanted to direct his full attention to other areas and that he considered Khe Sanh so vulnerable that the Marines and ARVN were fortunate not to have suffered greater casualties. Therefore, he withdrew to prevent future losses. He may have been wise because 400 U.S. troops were killed in the Khe Sanh sector *after* the siege was lifted. That was double the number killed during the siege.³⁰ It seems fair to inquire, “Who met the goals they set out to reach?” The Marines and ARVN rangers holding Khe Sanh did.

During the siege, two hundred U.S. troops were killed and sixteen hundred were wounded. The NVA losses are estimated at sixteen hundred to fifteen thousand, many from the Arc Light missions by the Air Force. An estimated 60,000 tons of high explosives were dropped on North Vietnamese positions.³¹

To argue that Khe Sanh and Dien Bien Phu were the same type of battle is not valid. They were two separate and distinct battles with two very different outcomes. In fact, some people claim that the only thing the two battles had in common was that they were both fought in bad weather. When comparing the numbers and statistics, one realizes there are no real similarities. In an effort to relive or restage Dien Bien Phu, Giap failed to compare himself, and this may have been one of the deciding factors in the battle. The closest friendly base for Dien Bien Phu was 100 miles away, while for Khe Sanh it was only 15 miles. The airfield at Khe Sanh was repaired and remained in use during the siege, whereas the airfield at Dien Bien Phu had been destroyed. Also, there was no external artillery support for the French, while the Americans had the 175mm howitzers at the Rockpile. However, without doubt, the most significant difference was the air support and air supplies the Marines could count on. The B-52 bombings of Vietnam are considered one of the

most psychologically damaging weapons of the war, and this weapon was used very effectively during the siege.³²

Could the French have won at Dien Bien Phu if they had had similar air support? Could the Americans have won at Khe Sanh without it? Possibly yes, but probably not. The U.S. Marines of the 26th Marines did a magnificent job holding out, but it was with the aid of the air and artillery support. After the loss of the ammunition dump on January 21, there was no way they could have held out without being resupplied. It is questionable that they would have been able to sustain any serious ground attacks, but because of Operation Niagara, the North Vietnamese were unable to effectively launch any more assaults. The planning of the defense of the base is also a credit to the success. However, regardless of all the firepower, had it not been for that alert sentry dog on the night of January 2, 1968, General Westmoreland might not have had time to devise an adequate defense of the base.

Endnotes

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Lynching: Popular Justice or Southern Horror?

by
Bonnie W. May

Every Negro in the South knows that he is under a kind of sentence of death; he does not know when his turn will come, it may never come, but it may also be any time.¹

This 1937 statement by author John Dollard illustrates the brutality of the Jim Crow South and its history of lynching. The purpose of lynching was not only to punish the victim, but to ensure control of both blacks and sympathetic whites in order to re-establish pre-Civil War social, political and economic structures in the South. Lynching served as a primary tactic to prevent freed blacks from gaining their rights in the South.

The term lynching was derived from the name of Colonel Charles Lynch who instituted repressive justice measures in Virginia during the Revolutionary War. A professed Quaker, he felt strongly enough about independence to accept a commission as Colonel of his home militia in Lynchburg, Virginia. Horse stealing and subsequent sale of stolen horses to British Tories, was one of his major problems. When caught, offenders were to be transported to Williamsburg, Virginia, for trial. However, with war underway, this proved to be costly and dangerous. Lynch set up his own court, appointing himself as judge, and three of his neighbors as associate justices. The accused still had the right to face his accuser and summon witnesses in his own defense. If convicted, the “Law of Moses” was applied—forty lashes on the bared back. If the convicted person did not then shout “Liberty Forever!” convincingly, he was strung up by his thumbs until he did so.²

After the Revolution, some of those convicted in Lynch’s court threatened to prosecute and Lynch took the matter to the Virginia legislature. The legislature exonerated Lynch believing his actions to be justified in time of war. The premise of justice as determined by the prevailing conditions was adopted by other colonies and became known as Lynch’s Law. However, Lynch never imposed the death sentence or hanging. His justice was far removed from the “Lynch Law” imposed on African Americans in the South after the Civil War.

Lynching is considered a peculiar American institution. Richard Hofstadter, cited in Herbert Shapiro’s *White Violence and Black Response*, stated that “the violence of lynching in American society is not a temporary aberration as many have

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reported. It (violence) is commonplace in our history. . . . There is far more violence in our national heritage than our proud, sometimes smug, national self image admits of."³ Shapiro identified lynching and its accompanying violence and terror as a primary Southern strategy to continue the social order of white supremacy with black Americans as a permanent underclass. African American equality and progress were viewed as the most serious threats to the Southern way of life. The intensity of that threat is illustrated in the following:

The only difference between colored convicts and the colored people at large consists in the fact that the former have been caught in the commission of a crime, tried and convicted, while the latter have not. The entire race is destitute of character. (John T. Brown, the principal keeper of the Georgia Penitentiary - 1876).⁴

He (the black man) grows more bumptious on the street. More impudent in his dealings with white men; and then, when he cannot achieve social equality as he wishes, with the instinct of the barbarian to destroy what he cannot attain to, he lies in wait, as that dastardly brute did yesterday, near this city (Atlanta) and assaults the fair young girlhood of the south. (*Atlanta Journal* editorial - August 1, 1906).⁵

In the South, we have to lynch him (The Negro) occasionally, and flog him, now and then, to keep him from blaspheming the Almighty, by his conduct, on account of his smell and his color. . . . Lynch law is a good sign: it shows that a sense of justice yet lives among the people. (Georgia Populist Tom Watson, 1906)⁶

The white response to this threat was the formulation of secret societies to restore and maintain white supremacy. In 1866, in Pulaski, Tennessee, the Ku Klux Klan emerged. Other organizations formed under names such as the White Brotherhood, the Palefaces, the Invisible Empire, the Constitutional Union Guard and Knights of the White Camellia.⁷ The goal of these groups was to prevent black education, suffrage and land ownership in order to stop black progress.

The frequency of lynching led to a Congressional inquiry in 1870. Seven Senators and fourteen Representatives of a Joint Select Committee heard testimony regarding the widespread brutality directed at freedmen. On May 31, 1870, Congress passed its first Enforcement Act. Its purpose was to end bribery and intimidation of voters and prohibit groups from conspiring to deprive anyone of their rights of citizenship under the Fourteenth and Fifteenth Amendments. A second Enforcement Act was passed in 1871 to strengthen federal control over the election process. However, widespread racial violence continued. On April 20, 1871, President Grant signed the Ku Klux Klan Act making it a federal crime for anyone to conspire to deny persons equal protection under the law. In addition, the

President was granted the power to use federal troops to enforce the Act.

