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Sin City: Newport, Kentucky's Twelve-Year Battle with Obscenity, 1970-1982

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From 1978 through 1985, he was an Assistant Campbell County Attorney and was involved in the anti-vice investigations and trials of obscenity and prostitution. With Assistant County Attorney Bill Schoettelkotte, Mr. Williams prosecuted the Lewallen and Wright adult bookstore in February 1981 and the sixth Cinema X jury trial in late January 1982.

From America's Prohibition through the early 1980s, Newport, Kentucky, suffered from the image and reputation as the Midwest's Sin City. From illegal gambling to prostitution in its many downtown bars, Newport offered a smorgasbord of vice. A visitor to the family friendly present day Newport will find no evidence that the town was once the region's sexually oriented adult playground.

A number of reasons account for Newport's amazing transformation from Sin City to what a local new reporter called the "envy of the region."¹ This essay discusses merely one part of Newport's Sin City experience, that of pornography and law enforcement's efforts to curb unlawful obscenity. From 1970 through 1982, an adult theater, the Cinema X, and two adult bookstores existed in the midst of Newport's central business district. The Cinema X was the most prominent. With its well lit and flashing neon marquee that extended over the sidewalk of Monmouth Street, the major thoroughfare in the business district, the Cinema X was the icon that spoke of Newport's status as a sexual playground. From 1970 through 1980, the theater survived state and federal prosecutions and police raids. By 1980, one had good reason to wonder whether the theater was invulnerable. Other urban communities certainly had bars, even strip bars, but the Cinema X was a testament to the adult industry's downtown domination. With an adult bookstore and the adult cinema directly across the street from one another, no travelers,

children, or adults, could avoid the constant neon reminder that one was in Sin City. Conversely, the intensity of efforts during 1980-1982 to prosecute the theater for obscenity violations symbolized that change was afoot and that adult businesses were no longer invulnerable to the rule of law in Newport.

This essay describes the coming of the Cinema X and an adult bookstore during 1970 and how porn establishments typified the growing tension between those who wanted to exploit adult entertainment businesses as revenue sources and those who sought to end adult entertainment in Newport. When the decade long anti-vice campaign began in 1980, the most intense early battles were over the existence of Cinema X. The demise of Newport's downtown pornography was an example of how law enforcement, police, and prosecutors removed Newport's most glaring reminder of vice.

Newport, Kentucky has a colorful history. Situated in northern Campbell County across the Ohio River from Cincinnati, Ohio, Newport once was a twentieth century boomtown. Prior to 1962, Newport offered gambling casinos, clubs, strip bars, B-girls, bookies, and brothels, most of which was illegal. Tacit local acceptance and official corruption insulated the vice industries from effective police crackdowns from Prohibition through 1961. Mainstream shops and stores prospered from the out-of-town crowds who flocked to Newport's unique attractions. For over four decades, Newport was Greater Cincinnati's adult playground – the Sin City of the Midwest. From the early 1940s through 1961, organized crime's Cleveland Syndicate (the Syndicate) controlled the one hundred plus million dollar gaming industry, but organized crime's presence did not deter the crowds. Talk of reform was, at best, unpopular. Yet, thoughts of reform persisted.²

As the name implies, boomtowns are of relatively short duration. So it was with

Newport. From 1957 through 1961, citizen reformers organized and pressured state officials to act against vice and corruption. This effort coincided with the Cleveland Syndicate's decision to depart for "gambling friendly" areas such as Nevada, South Florida, and the Caribbean. By the mid-1960s, casino and downtown brothels were no longer part of the local landscape. The boom was over.³

Notwithstanding gaming's illegal status, gambling was a major revenue source for local government mainstream businesses. Gaming's demise left Newport in dire economic straits from which the economy suffered from population and mainstream business declines for more than two decades.⁴ Yet, vice did not disappear. In gaming's wake, a sexually oriented adult industry took advantage of Newport's image and reputation. Gaming was gone, but Newport remained Greater Cincinnati's adult playground.

From the mid-1960s through mid-1982, the central business district featured strip bars, most of which offered live nude or semi-nude entertainment. In addition, for the purchase of a high priced drink, the bars' roving B-girls offered sexual intimacies. Along Monmouth Street from Fourth through Tenth Street, Newport was a flashing neon collage of sexually oriented enticements into adult bars.⁵ Because most men found Newport's clubs offered what the men frequently could not find "back home," Newport maintained its "sexual playground" reputation. Official ambivalence toward businesses that generated spending crowds and an absence of local prohibitions against nudity enabled the legal and economic entrenchment of a sexually oriented adult industry. Consequently, the in-bar sex-for-drinks prostitution thrived. Into this environment, pornography made its 1970 appearance on Monmouth Street and became part of Newport's repertoire of vice.⁶

Newport's twelve-year experience with pornography began with the October 1970

opening of an adult bookstore in the 600 block of Monmouth Street.⁷ Two months later, in December 1970, the Cinema X adult theater opened in the 700 block. Stanley Marks was the business licensee for both porn businesses but not the de facto owner. That distinction belonged to Durand, Michigan, native Harry Virgil Mohney.⁸ From his Durand offices, Mohney owned and controlled an expanding multistate and multi-corporate network of adult businesses, including strip bars, massage parlors, adult bookstores, and adult theaters. When Mohney's Cinema X and adult bookstore came to Newport, he already had adult business interests in Louisville, Kentucky.⁹ Mohney's extensive porn networks inevitably led to court litigations in several jurisdictions, affording him, his associates, and his lawyers opportunities to acquire experience in obscenity law.

Notwithstanding Newport's image and reputation for vice and corruption, sexually oriented publications¹⁰ inspired a hostile response and city officials reacted swiftly. Within hours of the bookstore's October opening, undercover police officers purchased three sexually explicit books and promptly began to implement a strategy of raids and inventory seizures.¹¹ The plan was as unconstitutional as the raids and arrests were dramatic. Book or 8mm film purchases quickly resulted in arrests and raids during which officials ultimately seized thousands of inventory items. The raids caused brief bookstore closures, usually several hours or overnight, but upon reopening police repeated the process.¹² By 1970, Harry Mohney and his associates were used to this; therefore, Stanley Marks did not remain passive. Resorting to the federal courts, Marks obtained a federal judge's order that, unless police followed certain minimum protocols, the raids had to stop.¹³

The investigation and prosecution of obscenity crimes was vastly different from those of "routine" offenses. Because of the United States Constitution's First Amendment,¹⁴ federal

judges had an enhanced sensitivity to officials' interference with the marketing of published materials.¹⁵ In constitutional law, presumptions applied that published materials enjoyed First Amendment protections and officials were not to arbitrarily interfere with the availability of such materials. This presumption and the constitutional protections extended to all publications generally, even those that were sexually explicit, made enforcement of obscenity laws highly complex.

The United States Supreme Court imposed certain minimum precautions to deter overzealous enforcement of obscenity laws. Pornography was (and is) an emotional issue fraught with changing legal definitions and prone to subjectivity.¹⁶ In a case that involved books from Marks's Bookstore, Campbell County Circuit Judge Fred Warren expressed his lack of fondness for Hollywood Sex Machine, Informal Lovelock, Both Ways, and Cuddle Up. Judge Warren wrote that the books' "creators" should "live long enough to see their children graduate from Obscene U. with a doctorate in Pornography Magna Cum Laude."¹⁷ Judge Warren did not care for the books.

Elected officials were often vulnerable to mainstream public pressure to remove sexually explicit materials from the bookshelves and libraries.¹⁸ The courts' role was to protect against unlawful government censorship.¹⁹ Marks's inventory was sexually explicit, but sexual explicitness did not necessarily mean the materials were criminally obscene.²⁰ Supreme Court decisions established that officials must avoid seizures of publications unless a judge or other judicial officer first reviewed the suspected materials and determined probable obscenity. Ideally, the judicial review was to avoid, or at least minimize, seizures of materials that did not rise to the level of legally "obscene." If a reviewing judge concluded that suspected materials were obscene, a warrant may be issued for arrests and seizures.²¹ Newport's early bookstore

raids did not follow these protocols; therefore, federal judge Mac Swinford ordered warrantless seizures to end.²² When Newport conducted the January and May 1971 raids at the Cinema X, officers obtained the needed warrants.²³ When raiding and seizures failed to convince Stanley Marks to go elsewhere, Newport officials decided seek revocation of Marks's licenses on public nuisance grounds.

Property and businesses became public nuisances and subject to sanctions, including business closures, when owners or occupiers maintained conditions thereon that harmed or threatened with harm the public's health, safety, welfare, or morals.²⁴ Nuisance laws also applied to carrying on of illegal activities. Using property for illegal gambling or prostitution were examples. Kentucky Revised Statutes Chapter 233 provided sanctions when owners or occupiers used a premises as a "house of prostitution": that is, the property or business upon the property became sites for "lewdness, assignation, or prostitution."²⁵ Upon such a finding, a court could close the offending property for up to a year.²⁶

On July 8, 1971, Newport's Board of Commissioners concluded that Marks's marketing of "obscene" books and movies made the Bookstore a public nuisance.²⁷ The Board ordered revocation of Marks's Bookstore license and closure, but a court order permitted the store's continued operations until all of Marks's appeals were final. Cinema X was not part of this action.²⁸

By the spring of 1972, none of Newport's strategies and tactics had resulted in Marks's closure of either business. Officials then decided to legislate Marks out of Newport. During April-May 1972, Newport passed licensing ordinances containing potential sanctions for dissemination of materials that an appointed city official, not a judicial officer, deemed "obscene." Other sections imposed forfeiture of a \$10,000 bond and loss of a business license.