While the initial use of federal troops to enforce these acts was effective in states such as South Carolina, the lack of continued commitment by the North to Southern black equality allowed the quick return of terror. Between 1871 and 1874, only 154 convictions were upheld against Klan members, 44 resulted in acquittal and 1,119 cases were nol-prossed.⁸

Two Supreme Court cases supported this return to terror. In 1873, by a 5-4 decision in the *Slaughterhouse* cases from New Orleans, the Court ruled that the Fourteenth Amendment applied only to federally guaranteed rights—not to rights given by individual states. This gave states control of ensuring citizen's civil rights. In 1876, in *U.S. v. Cruikshank*, the Supreme Court reversed the convictions of three persons for denying civil rights to blacks during a bloody confrontation in Grant Parish, Louisiana. The court held that the federal government could only intervene to keep states, not individuals, from denying civil rights to freedmen.⁹

As northern Radical Republicans, the federal government and the Supreme Court abandoned the freedman to Southern violence, black leaders realized that only through their own efforts would they achieve security and protection from the violence of the Klan. Black ministers and black newspapers began a public campaign to gain support in the white community to force a stop to the violence. The Afro-American League led by T. Thomas Fortune in 1890 and the Equal Rights Council, led by Bishop Henry McNeal Turner, created in 1893, were formed primarily to oppose lynching. This group hoped to collect \$1.00 from every black American to finance court fights and lobby Congress for federal legislation. Black women organized into clubs such as the Colored Women's League in Washington, D.C. and the New Era Club in Boston. These groups formed the foundation for the establishment of the National Association for the Advancement of Colored People and the NAACP made a concerted effort to end lynching.

Frederick Douglass and Ida Wells Barnett emerged as leaders of the black anti-lynching movement. Douglass, a former slave, wrote pamphlets and held mass meetings in the North to garner support for federal anti-lynching laws and enforcement. Wells, a former teacher, had become part-owner and editor of *Free Speech*, a black newspaper in Memphis, Tennessee. In 1892, when she began lecturing on lynching, her newspaper was destroyed and she was warned to stay in the North. She published her first pamphlet, *Southern Horrors*, in 1892. She used white newspaper accounts and began publishing stories of lynchings in the *Chicago Tribune*. She continued to publish other lynching pamphlets including *A Red Record* in 1895 and *Mob Rule in New Orleans*, in 1900.¹⁰

The exact number of lynchings has been difficult to confirm. Many went unreported. The *Chicago Tribune* and the Tuskegee Institute began keeping formal records in 1885. The NAACP began publishing lists and details of lynchings in 1912 through pamphlets and its publication, *The Crisis*. Tolnay and Beck, in their work, *A Festival of Violence*, compiled a master list of the lynchings recorded by the NAACP, Tuskegee Institute, and *Chicago Tribune*. They then matched these

reports to newspaper accounts to develop an accurate record. Between 1882 and 1930, over 2,800 Americans were victims of lynch mobs in ten Southern states, with 2,500 being African American. This meant on average, one black man, woman or child was murdered once a week during this period.¹¹ The number of lynchings by state and the number that has been not been confirmed are included in Table 1.

Table 1 - Number Of Lynchings By States And Confirmation Numbers

State	No. of Confirmed Lynch Victims	Remaining No. to be Confirmed
Alabama	300	17
Arkansas	241	27
Florida	250	22
Georgia	458	31
Kentucky	191	21
Louisiana	360	16
Mississippi	538	45
North Carolina	97	7
South Carolina	156	5
Tennessee	214	34
Total	2,805	225

Source: Tolnay and Beck, *Festival of Violence*, 260.

The offenses for which accused victims were lynched ranged from acting suspiciously to rape and murder. Tolnay and Beck provide the detailed listing shown in Table 2 from their research of newspaper accounts. Between 1882 and 1889, 38.1 percent of black victims were accused of rape or rape-murder and 34.9 percent were accused of murder. After 1900, there was a decline in rape-related charges to 24.8 percent with murder charges rising to 39.3 percent. The defense of Southern white women was the most often used justification for lynching by Southern whites. White upper class Southern society presented lynching as the work of “rabble” elements, not of decent folk. The “best” people, they stated, deplored lynching and often tried to prevent it.¹²

Table 2: Reasons Given for Black Lynchings

Acting suspiciously	Looting
Adultery	Making threats
Aiding murderer	Miscegenation
Arguing with a white man	Mistaken identity
Arson	Molestation
Assassination	Murder
Attempted murder	Nonsexual assault
Banditry	Peeping Tom
Being disreputable	Pillage
Being obnoxious	Plotting to kill
Boasting about riot	Poisoning well
Burglary	Quarreling
Child Abuse	Race hatred
Conjuring	Race troubles
Courting white women	Rape
Criminal assault	Rape-murders
Cutting levee	Resisting mob
Defending rapist	Revenge
Demanding respect	Robbery
Disorderly conduct	Running a bordello
Eloping with a white woman	Showing sympathy lynching victim
Enticement	Slander
Extortion	Spreading disease
Fraud	Stealing
Frightening white woman	Suing white man
Gambling	Swindling
Grave robbing	Terrorism
Improper with white woman	Testifying against a white man
Incest	Throwing stones
Inciting to riot	Train wrecking
Inciting trouble	Trying to colonize blacks
Indolence	Trying to vote
Inflammatory language	Unpopularity
Informing	Unruly remarks
Injuring livestock	Using obscene language
Insulting white woman	Vagrancy
Insurrection	Violated quarantine
Kidnapping	Voodooism
Killing livestock	Voting for wrong party
Living with white woman	

Source: Tolnay and Beck, *Festival of Violence*, 47.

Federal anti-lynching reforms were promised, however, during presidential elections as Republicans tried to maintain control of black votes. After his election in 1880 President James Garfield consulted black leader Albion Tourgee. Garfield's successor upon his death, Chester A. Arthur, supported black exclusion from the political process and provided no anti-lynching support. In 1884, Democrat Grover Cleveland assured blacks he had no intention of limiting their freedom; but there were 579 lynchings during his first term.¹³ In 1888, a group of black leaders gained from Presidential candidate Benjamin Harrison, a promise to speak out and "make every effort to arouse the conscience of our people."¹⁴ Instead, lynchings reached their peak during his administration. President William McKinley, elected in 1896 with an anti-lynching plank in his campaign, refused to support anti-lynching legislation for fear of alienating Republican white business support. When he was assassinated at a reception in the Pan-American Exhibition in Buffalo in 1901, James Parker, a black man, was standing in line next to assassin Leon Czolgosz to greet McKinley when Czolgosz shot the President twice. Parker knocked down Czolgosz before he could fire a third shot. Parker was excluded from the trial and prevented from testifying because of his race. Black leaders noted that while they were being lynched for small and imagined offenses, a white man was not lynched even for assassinating the President.¹⁵ McKinley's successor, Théodore Roosevelt, resisted efforts of black leaders to secure anti-lynching legislation, but as a good politician provided publicity for the cause. Lynchings declined most of the years he was in office.¹⁶

Some held on to the myth that lynching was a reaction to failure in the justice system. In 1905, President William Howard Taft stated:

Every man of affairs who has studied this subject at all knows that if men who commit crimes were promptly arrested and convicted, there would be no mob for the purpose of lynching. . . . A mob, after it has been organized, loses all conscience and cannot be controlled, but it is the delay of justice that leads to its organization.¹⁷

Table 3: Legal Executions of Blacks, 1882-1930

State:	Executions:
<i>Deep South</i>	
Mississippi	173
Georgia	407
Louisiana	247
Alabama	264
South Carolina	217
<i>Border South</i>	
Florida	106
Tennessee	99
Arkansas	169
Kentucky	100
North Carolina	195
Total	1,977

Source: Tolnay and Beck, *Festival of Violence*, 101.

However, as Table 3 indicates, legal executions of blacks in the Southern States was also prevalent and much more likely for blacks than whites. Between 1882 and 1930, 1,977 African Americans were legally executed in the ten southern states researched by Tolnay and Beck. During this same period, only 451 whites were executed. Some 81 percent of all legal executions were of African Americans.¹⁸

“Legal lynchings” took on a carnival-like atmosphere. George C. Wright in his study, *Racial Violence in Kentucky, 1865-1940*, described this atmosphere as follows: “large, frenzied crowds, the vendors selling hot dogs, cotton candy, and souvenirs, and the news reporters writing about every trivial step taken by the condemned man—remained a part of public executions in the new [twentieth] century.”¹⁹ Describing the public hanging of Sam Jennings, a black man executed for the alleged attack of a white woman Wright quoted from a black newspaper: “The hanging of the colored man . . . attracted such a throng of men, women, and children as might have caused P.T. Barnum of circus fame to hide his face in shame. It took Jennings seventeen minutes to die, to the delight of the crowd who enjoyed every second of the event.”²⁰

In 1918 President Woodrow Wilson, under pressure from black leaders, asked for positive cooperation to end lynching in order to “disprove German lies about the United States.”²¹ But he refused to support anti-lynching legislation, even though returning black World War I veterans were being subjected to violence in the South. Others agreed; in 1929 black leader Thomas Harten charged that Herbert Hoover spent \$50 million annually to enforce the Eighteenth Amendment on prohibition but

“uttered not one word against lynching.”²² However, by 1920 the NAACP national office investigated every lynching and George Wright pointed out that in Kentucky by the 1920s state laws provided stiff penalties for lynch mob members and sheriffs took steps to defend their black prisoners from mob attacks in ways they had not done previously.²³ On the national level, black leaders succeeded in keeping the issue in the public forum and gaining support, bringing a general decline in the number of illegal hangings. Table 4 illustrates the decline in the number of black lynchings from a high of 106 in 1892 to a low of 7 in 1928.

Table 4: Lynchings by year, 1882-1930

Year	All Victims	Black Victims
1882	44	34
1883	55	47
1884	59	43
1885	62	47
1886	71	56
1887	62	49
1888	67	58
1889	81	58
1890	64	53
1891	121	89
1892	129	106
1893	116	103
1894	117	94
1895	89	74
1896	80	63
1897	79	72
1898	81	77
1899	82	70
1900	76	74
1901	94	86
1902	62	59
1903	73	68
1904	61	58
1905	42	40
1906	49	47
1907	48	45
1908	77	73
1909	55	54
1910	55	50
1911	52	50

Year	All Victims	Black Victims
1912	54	53
1913	43	43
1914	38	37
1915	58	50
1916	40	39
1917	26	26
1918	39	38
1919	63	60
1920	36	35
1921	51	45
1922	37	32
1923	25	23
1924	14	14
1925	13	13
1926	24	20
1927	12	12
1928	7	7
1929	9	6
1930	13	12
Total	2,805	2,462

Source: Tolnay and Beck, *Festival of Violence*, 272-3.

The Great Depression turned the attention of both black and white activists to other issues. Franklin D. Roosevelt formed a New Deal Coalition with blacks supporting the Democratic Party. This support would grow with the elections of 1936 and 1940. Sporadic mob violence continued lynchings through World War II. At least forty-three occurred between 1936 and 1946.²⁴ President Harry Truman appointed the President's Committee on Civil Rights in 1946 which recommended several measures to Congress including an anti-lynching and police brutality act. In its report, the committee noted that six persons—all black—had been lynched that year, and three of those had not been charged with any crime. While the committee emphasized the significance of lynching as a method of racial subordination, they identified no role for the federal government. The National Conference on Lynching, led by Paul Robeson and Mrs. Harper Sidley, was unable to gain a public statement of support from Truman. No federal anti-lynching legislation was ever passed.

For decades lynching served as an effective control against black progress in the South. However, the anti-lynching movement organized by blacks courageously called public attention to the tragedy and established a foundation for the later Civil Rights movement. African Americans learned the bitter lesson that they could not

depend on the government or its white leaders to protect their rights—they had to look to their own people to demand justice and accomplish their freedom promised by the Constitution.

Endnotes

1. W. Fitzhugh Brundage, *Under Sentence of Death: Lynching in the South* (Chapel Hill, 1997), vii.
2. Frank Shay, *Judge Lynch: His First Hundred Years* (Montclair, New Jersey, 1969), 21-2.
3. Herbert Shapiro, *White Violence and Black Response: from Reconstruction to Montgomery* (Amherst, 1988), xi.
4. Stewart E. Tolnay and E. M. Beck, *A Festival of Violence: An Analysis of Southern Lynchings, 1882-1930* (Urbana, 1992), 18.
5. Ibid.
6. Ibid.
7. Ibid., 6.
8. Shapiro, *White Violence*, 15.
9. Tolnay and Beck, *Festival of Violence*, 13.
10. Ida B. Wells-Barnett, *On Lynchings: Southern Horrors, A Red Record, Mob Rule in New Orleans* (New York, 1969), Preface.
11. Tolnay and Beck, *Festival of Violence*, Preface.
12. Donald L. Grant, *The Anti-Lynching Movement, 1883-1932* (San Francisco, 1975), 11.
13. Ibid., 49.
14. Ibid., 50.
15. Ibid., 52.
16. Ibid., 56.
17. Ibid., 12.
18. Tolnay and Beck, *Festival of Violence*, 100.
19. George C. Wright, *Racial Violence in Kentucky, 1865-1940: Lynchings, Mob Rule and "Legal Lynchings"* (Baton Rouge, 1990), 255.
20. Ibid., 256-7.
21. Grant, *Anti-Lynching Movement*, 59.
22. Ibid., 165.
23. Wright, *Kentucky*, 105-6, 115, 122.
24. Shapiro, *White Violence*, 367.