Whether materials were obscene were not a judge's decision but that of an appointed city employee.²⁹ Understandably, Marks was skeptical about his licenses being dependent upon discretionary whims of a biased city employee. Marks's concerns had legal merit and, once again, went to federal court.³⁰

Judge Mac Swinford of the United States District Court for the Eastern District of Kentucky³¹ found sections of the new ordinances unconstitutional and unenforceable.³² Judge Swinford noted that vendors were without guidance on what was or was not obscene. Rather than risk punitive consequences of a city employee's discretion grounded in subjective opinions, vendors might refrain from marketing sexually oriented materials, obscene or not. This, the Court found, was a constitutionally intolerable form of government "prior restraint" (censorship).³³

After two and a half years of litigation, Campbell County prosecutors and Stanley Marks agreed to end all Bookstore litigation. In May 1973, a settlement provided for return of all confiscated materials, including the seized Cinema X movies, and an end to all criminal prosecutions. Marks closed the Bookstore, but not the Cinema X.³⁴

Marks's and Mohney's problems in Newport did not end with the agreement. In February 1973, the FBI raided Cinema X and confiscated a film that had recently generated controversy and mainstream attention. The movie was 1973's "Deep Throat." A federal grand jury in Covington (Kenton County), Kentucky, issued indictments against Stanley Marks, Harry Mohney, and three of Mohney's corporations for the interstate transportation of obscene materials ("Deep Throat"). Between October 1973 and early 1980, federal prosecutors tried and convicted the Cinema X defendants twice, but appellate courts overturned both sets of convictions. The United States Supreme Court reversed the first convictions and remanded for a

second trial.³⁵ The retrial ended in convictions, but the federal Sixth Circuit Court of Appeals reversed the second set of guilty verdicts and remanded the case for a third trial.³⁶ A third trial never happened. Prosecutors decided not to try Marks, Mohney, and the rest of the defendants for the third time. In April 1980, a federal judge dismissed the case against all Cinema X defendants. Through the entire federal prosecutions and appeals, the theater remained open and operating.³⁷

Pornography did not again take center stage in Newport until 1976 when a local man, James “Buck” Lewallen, applied for a business license to open a “variety store.” What Lewallen claimed was a “variety store” was situated directly across from the Cinema X in the 700-block Monmouth Street. Publically, Lewallen claimed the business would not be an adult bookstore, but blackened windows and signs prohibiting entry of minors belied Lewallen’s denials.³⁸ By early 1977 the business was fully operational as an adult bookstore. In addition to the usual pornographic publications, the store offered approximately two dozen peepshow booths,³⁹ each with enough space for at least two patrons.⁴⁰ Newport did not conduct a raid and seizure campaign in opposition to Lewallen’s store as officials had done in response to Stanley Marks. The reason was politics.⁴¹

Elected to a four year term (1976-1979), Mayor Johnny “T-V” Peluso was a member of the informal “liberal” faction supportive of adult entertainment’s role as an economic asset rather than a liability. Peluso’s chief nemesis on the 1976-1977 Board was first time City Commissioner Irene Deaton. Mother of eight and wife of a Newport firefighter, Deaton was a reformer, one who opposed any role for adult entertainment. Reformers perceived the adult businesses as an impediment to economic development and prosperity because concentrations of such businesses discouraged mainstream investment. Reformers did not accept liberals’ claims

that Newport needed adult businesses.⁴²

Irene Deaton's initial goal in office was elimination of nude dancing and she led an unsuccessful opposition to Lewallen's store. The opposition failed because Deaton's fellow Commissioners did not share her convictions on adult entertainment issues and because Mayor Johnny Peluso was a strong voice in support of adult businesses.⁴³ Newport was still experiencing the adverse economic effects of gaming's demise and many elected officials were hesitant to interfere with businesses bringing paying patrons to town. Rather than suppression of adult businesses, Peluso was one of those who favored exploiting Newport's reputation and promoting the unique downtown adult attractions. As a liberal, Peluso viewed the adult industry as a "draw," not a deterrent.⁴⁴

Unable to stop the bookstore's opening, Deaton and some private citizens encouraged Campbell County Commonwealth Attorney to investigate the Bookstore and Cinema X for obscenity law violations. The investigations led to March 1977 obscenity indictments against Cinema X's corporate licensee Brown Bear, Inc. and against Bookstore licensee, James Lewallen.⁴⁵ Incorporated as a Kentucky company in 1975, Brown Bear was the Cinema X licensee of record but Harry Mohny remained the de facto owner.⁴⁶

The indictments lingered until June and July 1978 when Brown Bear and James Lewallen entered into agreements with prosecutors for guilty pleas on some of the pending charges. Campbell County Circuit Judge John Diskin imposed fines against each defendant, but both establishments continued "business as usual."⁴⁷ For nearly three years after the 1977 obscenity charges, grand juries and prosecutors took no action against the Bookstore and Cinema X. The lull was neither a law enforcement reprieve nor a sign of mainstream acceptance. In hindsight, it was a "calm before the storm."

Much changed at the state and local levels during 1978-1979. In January 1978, Kentucky implemented a new court system. District Courts replaced the state's patchwork of city and county courts. The new courts had countywide jurisdictions over misdemeanor crimes⁴⁸ and prosecutions of these offenses became the responsibility of County Attorneys. Elected in countywide races, County Attorneys owed no special allegiances to particular cities or officials. The reformed system provided a new independence not generally available to city prosecutors and city court judges before 1978.

In Newport's 1977 elections, voters put four reformers onto the 1978-1979 Board of Commissioners. Irene Deaton won re-election and the newcomers, Steve Goetz, Marty Due, and Ken Mullikin, were all reformers who had run on a reform platform.⁴⁹ Liberal Mayor Johnny Peluso found himself in the minority on adult entertainment issues.⁵⁰ In the race for Campbell County Attorney, Paul Twehues won election in his first attempt at public office. Twehues and his three assistants⁵¹ quickly acquired a reputation for aggressiveness in the performance of their duties. These duties included vice prosecutions.⁵²

With a supportive reformer majority on the Board of Commissioners, Newport Police initiated anti-vice operations against in-bar prostitution and liquor law violations. Vice cases began making frequent appearances upon court dockets and upon the hearing calendars of Kenneth Rehtin, Newport's 1978-1979 Liquor License Administrator. Rehtin's duties included investigating and administrative enforcement of state and local liquor laws, including imposition of license suspensions and fines for liquor law violations.⁵³ Unused to effective scrutiny, bar owners complained to Mayor Peluso. Sympathetic to the bar owners Peluso tried to fire Rehtin, but the reformer Commission majority kept the Liquor Administrator at his post through 1979.⁵⁴

Throughout 1978-1979, law enforcement focused upon the strip bars' in-bar prostitution

(sex-for-drinks), but this changed in early 1980. Urged by members of Newport's Ministerial Association and Newport Citizens Advisory Council, Newport's recently formed (1976) proactive citizen group, Campbell County Attorney Paul Twehues's office investigated whether materials at each establishment violated obscenity laws. Concluding that Cinema X and Lewallen's Bookstore were marketing materials that violated Kentucky's obscenity laws, Twehues and local police acted.

During the first week of April 1980, Assistant County Attorneys Justin Verst and Bill Wehr accompanied a Campbell County Police officer and District Judge Leonard Kopowski to the Cinema X. The four viewed two films ("Getting Off" and "Painful Desire.") as paying customers. Afterwards, Judge Kopowski issued a warrant to seize the films as evidence of *distribution of obscene materials*.⁵⁵ At the Bookstore, undercover Campbell County Police officers purchased three sexually explicit books. On April 7, police entered the Cinema X, removed the two films, and charged two corporations Brown Bear, Inc. and Happy Day, Inc., with offenses related to the distribution of obscene materials. After Brown Bear's 1978 conviction, a second corporation, Happy Day, Inc., became the theater's business licensee; however, Brown Bear remained involved with the cinema's operations.⁵⁶ Prosecutors were then able to charge two companies and double the potential fines.⁵⁷ Prosecutors also charged James Lewallen and the Bookstore's building owners, nightlife figures Albert "Sammy" Wright and his wife Mary Dell Wright.⁵⁸ Mary Dell owned and operated a Monmouth Street strip bar situated near the Bookstore and Cinema X, the New Plaza Lounge.⁵⁹ Sammy Wright's friendship and frequent contacts with Commissioner Tony Warndorf was a source concern to reformer groups fearful of adult entertainment's influences upon the three-man Commission majority.⁶⁰

In mid June 1980, law enforcement conducted another raid at the Cinema X and

Bookstore. Prosecutors filed the same set of charges against Lewallen, the Wrights, and the Cinema X corporations as they had done in April, but with one exception. Between the April 7, 1980, raids and the June operation, a third corporation, Combined Entertainment Ventures, Inc. became involved the Cinema X ownership and management. Prosecutors and police followed the same protocols in all the following Cinema X and Bookstore raids and criminal prosecutions through February 1982.⁶¹

In 1980, Newport seated a new Board of Commissioners and a new Mayor. Irene Deaton won a four-year term as mayor. Steve Goetz won re-election to his Commission seat, but he became the only reformer among four City Commissioners. The new Board majority favored adult entertainment and was supportive of an adult industry's role in Newport's present and future. Having finished his four year mayoral term, Johnny Peluso won a Commissioner seat. Peluso's fellow liberals on the Board were aging Newport politician A.J. "Tony" Warndorf, a figure from Newport's gambling era,⁶² and Owen Deaton.⁶³ The new Board majority was a source of concern for Newport's Ministerial Association and the Newport Citizens Advisory Council, both of whom were proactive in trying to change the city's seedy image and to improve the local quality of life. The groups' decision to monitor Commission meetings and caucuses led to frequent confrontations.⁶⁴ Disdainful of criticism and contemptuous of reformers generally, the Commission majority did not welcome scrutiny. Commissioner Tony Warndorf was especially volatile and prone to verbal attacks against the reformer minority of Mayor Deaton and Commissioner Goetz and against meeting attendees from the Ministerial Association and Advisory Council.⁶⁵ A particularly sensitive subject for reformers was the continued presence of the Cinema X and Bookstore and the Board majority's reluctance to deal with the ongoing and physically prominent pornography presence. Such was the political climate in which law

enforcement began an anti-vice campaign in 1980. Despite confrontations, the groups continued to monitor.⁶⁶

The additional focus upon the porn businesses added to the already intense anti-vice campaign. When the Kentucky State Police became involved, anti-vice efforts became relentless, and this relentlessness was most pronounced in the efforts against Cinema X and James Lewallen's Bookstore. Between April 1980 and February 1982, law enforcement conducted several raids during 1980-1982 and brought seven sets of charges against two, then three, Cinema X companies. Six of the seven sets of charges went to jury trials in Campbell County's District Courts.⁶⁷ James Lewallen and Sammy Wright⁶⁸ faced an equal number of obscenity charges through the Bookstore, but, after one jury trial during February 1981, the Bookstore closed.⁶⁹

The first of the Cinema X jury trials went forward in early July 1980. District Judge Timothy Nolan presided over a three-day trial that ended on Thursday July 10. The Cinema X defense team was experienced in obscenity cases. Robert E. Smith of Atlanta (Georgia) and Maryland, a frequent Harry Mohny attorney, headed a defense team that included several Northern Kentucky and Southwest Cincinnati lawyers. By contrast, neither Twehues nor his assistants had obscenity trial experience. Yet, experienced or not, Paul Twehues's office brought the Cinema X before a jury during the week of July 7, 1980.

Assistant County Attorneys Justin Verst and Bill Wehr had the task of convincing six Campbell County jurors⁷⁰ "beyond a reasonable doubt" that the two movies were obscene and that the corporate defendants were guilty of distribution or facilitating the distribution of obscene materials. Furthermore, the jury had to decide whether had to decide whether each movie met Kentucky's criteria for "obscene":

"Obscene" means: (a) To the average person, applying contemporary community standards, the predominant appeal of the matter, taken as a whole, is to prurient interest in sexual conduct; and, (b) The matter depicts or describes the sexual conduct⁷¹ in a patently offensive way; and, (c) The matter, taken as a whole, lacks serious literary, artistic, political, or scientific value.⁷²

The defense never contested the movies' graphic and sexually explicit nature during any of the six jury trials. Instead, attorney Robert Smith challenged prosecutors' allegations that the movies lacked "serious literary, artistic, political, or scientific value." Defense witnesses claiming expertise in treating sexual dysfunctions testified the movies had "serious" scientific value because the films had a potential to inspire sexual fantasies. Such fantasies, Smith's witnesses contended, were a component of a healthy sex life.⁷³ The potential for "fantasy enrichment," defense witnesses argued, afforded the movies "serious scientific" value. Jurors were unconvinced. On July 10, 1980, the six member jury returned guilty verdicts against the corporations and concluded the two movies were obscene according to Kentucky law.⁷⁴ Judge Nolan imposed the jury's recommended⁷⁵ \$10,000 fine against licensee Happy Day and \$5000 against Brown Bear on the facilitation charge.⁷⁶ Law enforcement had won the important first trial, setting a precedent for the six cases that followed.