Perspectives on a Riot: Newspaper Versions of Chicago's "Red Summer"

by
Andrea Reckers

Before World War I, the African American community in the United States had not fought back against white racism. However, gains made during the war and rising aspirations motivated the black community of Chicago to fight to protect what they had achieved. A new black pride developed and found expression in many African American newspapers that began to appear all across the country. Readers of these papers followed with great interest reports of the urban race riots that bloodied the streets of several U.S. cities in the summer of 1919, making it the "Red Summer," a phrase coined by James Weldon Johnson. There was violence in Charleston, South Carolina; Longview, Texas; Washington, D.C.; and other towns, but only in Chicago did African Americans strike back. Cincinnati's local African American newspaper, *The Union*, founded and edited by Wendell P. Dabney, reported the Chicago riot, and the reaction of Dabney contrasts with reports in the *Cincinnati Enquirer* and provides historical perspective on those violent days in Chicago.

World War I had major repercussions in society, especially in the African American communities, where the ideas of freedom and equality seemed to finally be realized. Wartime production meant that work was available in northern industrial areas. With white soldiers gone to Europe, the promise of jobs greatly stimulated the migration of African Americans from the south to the north. The war drastically reduced immigration from Europe, further creating new opportunity for blacks in production. For the first time, great numbers of southern blacks moved north for work, to escape "Jim Crow" segregation, and in search of a better life for themselves and their families. Black newspapers encouraged this "Great Migration," which was actually a series of small migrations, by publishing letters from blacks who had found work in the north and were writing family members to encourage them to move.

The influx of large black populations into the North brought the issue of race relations into the national area; previously race relations had been a southern problem. The migration changed black employment from predominantly agriculture, to industrial. Gains made contributed to the rise of the "New Negro," who had "race pride and heightened race consciousness." And the migration formed a background for the race riots of 1919. For migrating southern blacks, no northern city was more attractive than Chicago, "the top of the world," where, rumor held,

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black people could find “freedom.” In the years between 1916 and 1918, about fifty thousand southern blacks migrated to Chicago, doubling the black population in three years. William M. Tuttle, Jr., in *Race Riot: Chicago in the Red Summer of 1919*, concluded that rioting broke out in Chicago because of several days of 95 degree heat, general unrest in postwar American society, and a national history of racial violence, but the most fundamental cause was the great migration. The increase in black residents brought clashes in labor, housing, recreation space and politics, and by the summer of 1919, given the new-found self confidence of Chicago blacks and the tremendous fear of white residents that blacks were taking their jobs and working as strikebreakers, moving into all-white blocks of housing, demanding to swim on the white beach, and exercising powerful political influence by voting as a group, Chicago was a powder keg of racial tension.¹

The explosion occurred in ninety-five degree heat on Sunday afternoon, July 27, 1919; and it began along the beach on the shore of Lake Michigan. By unwritten law, the lakeshore was segregated, with blacks using the 25th Street beach and whites the 29th Street beach. On this afternoon, five teenage black males were swimming around a home-made raft near 26th Street on the edge of the black beach, when a white man on shore threw rocks at them. One of the missiles struck Eugene Williams in the forehead, killing him. The four surviving boys ran to the 25th Street beach and reported the murder to a black policeman, and he accompanied them to the 29th Street beach, where they pointed out the murderer. However, unknowingly, these five blacks had walked onto a beach seething with racial tension. Shortly before, a small group of black men and women had entered this all-white beach and walked toward the water, intending to swim. White bathers drove them away with curses and rocks, but they returned with a larger crowd of black persons, hurling stones and temporarily taking possession of the beach. Then large numbers of whites appeared and drove them away. When the four youths and policeman arrived, the whites were back in control, but filled with anger.²

White police officer Daniel Callahan refused to arrest the suspect, and would not allow the black policeman to arrest him. Instead, Callahan arrested a black man on the complaint of a white man. When a patrol wagon came to take the arrested black man away, James Crawford, a black male, fired a pistol into a group of policemen, wounding one. A black officer returned fire, mortally wounding Crawford. Several additional shots were exchanged between the police and black citizens, and the riot was underway. It lasted five days, July 27 to 31, with gangs of white youths attacking individual blacks, and white gunman in autos racing through the black belt on the South side, shooting blacks. African Americans responded with violence—mobbing and killing white peddlers and merchants in the black neighborhood and firing sniper shots from windows at invading whites. Citizens begged Governor Frank O. Lowden to declare martial law and call out the militia, and he responded by calling out 4,000 men and posting them inside the armories. But he refused to order them into the streets, leaving the matter to Mayor William H. Thompson and the police. Finally, on July 30, at 10:30 P.M., he sent the militia, numbering 6,200 by then, into

action. The riot ended the next day with 38 people killed, including 23 black males, and 537 injured, 342 of them blacks.³

In Cincinnati, *The Union* was a weekly newspaper with the motto "NO PEOPLE CAN BECOME GREAT WITHOUT BEING UNITED, FOR 'IN UNION THERE IS STRENGTH.'" The issue published on August 2, 1919 dedicated a large portion of its front page to the race riots in Chicago. The heading urged black Cincinnati residents to "Be Silent! Cautious! Careful!" It prompted them to keep quiet, not mingle in crowds, and keep away from trouble in general. However, if trouble should seek out *The Union's* readers, they were not to wait for the Lord to help them as the Lord had provided them with brains to help themselves. As far as *The Union* was concerned, the African American community had the ideological right to fight to protect themselves and their property.⁴

The lead story, headlined "Chicago in Battle Every Night! Still They Fight," written by Dabney reported that Chicago was a "seething mass of fight and fury." Dabney declared that "blacks and whites took advantage of the motto: 'All is fair in love and war,'" but he pointed out the conspicuous lack of love in Chicago in the aftermath. He referred to "color" as an advantage or disadvantage, depending upon which crowd surrounds you. This sentiment echoes down through history and continues today, though not to the same degree. He mentioned the bravery of three discharged African American soldiers who saved two white policemen from being killed by black men. Then he continued with the inflammatory statement that it was impossible to know what became of the three heroes, but he was certain that their bravery was not taken into consideration if they happened to run into a group of whites later. His reaction was that "their good deed will not have kept them out of the hospital or morgue." He referred to the joy of battle and deemed that the riots were most likely ordered by Divine Providence. He was optimistically thinking that great good would result from the riots. He hoped they would serve as a warning to the white populous that the only way to administer the United States government was to treat all citizens equally, in regard to race, color, and religion.⁵

Also on the front page was an article from the Riot Special of Associated Negro Press. This article also included inflammatory statements. It outlined the reason for the start of the riot as a 'colored lad' being hit by a 'stone' thrown by a 'white ruffian.' The "lad" drowned. News of the incident spread and, according to the writer, a battle erupted within the hour. From sunset on Sunday, July 28 to Monday, July 29, there were more than twelve individual fights around the city and more than 200 people were wounded. The article stated that the majority of the injured were white and many of them were policemen.⁶

In the August 16 edition, Dabney published an article written by former President William Howard Taft, a Cincinnati native. Taft's statements seem out of character for a white politician of the day, though not out of character for Taft, who had been a respected state and federal judge and in 1921 would be appointed Chief Justice of the United States. Obviously proud of the article, Dabney headlined it "Taft Writes on Riots!" Taft referred to the whites in Chicago as the aggressors and expressed

sympathy for the "Negro lad" over whose death the rioting began. He described the youth as going to a "watery grave because he had passed a supposed line of segregation." He recognized that "both sides were guilty of lawless assaults and murder," and asserted, as have historians, that African Americans suffered most in the rioting. He warned the white community that each time they conveyed a feeling of racial superiority, they were adding to the causes of race rioting.⁷

This edition of *The Union* reported the findings of the special grand jury investigating the riots. The article by Dabney stated that State's Attorney Maclay Hoyne had assured the community that he would investigate all complaints without regard to the race of the accused. But as of August 6, fifty-four blacks had been indicted for rioting, but no whites. There was a conspicuous lack of white defendants. Dabney referred to newspaper accounts that had reported frightened African Americans attacked by the score, and declared that, according to Hoyne, it appeared as if "the Negroes were doing the chasing and butchering."⁸ Obviously, Dabney was correct; Hoyne blatantly disregarded his promise to prosecute free of racial bias. The members of the all-white twenty-four person grand jury were amazed when he presented case after case against black men, but none against whites. Finally, after over thirty consecutive accusations against blacks, the jury went on strike, refusing to hear any more cases until he brought evidence against white rioters.⁹

A local paper read by whites was the *Cincinnati Enquirer*. It was a prominent daily newspaper and therefore first reported the rioting on the second day, July 28, 1919. The title of the lead article was "Race Riots Begun in Chicago; Negro Drowns During Fight; Police in Control of District." The lead paragraph mentioned the drowning of one black, probable drowning of a white man, and the probable fatal injury of a second black. The black victims were not identified by gender, simply as "one Negro" and "another Negro." The white "probable victim" was referred to as a "white man." The article stated that the most plausible cause of the riots was that a "Negro wandered across the dividing line to the white section of the beach, and that whites amused themselves by throwing small stones at Negro bathers." The writer engaged in considerable speculation and the phrasing is interesting—it reads as if there was nothing shocking in the least about whites "amusing themselves" by throwing stones at blacks. Clearly the writer was biased in describing the rocks thrown at the blacks as "small stones." The article reported that the police claimed to have the violence in control, while in reality the riots had just begun.¹⁰

On Tuesday morning, July 29, the lead story in the *Enquirer* was "Seven Killed in Chicago Race Riots; National Guard Is Being Mobilized," and it became obvious to readers that the police were not in control of Chicago. The writer admitted that the police were powerless to "Quell disorders." The article reported that on July 28, four regiments of the national guard had been called to duty but had not been sent to the scene of the riots. The Chief of Police was under the impression that the worst of the "disorder" had passed. Both white and black atrocities were reported, as were heroic acts by both white and blacks. Apparently the incident mentioned later by

Dabney was included. This was that a group of discharged black soldiers came to the aid of a white policeman, who had been knocked unconscious. Another incident involved the rescue by the police of a group of blacks who had been surrounded by a mob of whites.¹¹

On August 1, 1919, the *Enquirer* reported the end of the riots, but that sporadic violence continued. At the time of publication, 6,500 state militia and thousands of police were on active duty in the "Negro quarters," in the south side. The official death toll reported was thirty-two, eighteen of them African Americans. An estimate of the injured was 1,000 persons. Governor Lowden sated that he did "not mean that the trouble is entirely over . . . but it appears that the situation is controlled at the present."¹²

In his book on the riots, Tuttle suggested several parallels between the rioting in 1919 and the urban race riots in the 1960s. Both groups of riots came during periods of rising expectations by African Americans; both occurred during periods of international unrest and war; both happened during summer heat; both times, blacks reacted with retaliatory violence; and both times, black people regarded the police with contempt.¹³ The reaction of Dabney and *The Union* reveals that in 1919 some black spokespersons had begun doing what Martin Luther King Jr. would urge in the 1960s—get your backs up and demand your rights. King preached and practiced nonviolence, but Dabney lauded the joy of battle and urged readers to prepare for retaliatory violence.

The Chicago riots of 1919 did not set off a national wave of violent retaliation by the African American community. White Chicago residents and white Americans generally continued enforcing segregation and practicing racial prejudice and hatred. Predictions that the riots would resume in Chicago the next summer and the next were not realized. "Unexpressed revulsion, shared by black and white alike, at the excesses of the 1919 bloodshed," worked to keep the peace, wrote Tuttle. "Perhaps the riot was a cathartic, purging people of some of their anger for a time."¹⁴ Later, after World War II it was impossible to escape the irony inherent in a situation where the United States went to war against Germany over racial genocide, while practicing racial segregation at home.¹⁵ Progress came in the 1960s and since, but Dabney's 1919 exhortation still applies—treat all individuals equally, without regard to race, color, or religion.