Law enforcement granted Cinema X and Bookstore no respite after the July trial. Two days after the verdict Kentucky State Police, armed with warrants, and prosecutors mounted a massive raid on the Bookstore and Cinema X. On Saturday evening, July 12, 1980, a caravan of State Police vehicles descended upon the 700 block of Monmouth Street. Within a few minutes, both businesses were secure.⁷⁷ As they had done in April and June, prosecutors charged the Cinema X corporations,⁷⁸ James Lewallen, and both Sammy and Mary Dell Wright.⁷⁹

In late October 1980, prosecutors Justin Verst and Bill Wehr obtained a second set of guilty verdicts against Cinema X's corporate ownership. Jurors also found the movies⁸⁰ obscene.

The second jury conviction, Cinema X's third set of obscenity convictions since 1977, prompted County Attorney Twehues to request that Mayor Irene Deaton consider revocation of the theater's licenses on nuisance grounds. Twehues reasoned that the convictions and the continued featuring of hard ore movies amounted to an ongoing criminal enterprise and public nuisance.⁸¹ Mayor Deaton and Commissioner Steve Goetz agreed with Twehues as did the Newport Citizens Advisory Council and Ministerial Association, but license revocations needed a Board majority. Ignoring citizens' entreaties to act against Cinema X and citing fees and tax revenues of approximately \$25,000, Commissioners Peluso, Warndorf, and Owen Deaton were unwilling to act. The majority's decision to tolerate ongoing criminal obscenity for the sake of revenues was reminiscent of Newport's "wide open" years when the city acquired its Sin City moniker. The majority's reasoning infuriated religious and citizen leaders.⁸² During the confrontational November and December meeting, outspoken citizen representatives aggressively challenged the majority on the issue.⁸³ Yet, despite citizen pleas to act, Peluso, Warndorf, and Owen Deaton refused.⁸⁴ Despite the lack of cooperation on the part of Newport's Commission majority, law enforcement continued its aggressive anti-vice efforts into 1981.

1981 was an eventful year for Cinema X. For the Bookstore, 1981 was a short year. During February, a jury convicted Bookstore licensee James Lewallen and building owner Sammy Wright of obscenity crimes.⁸⁵ Assistant County Attorneys Bill Schoettelkotte presented evidence that Sammy Wright was more than a mere landlord at the Bookstore and had controlled or had been a frequent participant in the store's operations. Jurors found the three magazines⁸⁶ obscene and recommended sentences of one year incarceration for James Lewallen and ninety days for Wright. Both were maximum sentences.⁸⁷

The Bookstore was not a law enforcement problem after March 1981. Lewallen and

Wright resolved pending charges by entering pleas of guilty pursuant to an agreement with prosecutors. Irene Deaton and Steve Goetz tried to convince Board majority members to revoke the Bookstore's license. The majority declined but, by early April 1981, Sammy Wright had closed the Bookstore.⁸⁸ Shortly thereafter, James Lewallen surrendered his license and brought an end to Newport's last adult bookstore.⁸⁹

Cinema X's fortunes were not much better in 1981. Prosecutors Verst and Wehr convicted the theater's corporate defendants in two more trials, raising the amount of outstanding fines and penalties to over a quarter million dollars with three sets of charges remaining. Cinema X attorney Robert Smith persisted in his use of the "fantasy enrichment defense," but trial jurors continued to reject the defense arguments. In the local political arena, Cinema X also suffered.

1981 was a local election year, and four commission seats were at stake.⁹⁰ Owen Deaton and Tony Warndorf lost in the May primaries and, in November, Johnny Peluso lost his bid for re-election as a Commissioner. These defeats guaranteed that the 1982-1983 Commission would be wholly reformer.⁹¹ With five obscenity convictions and a reform Commission, the theater's business license was vulnerable.⁹²

Pornography was not the only vice under siege by law enforcement during 1981. The Kentucky State Police and Paul Twehues's office had successes in their continued undercover investigations and prosecutions of prostitution and drug trafficking within the adult bars. The anti-vice campaign was showing no signs of losing its intensity. When Newport Police discovered that a reformer Commission was in Newport's immediate future, offending adult businesses had to thereafter contend with Newport Police in addition to the State Police. By early 1982, strip bars were dealing with the likelihood that, at any given time, one or more State troopers or Newport Police were working undercover on the premises. The frequency of raids

and arrests bore this out.⁹³

Two of the three remaining sets of Cinema X charges went to jury trials during January 1982. Jury trial number five took place in mid January. Number six went forward at the end of the month. Both trials resulted in convictions against all three corporations, raising the total fines and penalties to over a half million dollars.⁹⁴ There was no seventh trial.

After trial number six, the Cinema X lawyers negotiated guilty pleas for remaining charges. Terms included transfer of the theater's building and property to the city or state.⁹⁵ In addition, prosecutors agreed to a final \$100,000 fine for the remaining charges. On February 2, 1982, thirty people watched Cinema X's final two features: "Sex Boat" and "Hot Channels." When Cinema X closed its doors that night for the last time, Greater Cincinnati became the only the third major metropolitan area without pornographic theaters, but the theater left behind a surprise.⁹⁶

After the Cinema X cases ended in early 1982, newly appointed Newport City Solicitor Will Schroder⁹⁷ and City Manager Ralph Mussman visited the building in a "walkthrough." The two men found that the theater operators had left behind numerous photographs of Cinema X patrons watching the movie screen. Schroder recalls the patrons were apparently unaware of the "surveillance" because several of them were engaging in intimacies. Justice Schroder surmises that someone situated the cameras on each side of the screen and angled to maximize views of the audience. Mussman indicated he knew many of those photographed and the City Manager kept the pictures.⁹⁸ Neither the prosecutors nor State Police knew the theater was surveilling its audiences or knew of the photos' existence.⁹⁹ The pictures' whereabouts are unknown.

The law enforcement efforts that brought about the end of the Bookstore and Cinema X signaled changes were coming in Newport, and they came swiftly. In 1982, the all reformer

Board of Commissioners passed an ordinance that prohibited live nudity in the adult bars. Thereafter, Newport dancers were covered. Anti-prostitution crackdowns continued through the 1980s, highlighted by Paul Twehues's use of public nuisance actions to shut down several adult bars for six months to a full year. By the 1990s, the less than a dozen adult bars remaining hardly constituted an “industry” and the survivors continued to disappear. Currently, only two adult bars, the Brass Bull and Brass Mule, tame remnants of Sin City, remain in Newport’s downtown. An adult bookstore and adult cinema never again appeared in Newport.

¹ David Wecker, "Newport: Envy Of The Region," Cincinnati Post, September 7, 2004, A1.

² Thomas L. Purvis, "Newport, Kentucky: Its Economic And Social Evolution, 1795-1995," Northern Kentucky Heritage, 8, no. 1 (Fall/Winter 1995), 1-21; Thomas L. Purvis, ed., Newport, Kentucky: A Bicentennial History (Newport, Kentucky: Otto Zimmerman and Sons, Co., Inc., 1996), 53-56, 81-82, 84, 114-117. See, Robert Gioielli, "Suburbs v. Slot Machines: The Committee of 500 and the Battle over Gambling In Northern Kentucky," Ohio Valley History 5, no. 2 (Summer 2005).

³ Gioielli, 74-77.

⁴ Population declined from over 33,000 in 1960 to less than 20,000 by 1980. Retail firms dropped from 389 in 1963 to 352 in 1967. By 1972, the number was 290. Service businesses' numbers shrunk from 191 in 1963 to 156 in 1967. (Sources: Gioielli, 77-79; Purvis, 266, 268-270, 274).

⁵ Interview with former Assistant United States Marshall (ret.) Bill Von Strohe, February 21, 2007; interview with lifetime Campbell County resident Charles Melville, September 1, 2007; interview with former Newport Detective Al Garnick, May 24, 2006; interview with former Kentucky State Police Detective (ret.), March 14, 2006 (name withheld upon request); interview with former Newport Police Chief Rick Huck, ???.

⁶ Jim Reis, "Adult-Only Cinema X Opened In State Theatre's Wake - Theater Led Two Lives," Kentucky Post, February 26 1996, 4K

⁷ The "Bookstore."

⁸ Gary Webb, "Who Is Behind The Cinema X," Kentucky Post, November 22 1980, 1K; See, United States v. Mohney, et. al., 723 F.Supp. 1197 (United States District Court, Eastern District, Michigan, 1989); interview with former Campbell County Attorney Justin Verst, May 3, 2006.

⁹ See the case of Ewell Hall and Harry V. Mohney v. Commonwealth of Kentucky, ex rel, Edwin A. Schroering, Commonwealth Attorney for Jefferson County, et al., __505 S.W.2nd 166 (Ky., 1974).

¹⁰ For purposes of this essay, "sexually oriented" publications, materials, and the like refers to books, magazines, movies, both 8 mm and Cinema X's full feature films.

¹¹ Charles Etsinger, "Authorities Move Quickly . . . One Arrested In Newport Pornography Raid," Cincinnati Enquirer, October 16, 1970, 1K; Al Garnick interview, May 24, 2006. The three publications were Sex for Schoolgirls, World of Love and Sex, and Too Much.

¹² Nancy Moncrief, "Opened Again – Police Raid Bookstore Once Again," Kentucky Post, October 19, 1970, 6K; ; Kentucky Post, "Five Million Dollar Bookstore Suit Claims Harassment," (no author), October 30, 1970, 1K.

¹³ Al Garnick interview, May 24, 2006; Nancy Moncrief, "It's Too Much For Police," Kentucky Post, October 19 1970 1K; Nancy Moncrief, "Opened Again – Police Raid Bookstore Once Again," Kentucky Post, October 19 1970, 6K; ; Kentucky Post, "Five Million Dollar Bookstore Suit Claims Harassment," (no author), 30 October 1970, 1K.

¹⁴ United States Constitution, Amendment I: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." (emphasis added).

¹⁵ "Publications," for purposes of this essay, include magazines, books, 8mm films ("stag films"), full length big-screen movies, photos, and the like.

¹⁶ See, Thomas C. Mackey, Pornography On Trial (Santa Barbara, Colorado: ABC-CLIO, Inc., 2002), 1-10 (includes “Pornography As Sex, Sex As Pornography”).

¹⁷ Nancy Moncrief, “Rules Store Must Pitch Obscenity,” Kentucky Post, August 21, 1971, 1; Cincinnati Enquirer, “Judge Puts Clamp on Bookstore,” (no author), August 21, 1971; Cincinnati Enquirer, “Bookstore in Contempt Says Newport Petition,” (no author), September 1, 1971; Al Garnick interview, May 24, 2006.

¹⁸ Nothing in this essay pertains to child pornography or other sexually explicit materials that involved minors. “Child porn” involves a number of additional safeguards, procedures, and laws.

¹⁹ Also known as unconstitutional “Prior restraint.”

²⁰ Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495 (1952); Jenkins v. Georgia, 418 U.S. 153 (1974); Roth v. United States, 354 U.S. 476, (1957); California v. LaRue, 409 U.S. 109, 118 (1972); Thomas C. Mackey, Pornography On Trial (Santa Barbara, California: ABC-CLIO, Inc., 2004), 4-6.

²¹ Quantity of Copies of Books v. Kansas, 378 U.S. 205 (1964); Marcus v. Search Warrants, 367 U.S. 717 (1961); Lee Art Theatre, Inc. v. Virginia, 392 U.S. 636, 637 (1968); United States v. Thirty-seven (37) Photographs, 402 U.S. 363 (1971); Kingsley Books, Inc. v. Brown, 354 U.S. 436, 440-442 (1957); Bantam Books, Inc. v. Sullivan, 372 U.S. 58, 70-71 (1963); New York Times Co. v. United States, 403 U.S. 713, 714 (1971)

Courts will scrutinize any large-scale seizure of books, films, or other materials presumptively protected under the First Amendment . . . Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity. . . . Bantam Books, Inc. v. Sullivan, 372 U.S., at 70.”

²² Cincinnati Enquirer, “Judge Denies Dismissal Of Obscenity Charges,” (no author), May 5, 1971.

²³ Records of former Newport and Campbell County Police Officer (retired) Joan Volpenheim: “Police Report No. 83365,” dated January 28, 1971, referencing search warrant no. 19108; “Police Report 84052,” dated May 25, 1971, reference to search warrant and seizure of materials from Cinema X Theatre on May 25, 1971. Former officer Volpenheim posed as the “wife” with a male officer in order to get into the theater without detection of her law enforcement status on January 28, 1971.

²⁴ “A ‘common nuisance’ is any act, or omission, or use of property or thing, which is of itself hurtful to the health, tranquility, or morale, or outrages the decency, of the community, [a] violation of public rights, and includes intangible injuries from public exhibitions which pander to vicious tendencies and draw disreputable members of society.”). Commonwealth v. Phoenix Amusement Co., 241 Ky. 678 (1931).

²⁵ KRS Chapter 233, KRS 233.030; KRS 233.010 (Definitions).

²⁶ KRS 233.010, et seq. See, Jefferey S. Trachtman, “Note, Pornography, Padlocks, and Prior Restraints: The Constitutional Limits of the Nuisance Power,” 58 New York University Law Review, 1478, 1501 (1983).

²⁷ Newport City Commission Minutes: July 8, 1971: The store “disseminated materials . . . harmful or potentially harmful and was obnoxious to the moral and general welfare of Newport’s citizens and in violation of Kentucky pornography laws Kentucky Revised Statues [KRS] 436.101(5)[Kentucky’s former obscenity statute].”

²⁸ Marks v. Board of Commissioners, 504 S.W.2d 338 (Ky., 1974) (Appeal from an order of the Campbell Circuit Court dismissing the complaint of Stanley Marks wherein he sought to have an order entered by the City of Newport declared void and to enjoin its enforcement).

²⁹ There were two ordinances, one for movie theaters, and the other for operation of bookstores: Newport City Commission Minutes: April 14, 1972, April 17, 1972; Commissioners Ordinance O-1972-12 (theaters); Commissioners Ordinance O-1972-13 (bookstores).

³⁰ Marks v. City of Newport, 344 F. Supp. 675, 676, 678 (1972)(Eastern District, Kentucky, Covington Division); Ordinance No. 110.108 applied to theaters; No. 110.108(a) applied to bookstores.

³¹ Covington Division, situated in Covington (Kenton County), Kentucky.

³² Marks v. City of Newport, 344 F.Supp. 675, (Eastern District, Kentucky, 1972).

³³ Thomas C. Mackey, Pornography On Trial (Santa Barbara, California: ABC-CLIO, Inc., 2004) 49-54; Near v. Minnesota, 283 U.S. 697, 716 (1931). See also Young v. American Mini Theatres, 427 U.S. 50, 77 (1976): “. . . the central First Amendment concern remains the need to maintain free access of the public to the expression. (citations to cases omitted)”; see also, Frederick F. Schauer, The Law Of Obscenity (Washington D.C.: Bureau of National Affairs, Inc., 1976), 228-234 (“The doctrine of prior restraint is that principle . . . which says that no legal restraint may prevent publication of speech, although criminal or civil actions may result from that speech.”); Near v. Minnesota, 283 U.S. 697 (1931).

³⁴ Mike Palmisano, “Agreement Closes Adult Bookstore,” Kentucky Post, May 23, 1973, 1K; Charles Etsinger, “Controversial Newport Bookstore Closes By Mutual Agreement,” Cincinnati Enquirer, May 23, 1973, 1.

³⁵ Stanley Marks, et al. v. United States, 430 U.S. 188 (1977).

³⁶ United States v. Stanley Marks, et al., 585 F.2d 164 (6th Circuit, 1978).

³⁷ Cincinnati Enquirer, “Judge Drops Old Cinema-X Charge,” (no author), April 10 1980, B1.

³⁸ “It Ain’t Gonna Be No Bookstore,” Kentucky Post, September 9, 1976, 10K; Kentucky Post, “Resume Peep Show Clash,” (no author), November 2, 1976, 2K.

³⁹ A peepshow booth, or a “peep booth,” was an enclosure containing a coin operated movie projector. The movie, a silent, 8 mm color film projected to one of the booth’s walls. A “seat” was in each of the several booths. Each booth usually showed a different film, all of which were hard-core pornography. A quarter or token showed about a minute and a half and the film ended. Another quarter continued the movie, and so on. Each booth had a door to provide for privacy within the booths was of wood or paneling construction. Interview with Kentucky State Police Detective (ret.), March 14, 2006; Al Garnick interview, May 24, 2006. As a former prosecutor, the author participated in investigations of this bookstore.

⁴⁰ Al Garnick interview, May 24, 2006; Kentucky State Police Detective (retired) interview, April 2, 2006 (per request, this former Detective must remain anonymous).

⁴¹ Kentucky Post, “Newport Lashes Out At Books, Peep Shows,” (no author), August 6, 1976, 1K; Kentucky Post, “Peep Shows Under Debate,” (no author), November 11, 1976, 14K; Dick Freeman, “Irene Gathers Bushels Of Dirty Book Protests,” Kentucky Post, October 20, 1976, 1K; Dick Freeman, “Mrs. Deaton Begins Drive Against Adult Bookstore,” Kentucky Post, August 17, 1976, 2K; Kentucky Post, “1000 Ask Dirty Book Ban,” (no author), August 26, 1976, 1K.

⁴² Calvin Trillin, “Newport: Across The River-Still Sinning,” The New Yorker, March 27, 1976, 114; see also, Martin Hogan, Jr., “Newport Nite Life: The Beat Goes On.” Cincinnati Enquirer, May 11, 1980, B1. New Yorker’s Calvin Trillin suggested that Newport’s reputation was so sullied that “outsiders [viewed] even well intended acts as sleazy and corrupt . . . that if Newport officials could miraculously transport the Great Pyramid from Giza to

Newport [the assumed purpose] would be to provide an authentic setting for some particularly imaginative Egyptian belly dancing.”

⁴³ Bert Workum, “Irene Deaton Wants Halt To Nude Dancing,” Kentucky Post, December 10, 1975, 1K; Purvis, 284; Tim Nolan interview, May 25, 2006; interview with former Kentucky Post reporter Bertram Workum, March 14, 2007.

⁴⁴ Tom Loftus, “Battle Shapes Up For Newport Combat Zone,” Cincinnati Post, December 5, 1977, 26; Newport City Commission Minutes: October 14, 1977; Calvin Trillin, “Newport, Ky., Across The River-Still Sinning,” New Yorker, March 27, 1976, 114. See, Norman Marcus, “Zoning Obscenity: Or the Moral Politics of Porn,” Buffalo Law Review 27, no. 1 (1978): 2-4,21-23..

⁴⁵ Campbell County Circuit Court Records: “Order Book” No. 17, Case Nos. 14935-CR (Brown Bear, Inc., d/b/a Cinema-X Theatre), Case Nos. 14934-CR, 14933-CR. The grand jury indicted the Bookstore’s property owners, Paul Baker, Mary Dell Wright; however, prosecutors requested dismissals of both.

⁴⁶ Campbell County Attorney Justin Verst records: Articles of Incorporation, Brown Bear, Inc., Campbell County Clerk Articles of Incorporation Book 16, Page 184. Mohney’s base of operations for his ownership of Cinema X was always in Michigan through Modern Bookkeeping Services (MBS). See, Gary Webb, “Who Is Behind The Cinema-X?,” Kentucky Post, November 22, 1980, 1K; United States v. Harry V. Mohney, Thomas T. Tomkins, Elizabeth L. Scribner, and Lee J. Klein, 723 F.Supp. 1197 (1989)(United States District Court, Eastern District, Michigan); Tom Loftus, “Bookstore’s License in Jeopardy,” Kentucky Post, July 6 1978, 2K; Brown Bear remained title holder to the Cinema-X real estate.

⁴⁷ Campbell County Attorney Justin Verst records: Order And Judgment filed on June 28, 1978 for “Indictment No. 14935 - CR,” Campbell County Circuit Court, Division I, Hon. John Diskin, Judge, presiding; Tom Loftus, “No Plea Change in Adult Case,” Kentucky Post, August 19, 1978, 11K; Lewallen v. Commonwealth, 584 S.W.2d 748 (Ky. App., 1979; as modified July 20, 1979).

⁴⁸ Many vice crimes were misdemeanors.

⁴⁹ Former Commissioner and Mayor, Steve Goetz, recalls that a local nightlife figure tried to bribe the three to “leave the bookstore alone.” Steve Goetz interview, April 25, 2006.

⁵⁰ Former Newport Mayor (1984-1990)-and City Commissioner (1978-1984) Steve Goetz, interview April 25, 2006.

⁵¹ Assistant County Attorneys Justin Verst, Bill Wehr, and Bill Schoettelkotte. Twehues added a fourth part-time assistant in July 1978.

⁵² Interview with former Newport Police Chief Rick Huck, March 23, 2006; interview with Kentucky State Police Detective (retired), March 14, 2006, (name withheld upon request).

⁵³ Kentucky’s Alcoholic Beverage Control Commission Board (ABC Board) administered state liquor licenses and investigated violations; however, as a “city of the second class,” Newport had authority to designate a local Liquor License Administrator.

⁵⁴ Interview with former Mayor and City Commissioner, Steve Goetz, April 25, 2006;

⁵⁵ 531.020. Distribution Of Obscene Matter: (1) A person is guilty of distribution of obscene matter when, having knowledge of its content and character, he: (a) Sends or causes to be sent into this state for sale or distribution; or (b) Brings or causes to be brought into this state for sale or distribution; or (c) In this state, he: 1. Prepares, or 2. Publishes, or 3. Prints, or 4. Exhibits, or 5. Distributes, or 6. Offers to distribute, or 7. Has in his possession with intent to distribute, exhibit or offer to distribute, any obscene matter.

⁵⁶ Interview with former Campbell County Attorney Paul Twehues, April 4, 2006; Interview with former Campbell County Attorney Justin Verst, May 3, 2006. If convicted of showing two obscene films, the theater's potential fines amounted to thirty thousand dollars (Licensee Happy Day: \$10,000 for film "Getting Off" and \$10,000 for "Painful Desire"; Brown Bear: \$5000 for "Getting Off" and \$5000 for "Painful Desire").