Endnotes

1. William M. Tuttle, Jr., *Race Riot: Chicago in the Red Summer of 1919* (New York, 1970), 64-66, 76, 222.
2. Ibid., 5-7; Thomas G. Aylesworth and Virginia L. Aylesworth, *Chicago: The Glamour Years (1919-1941)* (New York, 1986), 145-48.
3. Tuttle, *Race Riot*, 7-10, 32-55, 64.
4. *The Union*, August 2, 1919.
5. Ibid.
6. Ibid.
7. Ibid., August 16, 1919.
8. Ibid.
9. Tuttle, *Race Riot*, 254.
10. *Cincinnati Enquirer*, July 28, 1919.
11. Ibid., July 29, 1919.
12. Ibid., August 1, 1919.
13. Tuttle, *Race Riot*, 262-64.
14. Ibid., 258.
15. Lewis M. Killian, *The Impossible Revolution? Black Power and the American Dream* (New York, 1968), 38-39.

James C. Claypool,
The Tradition Continues:
The Story of Old Latonia, Latonia,
and Turfway Racecourses
(Fort Mitchell, Kentucky, 1997)
review by
Thomas J. May

This book represents a second major contribution to the history of northern Kentucky by Dr. James C. Claypool, Professor of History at Northern Kentucky University. In 1996 Professor Claypool co-authored *Kentucky's Patriot Doctor: The Life and Times of Alvin C. Poweleit*, with Dr. Poweleit, and the journal published a review by Seven M. Watkins in Volume XII. For this book, Claypool researched primary documents at the Keeneland Library and used his lifetime collection of racing programs and other materials, but what greatly enriches the study is his friendship with many of the major personalities involved. He conducted many interviews with jockeys, trainers, horse owners, track managers and others; and this information, along with his familiarity with the history of Kentucky and racing, contributes valuable perspective to the discussion. While this is primarily a history of the sport of racing, in addition, there is a great deal on the economic, social and political history of northern Kentucky in the late nineteenth and twentieth centuries.

Old Latonia opened on June 9, 1883 in the German and Irish suburb of Latonia, four miles south of Cincinnati, in an area of Covington today. Drawing race fans from northern Kentucky and Cincinnati and from Chicago and other areas by railroad, Old Latonia became one of the top tracks in the United States. With Matt Winn as manager, the track attracted some of the greatest horses and most famous trainers and owners of the period. From 1898 to 1914, twelve of the seventeen Kentucky Derby winners raced at Latonia. Exterminator, a chestnut gelding, won his maiden race at Latonia on June 30, 1917, and on May 11, 1918, won the Kentucky Derby. Eddie Arcaro worked as an exercise boy at Latonia before riding his first race in Cleveland in 1931 and returning to Latonia for four races. Then he left and became one of the most successful jockeys in history. The track reached its greatest success in the "Roaring Twenties," from 1924 to 1929. But then the Great Depression cut deeply into attendance, as did the creation of several rival tracks near Chicago. Winn was also president of Churchill Downs and he gave his priority to saving the Louisville track and the Kentucky Derby. Thus, Old Latonia declined in the 1930s and closed in 1939.

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Twenty years later the new Latonia ran its first race on August 27, 1959. Although it took nearly three years for the new facility to attract a strong field of horses, it eventually established a national reputation. The Spiral Stakes race, renamed the Jim Beam Stakes, became one of the most popular races in the nation. In 1992, Jim Beam winner, Lil E. Tee, ridden by Pat Day, became the first Jim Beam horse to win the Kentucky Derby. In 1986 a partnership led by Jerry Carroll, Nashville real estate developer, purchased modern Latonia and renamed it Turfway Park. Under Carroll's leadership Turfway accomplished the dream of moving back to the top of racing in America. "Today, Jerry Carroll is Turfway Park," Claypool wrote (p. 247). But, writing in 1997, Claypool also observed: "As one learns more about Jerry Carroll, there is one constant which frames this man's personality: he is ever looking ahead for the next opportunity" (p. 216). Since then, Carroll has sold Turfway Park and is developing a \$130 million NASCAR track in Gallatin County, Kentucky.

There are many interesting illustrations, including several of horses and jockeys. Steve Cauthen, famous jockey who won the Triple Crown in 1978 on Affirmed, and now vice president of Turfway Park, wrote the foreword. The book is well written and filled with interesting details of horses, trainers and jockeys that will delight racing enthusiasts. Scholars will benefit from Claypool's discussion of events beyond the track and his skillful weaving into the narrative of local, state and national history themes. With enthusiasm, I recommend this book.

Howard Jones,
Mutiny on the Amistad:
The Saga of a Slave Revolt and its Impact
on American Abolition, Law, and Diplomacy
((New York, 1987).

review by
Dalton Danford

A few weeks after a long, arduous journey from Africa on the ship *Tecora*, fifty-three Africans—forty-nine adult males and four children, three of whom were females—were boarded on the *Amistad* in Havana for an expected 300-mile coastal voyage to Guanaja, Cuba. They had been purchased in the public slave market by two Spaniards, Jose Ruiz and Pedro Montes. Their journey and mutiny aboard the *Amistad* became a celebrated episode involving American society and its foreign interests. The affair challenged long-held notions about slavery, evoked great diplomatic controversy, involved a presidential administration whose aims were narcissistic at best, and culminated in a clash between abolitionists and pro-slavery spokesmen.

The Africans had been smuggled into Cuba at night in a deserted inlet, and under the cover of darkness on June 28, 1839 they were placed aboard the *Amistad* because all of this was illegal activity. Slavery was still legal in Cuba, but importation of slaves violated Spanish law and the Anglo-Spanish Treaty of 1817. The blacks were *bozales*, blacks brought into Cuba illegally, but Ruiz and Montes intended to sell them as *ladinos*, legal slaves born in Cuba or imported before importation became illegal. Aboard the *Amistad*, Joseph Cinque, a twenty-five-year-old husband and father of three when kidnapped in Sierra Leone, assumed informal leadership of the blacks and organized a mutiny.

At sea on July 2, Cinque and comrades stormed the deck, killed the captain and the cook and caused two crewmen to jump into the ocean, where they probably drowned. The blacks seized control of the ship. But not knowing how to sail, they demanded that Montes take charge and return them to Africa. However, Montes and Ruiz, speaking in Spanish, decided to sail north in the hope that a British cruiser on an anti-slave patrol would rescue them. The next two months were agonizing for the entire group, and on August 25, the *Amistad* went ashore near Long Island, New York for supplies. U.S. Navy Lieutenant Thomas Gedney, in command of the *USS Washington*, on routine patrol, seized the ship and escorted it to New London, Connecticut, hoping to claim the slaves as salvage in a state where slavery was still legal.

In the great debate that followed, Spain demanded that the *Amistad* and the blacks be delivered to the Spanish government in Cuba, where the rebels could be tried for mutiny and murder. But abolitionists immediately recognized in the situation an

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opportunity to awaken Americans to the barbarism of slavery. How could a nation founded on liberty and individual rights cooperate with illegal slave traders who kidnapped Africans and smuggled them into Cuba? Lewis Tappan and others organized a committee and recruited attorneys to defend the blacks in court.