⁵⁷ Kentucky imposed criminal liability upon corporations who violated criminal laws. KRS 502.050. Courts could impose \$20,000 for each felony offense, \$10,000 for each Class A misdemeanor, and \$5000 for Class B misdemeanors. KRS 534.050.

⁵⁸ Prosecutors charged Lewallen with distribution of obscene matter and the Wrights with *facilitation to distribute obscene matter*. A lesser offense, facilitation meant that Mr. and Mrs. Wright *engaged in conduct which knowingly [provided James Lewallen] with [the] means or opportunity for the commission of [distribution of obscene matter] and which [aided James Lewallen] to commit the crime*. KRS 506.080 – Criminal Facilitation.

⁵⁹ Interview with former Kentucky State Police Detective (retired), March 14, 2006 (name withheld upon request); Jeff Gutsell, "Campbell County Cracks Down on Adult Bookstore and Theater," Cincinnati Enquirer, April 12, 1980, D3; Jeff Gutzel, "Campbell County Cracks Down on Adult Bookstore and Theater," Cincinnati Enquirer, April 12, 1980, D3. The Bookstore publications (magazines) were "Pile Drivers," and "Lust Driven Swappers," and a "Swedish Erotica" catalogue of eight millimeter films.

⁶⁰ Steve Goetz interview, April 25, 2006; Bertram Workum interview, March 14, 2007.

⁶¹ Former Campbell County Attorney Paul Twehues, interview, April 2, 2006; former Assistant County Attorney and Campbell County Circuit Judge, William Wehr, interview April 27, 2006; former Campbell County Attorney Justin Verst, interview, May 3, 2006; Jeff Gutzel, "Two Movies Confiscated in Raid at Cinema X," Cincinnati Enquirer, June 18, 1980, A1; Bertram Workum, "Police Arrest Wright in Bookstore Raid," Kentucky Post, June 14, 1980, 1K; interview with former Newport Police Chief Rick Huck, March 23, 2006.

⁶² Cincinnati Enquirer, "Warndorf Has Been Controversial Throughout Long Political Career," (no author), December 4, 1981, B3 (18 yrs previously, a grand jury indicted Warndorf and other officials for corruption related offenses in the aftermath of the 1961 reform effort that led to gambling's disappearance from Newport. Grand jurors accused Warndorf of accepting bribes.)

⁶³ No relation to Irene Deaton.

⁶⁴ Former Kentucky Post reporter assigned to Newport Beat, Bertram Workum interview, March 14, 2007. Workum recalls that Warndorf once tried to physically assault him outside of the Commission chambers. Steve Goetz interview, April 25, 2006; Newport City Commission Minutes: February 20, 1980; Jeff Gutsell, "Newport Night Life Nudges Anger, Stirs Controversy on Commission," Cincinnati Enquirer, April 7, 1980, D2; Newport City Commission Meeting Minutes: April, 2, 1980.

⁶⁵ Steve Goetz interview, April 25, 2006; David Wecker, "Priest Criticizes Cinema X; Tony Warndorf Strikes Back," Kentucky Post, November 13, 1980, 10K; Newport Commission Minutes: November 12, 1980.

⁶⁶ Steve Goetz interview, April 25, 2006; Bertram Workum interview, March 14, 2007; Cincinnati Enquirer, "Newport Churches May Begin To Picket Adult Movie House," (no author), November 15, 1980, D3; David Wecker, "Priest Criticizes Cinema X; Tony Warndorf Strikes Back," Kentucky Post, November 13, 1980, 10K; Newport Commission Minutes: November 12, 1980.

⁶⁷ Campbell County had three divisions in the District Court. Hon. Leonard Kopowski, Division I, Hon. George Muhlenkamp, Division II, and Hon. Timothy Nolan, Division III.

⁶⁸ And wife, Mary Dell Wright.

⁶⁹ Paul Twehues interview, April 2, 2006; Bill Wehr interview, April 27, 2006; Justin Verst interview, May 3, 2006; Kentucky State Police Detective (retired) interview, March 14, 2006; Rick Huck interview, March 23, 2006.

⁷⁰ Six persons sat as jurors in misdemeanor cases. Twelve sit in circuit court felony trials.

⁷¹ "Sexual conduct" means acts of masturbation, homosexuality, lesbianism, bestiality, sexual intercourse, or deviant sexual intercourse; or physical contact with the genitals, flagellation, or excretion for the purpose of sexual stimulation or gratification. Kentucky Revised Statutes 530.010(4).

⁷² Kentucky Revised Statutes 530.010(3). This definition was consistent with the United States Supreme Court's 1973 decision in Miller v. California, 413 U.S. 15 (1973) (decided June 21, 1973). See, Frederick F. Schauer, The Law Of Obscenity (Washington D.C.: Bureau of National Affairs, Inc., 1976), 44-48, 136-147; Thomas C. Mackey, Pornography On Trial (Santa Barbara, California: ABC-CLIO, Inc., 2004), 67-68, 77-78.

⁷³ "Fantasy enrichment defense."

⁷⁴ The third corporation, Combined Ventures Limited, Inc., was not involved Cinema operations when the charges arose in April 1980.

⁷⁵ Kentucky is one of the few states where jurors not only decide the guilt or innocence of defendants, but also recommend the sentence. A trial judge may impose the recommended sentence or modify it. A judge cannot impose more than what jurors recommend.

⁷⁶ Justin Verst interview, May 3, 2006; interview with former Assistant County Attorney and Campbell County Circuit Judge, Hon. William Wehr, April 27, 2006; David Wecker, "Sex Experts Call Movies Therapeutic," Kentucky Post, July 9, 1980, 11K; Jeff Gutsell, "Newport Cinema X Firms Convicted Of Obscenity," Cincinnati Enquirer, July 10 1980, A1; Jeff Gutsell, "Plot Thickens In Who Owns Cinema X?," Cincinnati Enquirer, July 15, 1980, A2; David Wecker, "Cinema X Decision Helps Define Community Standards," Kentucky Post, July 10, 1980, 1K.

⁷⁷ Bertram Workum interview, March 14, 2007; Jeff Gutsell, "Judge OK's Seizure Of Books And Films," Cincinnati Enquirer, July 15, 1980, A2; Randy Allen "Police Raid Cinema X And Bookstore," Cincinnati Enquirer, July 14 1980, A1.; Bertram Workum, David Wecker, Mark Neikirk, "Police File 26 Charges After Latest Newport Raid," Kentucky Post, July 14, 1980, 1K;; Bertram Workum and Roger Auge, "Wright And Employees Charged In Wake Of Recent Bookstore Raid," Kentucky Post, July 18, 1980, 8K; Cincinnati Enquirer, "Newport And State Police Raid Cinema X And Variety Shop," (no author), July 14, 1980, D2. I was the prosecutor assigned to the July 12 raid on behalf of Paul Twehues.

⁷⁸ Brown Bear, Inc., Happy Day, Inc., and Combined Entertainment Ventures, Ltd., Inc. (Combined Entertainment).

⁷⁹ Former Campbell County District Judge (ret.) Tim Nolan interview, May 25, 2006; former Kentucky Post reporter (ret.) Bertram Workum interview, March 14, 2007; Jeff Gutsell, "Judge OK's Seizure Of Books And Films," Cincinnati Enquirer, July 15, 1980, A2; Randy Allen "Police Raid Cinema X And Bookstore," Cincinnati Enquirer, July 14 1980, A1.; Bertram Workum, David Wecker, Mark Neikirk, "Police File 26 Charges After Latest Newport Raid," Kentucky Post, July 14, 1980, 1K;; Bertram Workum and Roger Auge, "Wright And Employees Charged In Wake Of Recent Bookstore Raid," Kentucky Post, July 18, 1980, 8K; Cincinnati Enquirer, "Newport And State Police Raid Cinema X And Variety Shop," (no author), July 14, 1980, D2

⁸⁰ "Inside Desiree Cousteau" and "Sylvia."

⁸¹ Paul Twehues interview, April 2, 2006; Newport City Commission Minutes: November 12, 1980, November 25, 1980; December 10, 1980; David Wecker, "Prosecutors Look For Ways To Shut Down Cinema X," Kentucky Post,

November 7, 1980, 1A; David Wecker, "Paul Twehues Letter To Mayor Irene Deaton," Kentucky Post, November 15, 1980, 1K; Jeff Gutsell, "County Attorney May Urge Closing Of The Cinema X," Cincinnati Enquirer, November 8, 1980, D1;

⁸² Interviews with Paul Twehues, April 2, 2006; Newport City Commission Minutes: November 12, 1980, November 25, 1980; December 10, 1980.

⁸³ Newport City Commission Minutes: November 12, 1980, November 25, 1980; December 10, 1980; Justin Verst Cinema X files: Letter To Paul Twehues from Newport City Clerk, November 20, 1980, with attached letter from Johnny Peluso, Commissioner, to Paul Twehues, November 19, 1980.

⁸⁴ Justin Verst Cinema X files: Letter To Paul Twehues from Newport City Clerk, November 20, 1980, with attached letter from Johnny Peluso, Commissioner, to Paul Twehues, November 19, 1980.

⁸⁵ Lewallen was guilty for "distribution of obscene matter," a Class A misdemeanor. The jury found Sammy Wright guilty of "facilitation to distribute obscene matter," a Class B misdemeanor. Jurors acquitted Mary Dell Wright.

⁸⁶ "Pile Drivers," and "Lust Driven Swappers." The third was a "Swedish Erotica" catalogue for 8mm films.

⁸⁷ Jim Dady, "Sammy Wright Convicted In Obscenity Case," Kentucky Post, February 28, 1981, 1K; Jeff Gutsell, "3 Convicted Of Obscenity In Newport," Cincinnati Enquirer, February 28, 1981, A1. Sammy Wright never served his incarceration. Wright left the jurisdiction ("jumped bond").

⁸⁸ Jeff Gutsell, "Wright, Others Plead Guilty," Cincinnati Enquirer, April 1, 1981, A1; Newport Commission Minutes: April 1, 1981; Jim Dady, "Adult Bookstore To Stay Closed," Kentucky Post, April 1, 1981, 7K; Jim Dady, "Wright Puts Bookstore Up For Sale," Kentucky Post, April 17, 1981, 6K; Cindy Schroeder, "Adult Bookstore Listed For Sale," Cincinnati Enquirer, April 18, 1981, A2.

⁸⁹ Newport Commission Minutes: March 18, 1981; Jim Dady, "Newport Refuses To Close Adult Bookstore," Kentucky Post, March 20, 1981, 3B.

⁹⁰ Mayor Irene Deaton had two years remaining on her term.

⁹¹ Commissioner Steve Goetz won re-election to the Board.

⁹² Cincinnati Enquirer, "Upsets Mark Primaries in Kentucky," (no author), May 27, 1981, C1; Steve Goetz interview, April 25, 2006; Cincinnati Enquirer, "Count Shows Upsets In Many Kentucky Races," (no author), November 4, 1981, E3; Editorial, "Newport: Signs Indicate Changes Are On The Way," Cincinnati Enquirer, September 26, 1981, A4; Jim Dady, "Reform Ticket Was Big In Newport," Kentucky Post, May 27, 1981, 7K.

⁹³ Jim Dady, "Newport Sheds Light On Vice," Kentucky Post, August 27, 1981, 5K; Cincinnati Enquirer, "Four Newport Bars Raided," (no author), September 11 1981, B1; Cincinnati Post, "Two Charged With Prostitution," (no author), September 14 1981, 11A; Bill Straub, Jim Dady, and David Wecker, "State Police Net Drugs, Prostitutes In Newport Raid," Kentucky Post, September 11 1981, 1K (written by Jim Dady); Cincinnati Enquirer, "Four Newport Bar Raids Part of KSP Year Long Investigation," (no author), November 9, 1981

⁹⁴ Jeff Gutsell, "Cinema X Handed Fifth Obscenity Loss," Cincinnati Enquirer, January 16 1982, D1; Gary Webb, "Cinema X Firms Guilty On All Counts," Kentucky Post, January 16, 1982, 5K (Movie: "Manhattan Mistress"); Jeff Gutsell, "Cinema X Theater Fined \$54,000," Cincinnati Enquirer, January 21, 1982, A3 (Movie: "Sheer Panties"); Paul Twehues interview, April 2, 2006.

⁹⁵ Newport eventually took title.

⁹⁶ Greg Paeth, "Twehues Wants Right To Seize Cinema X," Kentucky Post, January 30 1982, 1K; Gary Webb, Greg Paeth, "Dirty Film Era Ends Tomorrow At Cinema X," Kentucky Post, February 2 1982, 1K; William A. Weathers, "Commonwealth Is Now Owner of Cinema X," Cincinnati Enquirer, March 10 1982, D1; Greg Paeth, "Last Picture Show, Screen Goes Dark At Cinema," Kentucky Post, February 3 1982, 1K.

⁹⁷ Now, Associate Justice of the Kentucky Supreme Court.

⁹⁸ To the present day, the photos have never resurfaced. Mr. Mussman went to his grave without ever revealing the pictures' whereabouts or the identities of those caught on camera. Hon. Wil Schroeder interview, May 9, 2006.

⁹⁹ Kentucky State Police Detective interview; Al Garnick interview, May 24, 2006; Paul Twehues interview, April 2, 2006; Justin Verst interview, May 3, 2006. During my interview with him, former Kentucky Post reporter Bertram Workum related that he had once learned of the possibility of such photos.

Charles IV of Bohemia: Pater Bohemiae. Pater Patria

Timothy L. Trenkamp

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For nearly a century, from the middle of the fourteenth century until the early fifteenth century, the city of Prague underwent an unprecedented period of expansion. Under the rule of two Holy Roman Emperors from the House of Luxemburg the city more than doubled in size and an artistic style developed then that became known as the ‘Beautiful Style’ of panel painting, sculpture, architecture, and jewelry.¹ Prague’s rapid rise to prominence began with its 1344 elevation to metropolitan status (archbishopric); leapt forward with the 1346 election of Charles IV as King of the Romans; and advanced again with the 1348 foundation of its university.² The city’s physical topography echoed these changes, from the Gothic cathedral of Saint Vitus taking shape within Prague Castle to the new circuits of walls on both sides of the Vlatava River and the numerous churches, religious houses, and private housing that sprung up in the new quarter of the city. The timing of this golden age of Prague, as historians have often considered it, is remarkable for the rapid increase in Prague’s prominence and population expansion coincided with the period of the plague outbreaks of the 1340s and 1360s.³

In addition to this physical expansion, there was a cultural growth with the influx of Italian, French, Dutch, and German painters, artisans, and masons. This rapid influx of ideas, with artists who traveled widely, moving from one city to another in order to find work, would influence schools and trends which resulted in Prague acquiring an “international culture.”⁴ This mass of work being completed during the Luxemburg period of rule resulted in Prague being a center of revolutionary ideas in the context of a European city.⁵

Charles IV, Holy Roman Emperor from 1346 to 1378, and legitimate ruler of the lands of the Bohemia Crown from 1333, desired to make Prague a new Imperial capital, a new Rome, which would become the center of courtly life and the realization of a Great Bohemia.⁶ Charles desired not only for Prague to become the new Rome, but to surpass the great centers of Western Europe in size and culture. With nearly forty-five years of rule in Prague, 1333 to 1378, Charles

was able to overcome numerous obstacles and accomplished many of his goals. These goals, not completed by the time of his death, were realized by his son Wenceslas IV during his reign as Holy Roman Emperor from 1378 to 1400 and in his role as King of Bohemia from 1378 until his death in 1419.

Thus, in regard to Charles IV's role in the development of Prague, perhaps no other Holy Roman Emperor of the Middle Ages had a greater influence on the culture of his time and following generations as Charles IV. It is because of the growth of Prague and the importance of the lands of Bohemia in the latter Middle Ages that Charles has been referred to as the father of the Czech nation.⁷

Upon Charles' arrival in Prague in 1333, he set out to overcome the decline in the prominence of the city of his birth. Prague and the lands of the Bohemia, and Moravia in general, witnessed a steady decline in its political, economic and cultural standing from the 1280s into the first few decades of the fourteenth century. This slow and steady decline was precipitated by several events.

Throughout the 1270s the lands of Bohemia and Moravia had been in a protracted war with the Kingdom of Poland, which directed all its resources to this endeavor, at the expense of continuing the building programs started under Přemysl Otakar II. Otakar II had begun many grand building projects in order to enlarge Prague and increase its importance as a political and economic center of Central Europe. Prague had long been a major trading center of Central Europe. Going back as far as the tenth century, the city was described by the trader Ibrahim ibn Jakub, a tenth-century Spanish Jew sent from Cordoba on an embassy to Otto I in 965, as "the greatest trading centre [sic] in the land." He marveled that Prague was "built of stone and lime," its thriving international market, and emphasized that Bohemia was "the best country of the north."⁸

Although Prague was the primary trading center in the heart of Central Europe, it remained a kind of 'inchoate metropolitanate' (rudimentary city) well into the thirteenth century.⁹ The dream of a greater Prague was extinguished with Otakar II when he died in battle while on campaign against Rudolf I of Hapsburg at the Moravian Field on August 26, 1278.¹⁰ The Přemyslid Dynasty that had ruled Bohemia and Moravia for more than four centuries, beginning with Přemysl Oráč and his wife Libuše, came to an end with the death of Václav III in 1306.¹¹

The death of Václav III resulted in the Bohemian nobles requesting that the lands of Bohemia and Moravia fall under the rule of the King of Germany. Henry VII of Luxemburg, King of the Germans and Holy Roman Emperor incorporated the lands of the Bohemian Crown into the domain of the German Empire, and appointed his son John of Luxemburg as King of Bohemia in 1310 after a series of complex negotiations. In a political move by Henry VII to secure the Bohemian Crown and garner favor with the nobles of Bohemia and Moravia, he arranged for his son John to marry Eliška Přemyslovna, the last of the Přemyslid princesses.¹²

In 1316, Charles IV, future Margrave of Moravia, King of Bohemia, King of the Germans and Holy Roman Emperor, was born in Prague “on the fourteenth of May at the first hour.”¹³ Charles spent his first seven years living in Prague with his mother, for John was an absent ruler, spending the majority of his time in the region of Northern France and Luxemburg. At the age of seven Charles was sent to the French court, a method John employed to protect Charles from being used by the Bohemian nobles as a pawn after a monetary dispute between John and Eliška.¹⁴

It was the time Charles IV spent in France, particularly in the court of his Uncle, that his ideas of how a city should function were formed. His nearly seven years spent in France were in the company of members of the French Court, and just as important in the company of two tutors. It was the seven years spent in France that would be the foundation for his rebuilding of Prague and the courtly culture that developed during his reign. It was during his time in Paris that Charles observed the veneration of relics at Saint-Chappell and the crypts of the French royals at Saint Denis that would later influence the construction of the Gothic cathedral of Saint Vitus on the hill above west bank of the Vlatava River.

Charles IV's first tutor while under the care of the French court was John of Viviers at Saint-Germain-en-Layen. Charles was under John of Viviers' care for the first thirteen months he spent in France.¹⁵ The second of his tutors would shape the young Charles' mind and influence his acts and decisions for nearly fifty years. For the next five years, the abbot of Fécamp, Pierre des Rogiers, would be the most influential person in Charles' formative years. Pierre des Rogiers did not only shape the young man's mind by being his tutor, but became his spiritual leader, and the primary force that led the way for Charles to become King of the Germans.¹⁶ This relationship that developed between Charles and Pierre des Rogiers proved beneficial in the 1340s as Charles began his numerous programs to expand Prague and make it his Imperial city.

While Charles was in the care of Pierre des Rogiers he became knowledgeable in numerous areas that became central in his desire to begin ‘dynasty-building with a vengeance’ upon his return to Prague.¹⁷ In his autobiography, one of the few autobiographies to survive from the Middle Ages, Charles IV recalled his tutor’s instructions and Pierre des Rogiers’ treatment toward his young ward: “he cherished me with much love and paternal affection and often instructed me on Holy Scripture.”¹⁸ In addition to instructions on the Holy Scriptures, Pierre des Rogiers instructed the young Charles in the writings of the Fathers of the Church, Classical literature, and in the areas of Roman and Canon law. The latter disciplines would be indispensable to Charles during his legislative activity as Emperor and King when he promulgated the Bohemian Law Code *Maiestas Carolina* (c. 1351-53), and the Golden Bull of 1356, in addition to the numerous other bulls regarding the city of Prague and other town charters that Charles issued during his reign.¹⁹ Charles IV was a learned man for his time, with the ability to read, write, and speak French, German, Czech, Italian, and Latin.²⁰

Charles arrived in Prague in the fall of 1333 after spending nearly three years in the north of Italy gaining control of territory for his father and managing these newly claimed lands as signore. It was during his time in northern Italy that he became acquainted with the flourishing urban culture in the cities under his rule.²¹ What he had taken from his time in northern Italy in regards to how a city should be expanded stood in stark contrast to the city of Avignon in southern France. Charles would make several journeys to the Papal Palace in Avignon and it was on these visits he saw the ‘wrongs’ of urban planning. Charles witnessed in Avignon a city that had been haphazardly expanded to house the pope, cardinals, and curia.²²

Avignon experienced an expansion of the city in the first decades of the fourteenth century. The city became the home of the papacy from 1309 to 1377 during a period referred to as the ‘Babylonian Captivity.’ With this great influx of personnel needed to efficiently manage the administration of the Roman Church moving to Avignon, the city grew rapidly. Avignon underwent an unplanned expansion in which buildings and monuments were erected where space allowed. The result was an organically grown city with no clearly defined street pattern and randomized blocks of housing and offices.

Pope Boniface VIII left Rome in 1309 due to several factors that made it nearly impossible for the papacy to remain at the Vatican. Italy as a whole had become unstable due to the split of the Guelph party (traditional backers of the papacy); civil strife in many Italian cities

because of papal policies; and Pope Boniface VIII's crusade against the cardinals loyal to the Colonna family.²³ The papacy would remain in Avignon, France until Pope Urban VI returned the papacy to Rome in 1377 ending the period of the 'Babylonian Captivity.'