The case was first heard in federal circuit court in Hartford, Connecticut, with Supreme Court Justice Smith Thompson as presiding judge. The defense argued that the blacks were not slaves, but natives of Africa illegally taken from their homeland, and that their captors acted “contrary to international law, the law of nature, and Spanish laws, treaties, and ordinances” (p. 68). Roger S. Baldwin, arguing in favor of a writ of habeas corpus, declared that the captives were free individuals and their color or African background did not make them slaves. Ralph Ingersoll, lawyer for Montes and Ruiz, countered that under Pinckney’s Treaty both the ship and merchandise had to be returned to their rightful owners. Judge Thompson dismissed the request for a writ of habeas corpus and left the disposition of the captives to the district court of Judge Andrew T. Judson.

During the district court trial the Martin Van Buren administration, acting with the approaching 1840 election in view, hoped and expected that Judson would send the captives back to Cuba under the Pinckney Treaty. Therefore the *USS Grampus* was sent to New Haven, with orders that as soon as Judson announced the decision, the ship was to whisk the blacks to Cuba, before abolitionists could appeal. But, to the surprise of the White House, Judson ruled them “born free,” and ordered them returned to Africa. The U.S. district attorney filed an appeal and the case went before the Supreme Court, Roger B. Taney presiding. Finally, the Supreme Court ruled that while slavery was legal, the defendants were not slaves but “kidnapped Africans” who mutinied and killed in self defense and were to be set free. “The captives are free!” reported former President John Q. Adams, their lawyer before the Supreme Court (p. 194). In January, 1842, Cinque and thirty-four other survivors returned to Sierra Leone, nearly three years after their kidnapping. Jones concluded that the case greatly encouraged abolitionists and gave them a victory to celebrate. With enthusiasm they raised funds to charter the ship that returned the captives to Africa.

Reviewing the book in *The New York Review of Books*, David Brion Davis applauded Jones for emphasizing the discrepancy between positive law and natural law. He criticized the author for failing to realize certain intricacies of the law and for being too charitable to Van Buren. Davis wrote that Jones should have given more information about the captives and the attempts of white abolitionists and American free blacks to assist them.¹ In *The New York Times Book Review*, William S. McFeely wrote that Jones should have mentioned the absence in antebellum America of an organization such as the NAACP. He regretted that in emphasizing legal history Jones lost sight of the people involved. He would have preferred more information on the incarceration of the captives during their trials and on their return to Africa and what happened to them once they were home.²

I think Jones succeeded in recounting many interesting and intricate facts on the incident, but the book falls short in two areas. First, the writing is too legalistic and

this makes the book boring and monotonous to the average reader; it is tailored to an audience that will enjoy an emphasis on the legal side of this remarkable story. However, like McFeely, I would have very much enjoyed learning more about the captives and what happened to them once they were freed.

1. See review in *The New York Review of Books*, November 5, 1987 (by David Brion Davis).

2. See review in *The New York Times Book Review*, January 18, 1987 (by William S. McFeely).

***Petit Guerre in Connecticut:
A Woman's Personal Experience in the
American Revolution: review of
Mary Silliman's War***

**by
Michael C.C. Adams**

Mary Silliman's War is among the best historical films to be produced in the last decade. Partially funded by the National Endowment for the Humanities and ten state humanities councils, the movie is unusually thoughtful and comprehensive in its coverage of issues arising from war and revolution. It has a convincing atmosphere and dialogue. Moving away from the typical focus on great events and famous men who speak and move as if carved from marble, the film explores the lives of more ordinary citizens caught up in the dangers and disorders attendant upon violent social and political change. *Mary Silliman's War* engages undergraduates at all levels and would work well with many high school classes. Because it is intended for educators as well as a general adult audience, the cassette comes with a study manual which addresses concisely but in depth the issues central to the movie, many of which have relevance for the lives of students today.

Mary Silliman was the second wife of Gold Selleck Silliman, a general in the Connecticut militia and State's Attorney under the rebel or patriot government (citizens of the time did not call themselves American or British but Whig or Tory, patriot or loyalist). The action takes place in 1779, the fourth year of the war, when the principal armies under General George Washington and Sir Henry Clinton had settled into an uneasy quiet, facing each other around New York, building strength and considering the next key move. But while there might be no major campaign, violence actually intensified for ordinary people living in the war zone, as *petit guerre* (literally "small war" in French) or partisan warfare was embraced by both sides to wear down the morale and resources of the enemy population.

With the occasional aid of regular troops, militia and partisans on both sides raided the enemy's territory, seizing men and supplies, burning towns and crops. Bushwhacking added to the danger and mutually escalating hatred, breaking down the perimeters between legitimate acts of war and terrorism. Selleck Silliman was deeply involved in events, both as a soldier attempting to block Tory incursions and as a lawyer prosecuting his neighbors for "disloyalty" to the Revolution. The film

Dr. Michael C.C. Adams, Regents Professor of History, includes among his upper division-courses, History 390, History and Film. *Mary Silliman's War* was released in 1993, in color. Stephen Surjik was director; Mary Palk and Richard Donat were the featured actors. The film is 93 minutes in length and is distributed by Heritage Films.

concentrates on the latter issue. After two Tories, Daniel Griswold and Benjamin Glover, are sentenced to hang for their allegiance to King George, Issac Bunnell, a Tory leader, kidnaps Silliman as a guarantor of the lives of the two men. There follows a year of misery for Silliman who is always one step from the gallows and who contracts smallpox while in confinement on Long Island.

But the central focus is on Mary who, pregnant with child, must carry on the running of a farm and household alone under the trying conditions of civil war and after the trauma of watching her husband beaten and abducted. She must direct the planting and tilling, ration out essential items made scarce by war, and manage servants and children, all the while seeking her husband's release from captivity. A strength of the film is its focus on the role of women in wartime, one that is often neglected in mainstream accounts. The war forces Mary out of her traditional sphere and into the male areas of public political and economic activity.

This has already begun to take place before Selleck's abduction, as Mary's conscience and fellow feeling for her neighbors drive her to challenge Selleck's persecution of Tories, saying, "What a spectacle for our children." Selleck resents this rebellion against his household authority, replying, "You mistake your province." He cannot see that his own rebellion against constituted authority, that of King and Parliament, has made this further challenge to authority possible, even necessary. Selleck is also unable to see that his Tory enemies have as much right to deem him a traitor as he has to brand them. This point is made by Judge Thomas Jones, a fellow Yale graduate and old friend, who urges Selleck in captivity to return to his previous allegiance.