This return to Rome was prompted by two factors: Urban VI was Italian and believed that this background would give him the support of the Italian people, and Emperor Charles IV was supportive of the return of the papacy to Rome.²⁴ After Urban VI's reestablishment of the papacy at the Vatican, a disagreement within the College of Cardinals had arose. Several of the cardinals left Rome and returned to Avignon where they elected a new pope on the grounds that their election of Urban VI had been under duress and his election was invalid.²⁵ This action by the College of Cardinals resulted in the 'Great Western Schism' that created two competing claims to the papacy from 1378 to 1409 and from 1409 to 1417 three claimants to the papacy.²⁶ This thirty-nine year split was a period of spiritual and political crisis for the papacy with each pope and antipope excommunicating each other.²⁷

Upon Charles' arrival in Prague, John appointed him as Margrave of Moravia.²⁸ Charles slowly regained control of the Czech lands that had been mismanaged while John was pressing his rights in Luxemburg and the region around Trier. Charles' return to Prague was looked upon favorably by the Bohemian nobles due to the long absence of a member of the House of Luxemburg and additionally because Charles was a continuation of the Přemyslid blood line, the traditional rulers of the lands of Bohemia and Moravia. After his arrival in Prague, Charles set about consolidating the government institutions and placing them in control of the Bohemian nobility.²⁹

Charles' return to Prague was anything but spectacular, having described the return to the city of his birth in his autobiography:

We found the kingdom so forsaken that there was not one castle which was free and not mortgaged together with all its royal property, so that we did not have anywhere to stay except in houses in the cities just like any other citizen.³⁰

In 1342, four years before Charles' election as King of the Germans, Pierre des Rogiers was elected as Pope and took the name Clement VI. Charles IV would assume the role as pfaffenkönig, priest's king, for the papacy while Clement VI issued numerous papal bulls that were favorable to Charles' desire to elevate Prague to the position of the new Imperial capital. It was in the year 1342 that Charles began his rule over "the sweet soil of his native land."³¹

Charles and his father had come to an agreement in which John transferred the rule of Prague to Charles. For this privilege of ruling the city, Charles was to pay a yearly tithe of 5,000 measures of silver to John.³²

With Charles now ruling over the city of Prague he began the initial steps to restore Prague. One of his first actions was to purchase the royal residences and castles that had been mortgaged by his father, John, and Charles' other predecessors who mortgaged or sold the royal properties of the Kingdom of Bohemia. The castles included Křivoklát, Týřov, Lichtenburk, Litice, Hradec Králové, Písek, Nečtiny, Zbiroh, Tachov, and Trutnov in Bohemia; Lukov, Telč, and Veveří in Moravia; and the castles in the lesser cities of Brno, Olomouc, and Znojmo.³³ Charles was able to purchase these castles and fund several early reconstruction projects, most notably that of the royal residence on Hradčany (castle hill), due to an ingenious move initiated by Václav II in 1300. The groš would be the foundation of bohemia's currency for the next four centuries, and the most dominant currency in Western Europe until the late sixteenth century.³⁴

The land of Bohemia had a great mineral wealth, and the most important were the royal silver mines at Kutna Hora. In 1300 it was decreed that the seventeen royal minters scattered throughout Bohemia would consolidate in Kutna Hora, cutting down on the time it took to get the Czech groš into circulation. By the 1350s Charles had streamlined the operations by bringing to Kutna Hora numerous minters from Florence. The Royal Mint in the center of Kutna Hora came to be known as the 'Italian Court' due to the number of Florentine minters employed by Charles.³⁵ The silver taken from the mines of Kutna Hora were used to complete the vast majority of the building projects initiated during the Luxemburg period, with a full ten percent of the royal coffers being tithed for the construction of Saint Vitus cathedral.

After establishing himself in Prague and organizing the numerous governmental offices, Charles IV sought the help of his former tutor from his time in Paris, Pierre des Rogiers, now Pope Clement VI, to establish a cathedral for Prague. In order for Charles to start the construction of a cathedral in Prague he had two major problems to confront: he needed the bishopric of Prague to be released from the archbishopric of Mainz and placed under the direct control of Rome, and he needed a master mason and architect to design and oversee the construction.

In early 1344 Charles and his father journeyed to the Papal Court in Avignon, France to confer with Pope Clement VI.³⁶ It was at this meeting that the master mason Mathew of Arras

was chosen as the planner and magister operis. By late 1344 the plans for the cathedral had been completed and Clement VI had released Prague from the metropolitan church of Mainz. On April 30, 1344 Clement VI issued a collatio on Prague and several other cities in the German lands that were elevated to an archiepiscopal see.³⁷ The release of Prague from Mainz was also noted by the chronicler Beneš Krabice of Weitmil:

the pope, with the consent of the whole curia, at the insistence of Charles, released the church of Prague from all obedience to the metropolitan church of Mainz and raised it to an archiepiscopal see, ... and made the bishop, Arnošt, the new archbishop.³⁸

On the cold morning of November 22, 1344, the first significant building project under Charles' rule began. This marked the foundation of Saint Vitus cathedral as well as the ceremonial bestowal of the insignia of the first archbishop of Prague, Arnošt of Pardubice. Beneš Krabice recorded the event in his chronicle:

And then the new Archbishop of Prague, King John and his two Sons Charles and John [Henry] and many other prelates and lords left the Prague basilica and came to the site which had been dug out and prepared for the new foundations. Into this ditch descended the archbishop, the king and his two sons and with great reverence and piety laid ... the foundation stone of the new cathedral.³⁹

As this distinguished group stood upon the castle hill, Charles undoubtedly looked towards the east and across the Vltava River. Before him on the east bank of the river was the Old Town of Prague with the Jewish quarter tucked in the bend of the Vltava River to the north of the Old Town, and a smattering of houses on the plain between the Vltava and the foothills of the Carpathian Mountains. Charles did not reveal much of his plans for Prague while his father was alive and Charles himself possibly was not sure how much he would accomplish and the lasting effects his actions would have on Bohemia.⁴⁰

Slowly and surely the cathedral of Saint Vitus rose out of the dirt on the hill above Prague. There were also the renovations and reconstruction of the Royal Palace that was being completed next to the cathedral. The top of castle hill was drastically changing and it was just a hint of the radical changes that would take place to the entire city of Prague in less than two years.

In 1346 the ongoing hostilities of The Hundred Years' War between England and France flared yet again. King John and Charles found themselves called to support their bloodline, the Kingdom of France. Charles had just been elected as King of the Romans in July of 1346 and

was the heir to the Bohemian crown, as decreed by John in June 1341.⁴¹ Charles was elected by five of the seven electors, but also had the support of several powerful personalities of the time. Charles had the full support of Pope Clement VI and as stated by Jean Froissart in this chronicles:

Charles of Bohemia, who at the time styled himself King of Germany, and by general consent was its king thanks to the influence and support of his father and the King of France.⁴²

John, who was now blind, and Charles traveled to France and on August 26, 1346 engaged the English at the Battle of Crécy in northwestern France. Jean Froissart chronicled the events of that day:

Lord Charles of Bohemia, who bore the title and arms of King of Germany, and who brought his men in good order to the battlefield. But when he saw that things were going badly for his side, he turned and left.⁴³

Charles IV had enquired as to how his father was and had been informed that he had been killed in the battle. Thus, Charles became King of Bohemia less than a month after he had been elected King of the Romans. By all accounts his father had fought gallantly, having a pair of knights tie their horse on each side of his mount and engaged the English, and by several accounts had killed at least one English knight before his life was taken.⁴⁴

With the death his father, Charles set into motion his plans for the expansion of Prague and in short order issued numerous bulls and charters.⁴⁵ With Charles' coronation as King of the Romans on November 26, 1346, he had complete autonomy over the construction of his new capital. Within one year Charles would retain the dual crowns of King of the Romans and King of Bohemia, the first ruler in Europe to hold both crowns.⁴⁶

While staying at Křivoklát Castle, Charles issued a bull to increase the size of Prague with the construction of a new quarter, the New Town, which was to “increase the honor, freedom, well-being, joy and protect them [citizens] against all violent conflict.”⁴⁷ The addition of a new quarter of Prague also meant that the city walls would have to be extended in order to incorporate the growth. These new fortifications, a nearly three-mile arc around the Old Town, encompassed an area three times the size of the Old Town.⁴⁸ This New Town bull was followed in March 1348 with a royal letter that defined the fundamental intentions of the project and the procedures to be followed. The new quarter of Prague was to “flourish beautifully in every aspect.”⁴⁹

With the start of Charles' intentions to increase the size of Prague and make his new capital a center of courtly life and culture, he needed to secure peace with his neighbors.⁵⁰ Charles sought to end the continuing war between the Bohemians and Poland, a war that continued even with the agreement achieved for a peace that was brokered by the King of Hungary in 1335. Charles, with his newfound power as King of the Germans and King of Bohemia, was able to achieve a lasting peace with Poland and increase the size of the lands of the Bohemian Crown simultaneously.⁵¹ On November 22, 1348, Charles and the King of Poland, Casimir III (The Great), signed the Treaty of Namysłów which brought not only peace to Bohemia and Poland, but decreed the incorporation of Silesia into the Kingdom of Bohemia.⁵² Throughout Charles IV's reign he expanded the lands of the German Empire farther east than they had ever been before. Charles IV was politically astute and deeply religious; politics and faith seemed to be perfectly fused in him.⁵³ He was able to expand the empire not through the 'traditional' methods of warfare, but by forming political alliances; preferring diplomacy to war; and having the self-control to wait for events to unfold in his favor rather than rush into war.⁵⁴

During his life, Charles was referred to as the *rex clericorum* due to the religious members who held prominent places in the royal court. Among the many clergy, the most prominent in Charles' life other than Pope Clement VI included the Archbishop of Prague Arnošt of Pardubice, the Dominican John Moravec (Charles' personal confessor), John of Středa, and the Alsatian Dominican John of Dambach (court theologian).⁵⁵ Though surrounded with clergy, he was also a product of French intellectualism and Italian humanism, producing numerous works, the majority autobiographical, historical, legal and religious that rank him among the foremost of writers of the period.⁵⁶

With a lasting peace established in the heart of Central Europe and the collective resources of the lands of Bohemia and the political power and papal connections of the new King of the Romans, Charles could enlarge and beautify his new Imperial capital into a great metropolitan center of Europe.⁵⁷ The reign of Charles IV came at the end of the medieval period and the beginning of the Renaissance. Prague, under his rule, did not experience a "rebirth" but a completely new cultural life, for everything Charles introduced was new to the lands of Bohemia.

Prior to the fourteenth century Prague had never experienced panel painting or portrait sculpture. Charles founded a university, grand public works were constructed, the city was raised

to an archbishopric; a stunning gothic cathedral was constructed; and the Emperor corresponded with (and the city was visited by) Francesco Petrarca. Charles IV used every available source to expand his Imperial city with the intent to solidify the Luxemburg dynasty through the building of the New Town; restoration and creation of numerous religious houses; and the glorification of Saint Wenceslas that connected the Luxemburg dynasty with that of the Přemyslid dynasty. Every moment of Charles' life, from his French sojourn as a child to his last journey to France (1378), brought tremendous profit to Prague in every respect: political, ecclesiastical, and cultural.⁵⁸ Charles' expansion and beautification of Prague made it one of the great urban centers of Europe. Therefore he has rightly been referred to as the 'father of Bohemia, the father of the fatherland'.

¹ Alfred Thomas, *Anne's Bohemia: Czech Literature and Society: 1310-1420* (Minneapolis, MN: University of Minnesota Press, 1998), 1.