In pursuit of her husband's release, Mary invades the male sphere by pleading her case in person both to Connecticut Governor Jonathan Trumbull and his Council, and also to Lieutenant Moylan of General Washington's staff. In both cases she forthrightly defends her position and challenges those who see prisoner exchange as a sign of political weakness to consider the demands of humanity. She even challenges her spiritual advisor, the Reverend Eliot of the Congregational Church, when he opposes further hostage-taking in an effort to redeem Selleck. Mary, anguished by her reluctant intrusion into the male world and the opposition she faces there, comes to doubt the purpose of the Revolution and even her religious faith.

Tragically, Mary is drawn further into the tangle of violence which she abhors, because she employs a somewhat enigmatic figure, Captain David Hawley, a privateer of dubious respectability who preys on Tories for profit, to abduct Judge Jones as a bargaining chip in the high stakes game of ransom. In the ensuing skirmish, Tom Nash, a family friend, is shot and ultimately loses a leg, furthering Mary's complicity in the debilitation of her society. Mary is supported by Abby Nash, Tom's wife, who is firm in the patriot cause, and functions, as the filmmakers note, to remind the viewer "that other revolutionary identities besides the one Mary adopted were available to American women at the time" (*Study Manual for Mary Silliman's War*, p. 4).

As Mary's role is seen to be changed by the exigencies of war, we also watch the Revolution affecting the attitudes and aspirations of two subsidiary characters in the Silliman household. One is Amelia Burr, a young white servant who, with the master gone and liberty in the air, becomes increasingly willful and unruly, dimly perceiving that one outcome of the Revolution may be less social restraint, more equality between classes, and heightened status for ordinary people set loose from the dictates of a traditional social order.

The second character is Peter, a slave and loyal worker, who anchors normal routine on the farm, but who wishes to join the Continental Line, the bluecoated regulars, to win his freedom. The film reminds us that Peter's enlistment bounty will go to his owners, and that this situation existed in a community whose stated principles were contained in the Declaration of Independence with its claim to universal human rights. Peter is killed, fighting loyally in the local Whig militia, before he can achieve his dream of freedom, a poignant individual comment on the frustration of African American aspirations in the Revolutionary era.

In addition to the loss of Peter, Mary's trials continue when her hired hand, Adam Sayers, proves to be a Tory spy and scout who guides royal troops in an expedition to burn Fairfield, Mary's hometown. Sayers spares Mary's house but burns her crops. A civil war is a war with few restraints or boundaries.

From this point, events steadily turn to the better and the film ends on an optimistic note, with a mood of healing in the Silliman household and their Connecticut community. Silliman and Jones are returned to their respective families; Glover and Griswold are not hanged. Mary, who has feared a miscarriage due to her emotional stress and physical exertions, has been delivered of a healthy child which lives to meet its father. Mary notes in a voice-over that after the war's end the bitterness and divisions that had rent her community were finally dissolved. We have the sense that the war, despite its cruelty and destruction, has ultimately brought understanding and maturity to this community. The reality was a little bleaker. Many Tories were hounded out of their homes after royal defeat. Selleck neither fully recovered his health nor recouped his damaged fortunes. He was never adequately compensated for the losses sustained by his law practice and the farm, and was not reimbursed for most of his expenses incurred providing supplies for his troops. He lost health and hope due to the war and, though he never complained, he declined physically and died prematurely. He was one of many patriots who paid a high price for their sense of duty.

Nevertheless, from an educator's point of view, the film is right to end on a note of reconciliation and with the optimistic message that people can survive and triumph over adversity. Without this message, we cannot encourage our students to encounter and master life's challenges. The movie does a good job of showing how war profoundly alters the lives of ordinary men and women, throwing them into strange channels, reshaping their values and making them question their prior faith. The film also makes it clear that this was a civil war, the cruelest of all conflicts, in which both sides acted from principle and yet committed acts of dubious humanity.

It challenges us to think about racial, class, and gender issues in the context of the Declaration of Independence, and to consider who profits from social change and who pays the price.

The film is based primarily on the scholarly biography of Mary Silliman by Joy Day Buel and Richard Buel, Jr., and called *The Way of Duty: A Woman and Her Family in Revolutionary America* (New York, 1985). The movie goes beyond the book, using "poetic license" to flesh out characters, sketch in incidents and plot lines that cannot be adduced from the historical record. For example, although Mary did write letters and circulate petitions on behalf of her husband, there is no evidence that she appeared in person before Governor Trumbull's Council or Washington's staff. Amelia was Mary's prospective daughter-in-law and not the sassy maid servant of the film. Of Hawley we know little except that he was commander of a vessel of war sailing under a Connecticut commission. The book does not lead me to conclude that Mary questioned her religious faith as in the film and there is no textual justification for the long dialogues between Selleck Silliman and Judge Jones. Abby and Tom Nash are entirely fictional creations.

This leads to a dilemma for the viewer: are the interpolations justifiable to elucidate the issues of the Revolutionary War or are they unwarranted interferences with the historical record? I believe that the embellishments are legitimate, given that the film makers are careful to explain their actions in the study manual. This is different from the work of, say, Oliver Stone, where fictional insertions are made without any acknowledgement that the text of history is being massaged. Without the additions and changes made in *Mary Silliman's War*, it could not have raised the many questions that it does about the period. And the fact of change can be used to engage students in showing that art reshapes history and to ask the question of how far artists are justified in reconstructing the historical record to make important points about the past.

The film retrieves the Revolution and its people from the remoteness and unreality imposed by textbooks, and from the sanctimony of civic religion, where all issues are clear cut and all the characters are bileless saints, bleached of all blood, dirt, and touchable humanity, heroes whom students may be expected to admire but with whom they cannot identify. The movie brings into sharp focus the importance of large issues in molding ordinary destinies and suggests that how common people meet the challenges of fate can touch their lives with the aura of epic. As anthropologist Joseph Campbell noted, each person who has the strength of individual character is on a personal hero quest in search of a fulfilled identity; Mary Silliman successfully pursued this quest. Her story suggests solid historical lessons: that life is complex, truth is rarely found in one place, circumstances alter cases, people in turmoil have doubts and make mistakes, and progress is bought at the price of disruptive change, reshaping of traditional values, and severe human suffering. There was never a golden age or a time when life was easy. It helps that the movie is nicely crafted, with a cast that believes in what it is doing, and is not intimidated by the Revolutionary theme into too pious a rendering of those who went before us.

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