² Charles IV, *Littera foundationis Universitatis Carolinae Pragensis*, 1348. A January 1347 papal privilege to found a university in Prague is the first documentation of Charles's intention; he mentioned the university in the March 1348 foundation document of New Town and issued the university's own foundation charter in April 1348. The university was referred to as Prague University, but is now called Charles University.

³ David Charles Mengle, *Bones, Stones, and Brothels: Religion and Topography in Prague under Emperor Charles IV (1346-1378)*, Unpublished Dissertation (Notre Dame, IN: 2003), 6. Prague received its metropolitan status from Pope Clement VI when he released the bishopric of Prague from the archbishopric of Mainz and elevated Prague to an archbishopric under the direct control of the pope.

⁴ Vittorio Gregotti, "The European City." *Casabella* (June 1993), 1.

⁵ Walter Siebel, "What is a European City?" *Europa Kultur Städt* No. 2 (1-2, 2005), 1. Siebel defines the European city as a place of revolution.

⁶ Jacques Le Goff, *Medieval Civilization: 400-1500* (NY: Basil Blackwell Ltd., 1988), 103. See also Hugh Agnew, *The Czechs and the Lands of the Bohemian Crown* (Stanford, CA: Hoover Institute Press, 2004), 31. John of Luxemburg legitimized Charles' presence in Prague by investing the title of Margrave of Moravia upon Charles in 1333.

⁷ S. Thomas Harrison, "Learning at the Court of Charles IV", *Speculum*, Vol. 25, No. 1 (Jan. 1950), 1.

⁸ Agnew, *The Czechs*, 14. see also Robert Bartlett, *The Making of Europe: Conquest, Colonization and Cultural Change 950-1350*. (Princeton, NJ: Princeton University Press, 1993), 170. and Ibrahim ibn Jacub, *Arabische Berichte von Gesandten an germanische Furstenhofe aus dem 9. und 10. Jahrhundert*, ed. G. Jacob (Berlin, 1927), 12.

⁹ Josiah Cox Russell, *Medieval Regions and their Cities* (Indiana University Press, 1972), 99.

¹⁰ Agnew, *The Czechs*, 22.

¹¹ Paul Crossley and Zoë Opačić, "Prague as a New Capital", *Prague: The Crown of Bohemia, 1347-1437* (New Haven, CN: Yale University Press, 2005), 60.

¹² Agnew, *The Czechs*, 30. The traditional description of the lands of the Bohemian Crown includes Bohemia, Moravia, and Southern Silesia.

¹³ Charles IV, *Karoli IV Imperatoris Romanorum Vita Ab Eo Ipso Conscripta*, ed. Balázs Nagy and Frank Schear (Budapest: Central European University, 2001), 23. The first hour being 5:00 a.m. Charles IV was born Wenceslas IV, and given the name Charles by his uncle, the King of France, Charles IV Capet (the Fair) at his christening in Avignon, France.

¹⁴ Charles IV in his autobiography only mentions that he was sent to the French Court of Charles the Fair. See Bede Jarrett O.P., *The Emperor Charles IV* (NY: Sheed and Ward, 1935), 73-74, 76, 96 for the explanation of the cause of the dispute.

¹⁵ Charles IV, *Karoli IV*, 24 n.3. See also Franz Machilek, "Privatfrömmigkeit und Staatsfrömmigkeit," in *Kaiser Karl IV: Staatsmann und Mäzen*, ed. Ferdinand Seibt (Munich: Prestel), 87 and Karel Otavský "Die Dynastie der Luxemburger und die Pariser Kunst unter den letzten Kapetinger," in *King John of Luxemburg (1296-1346) and the art of his era*, ed. Klára Benešová (Prague: Koniasch Latin Press, 1998), 63. For a detailed study of Charles' time in France see Jaroslav Mezník, "Berichte der

französischen königlichen Rechnungen über den Aufenthalt des jungen Karl IV. In Frankreich,” *Mediaevalia Bohemica* 1 (1969): 291-295.

¹⁶ Pierre des Rogiers would reign as pope from 1342 to 1352 and took the papal name Clement VI. Pierre des Rogiers is also referred to as Peter Roger, Peter of Fécamp, Pierre Roger, Pierre de Rosiers, and Pierre de Rogiers.

¹⁷ Richard Burton, *Prague: A Cultural History* (Northampton, MA: Interlink Books, 2006), 42.

¹⁸ Charles IV, *Karoli IV*, 28. qui me multum caritative ac paterne confovebat, de sancta scriptura me sepius informando.

¹⁹ Iva Rosario, *Art and Propaganda: Charles IV of Bohemia 1346-1378* (Woodbridge, UK: The Boydell Press, 2000), 3. Spěváček has expressed reservations about Pierre des Rogiers being a teacher of Charles. See J. Spěváček, “Politický profil Karlovy osobnosti a ideové kořeny jeho budovatelského díla,” *Karolus Quartus*, ed. Vaněček, 19, n. 30.

²⁰ Charles IV, *Karoli IV*, 68. The Italian Charles IV refers to is Lombardy, and all princes between the ages of 7 and 14 were to be instructed in the languages of the Empire: Latin, Italian, and Slavic. See notes 1 and 2 on page 68.

²¹ Jirí Fajt, “Charles IV: Towards a new Imperial style”, *Prague: The Crown of Bohemia, 1347-1437* (New Haven, CN: Yale University Press, 2005), 4.

²² Peter Demetz, *Prague in Black and Gold*, (New York, NY: Hill and Wang, 1997), 78. The papacy was established in Avignon, France from 1307 to 1378, a period referred to as the ‘Babylonian Captivity’.

²³ George Holmes, *The Oxford History of Medieval Europe* (Oxford: Oxford University Press, 2001), 229. See also Barbara H. Rosenwein, *A Short History of the Middle Ages* (Ontario, Canada: Broadview Press, 2002), 172-173.

²⁴ Norman F. Cantor, *The Civilization of the Middle Ages* (New York, NY: Harper Perennial, 1993), 497-498. See also Edwin J. Westermann, “Emperor Charles IV and Pope Innocent VI” *University of Colorado Studies*, Series B, vol. 1, no. 3 (February 1941) and C.C. Bayley, “Petrarch, Charles IV, and the ‘Renovatio Imperii’”. *Speculum* 17, no. 3 (July, 1942) for Charles’ relations with the papacy and the attempts to restore the papacy to Rome.

²⁵ Cantor, *The Civilization*, 498.

²⁶ The Council of Constance (1413 to 1417) would bring an end to the ‘Great Western Schism’ with the election of Pope Martin V in 1417. The papacy would return to Rome in 1420.

²⁷ Cantor, *The Civilization*, 498. See also Rosenwein, *A Short History*, 194.

²⁸ Charles IV, *Karoli IV*, 67 n. 5. Charles returned to Prague on October 30, 1333.

²⁹ Fajt, “Charles IV”, 4. He restored Petr Rožmberk to the office of High Chamberlain as an example. The Rožmberk’s were the most powerful family in Southern Bohemia, with their home in the fortified town of Český Krumlov. During the Hussite Wars of the mid 1400s they would side with the Bohemian and Moravian nobles against the German crusading forces of the Papacy.

³⁰ Charles IV, *Karoli IV*, 69. Quod regnum invenimus ita desolatum, quod nec unum castrum invenimus liberum, quod non esset obligatum cum omnibus bonis regalibus, ita quod non habebamus ubi manere, nisi in domibus civitatum sicut alter civis.

³¹ Beneš Krabice of Weitmil, *Chronicon Benesii de Weitmil, Fontes Rerum Bohemicarum, IV* (Prague: 1884), 523. Translated in Thomson, "Learning at the Court of Charles IV", 1. "ab deinde ad Boemiam ad dulce solum natalis patrie." In June 1341, John had announced Charles was the heir to the throne of Bohemia, and in 1342 John transferred sovereignty to Charles. See Fajt, "Charles IV", 6.

³² Demetz, *Prague*, 74.

³³ Fajt, "Charles IV", 17, n. 22.

³⁴ Agnew, *The Czechs*, 21.

³⁵ The Parler workshop of masons in the late fifteenth century would construct a Bohemian Gothic cathedral in Kutna Hora funded by the miners of the royal mines and dedicated to Saint Barbara, patron saint of miners. This is yet another example of the amount of silver that was being mined and minted in Kutna Hora.

³⁶ The effort to raise the basilica of Prague to metropolitan status as well as the foundation of a gothic cathedral is solely attributed to Charles IV. Both Francis of Prague and Beneš Krabice of Weitmil make it clear that Clement VI was persuaded by Charles in early 1344 to raise Prague to metropolitan status. See *Chronicon Francisci Pragensis, Fontes Rerum Bohemicarum, IV*, 438-39.

³⁷ *Benedictione iustorum exaltabitur civitas*, Prov., xi. II: Ste. G. 240 fols. 511r-53r. See also Archiv České Koruny, *Clemens papa VI. a Iohanne, rege Bohemiae, et Karolo, marchione Moraviae, petitus ecclesiam Pragensem...* etc. Num. 265. and Archiv České Koruny, *Clemens papa VI., qui ecclesiam Pragensem e potestate archiepiscopi Moguntini exemit et in metropolitanam auxit...* etc. Num. 266.

³⁸ Beneš Krabice of Weitmil, *Chronicon Benesii de Weitmil, Fontes Rerum Bohemicarum* (Prague, 1884), 494. Translated in Thomson, "Learning at the Court of Charles IV", 4.

³⁹ Rosario, *Art and Propaganda*, 53. Translation by I. Rosario. See *Chronicon Benesii de Weitmil, Fontes Rerum Bohemicarum, IV*, 495.

⁴⁰ Demetz, *Prague*, 77-78.

⁴¹ Charles coronation as King of the Romans would not take place until November 26, 1346 in Bonn. He was elected King of the Germans on July 11, 1346.

⁴² Jean Froissart, *Chronicles*, Translated and edited by Geoffrey Brereton (London: Penguin Books, 1978), 72.

⁴³ Froissart, *Chronicles*, 90.

⁴⁴ *Ibid*, 92.

⁴⁵ Demetz, *Prague*, 77-78.

⁴⁶ Charles IV, *Karoli IV*, 3. Charles begins his autobiography by addressing his "successors who sit upon my double throne." "Secundis sedentibus in thronis meis binis." See also Fajt, "Charles IV," 5-7.

⁴⁷ Demetz, *Prague*, 78. The bull was issued on April 3, 1347.

⁴⁸ Jaroslav Staňková, Jiří Šturra and Svatopluk Voděra, *Prague: Eleven Centuries of Architecture*, trans. Zdeněk Vyplél and David Vaughan (Prague: 1992), 54.

⁴⁹ Demetz, *Prague*, 78. ex omni pulchritudine virest.

⁵⁰ George Holmes, *The Oxford History of Medieval Europe* (Oxford: Oxford University Press, 1992), 278.

⁵¹ Diane Wood, *Clement VI: The Pontificate and Ideas of an Avignon Pope* (Cambridge: Cambridge University Press, 1989), 171. See also A. Theiner, ed., *Vetera Monumenta Poloniae et Lithuaniae Historiam Illustrantia, i* (Rome, 1860).

⁵² Jerzy Lukowski and Hubert Zawadzki, *A Concise History of Poland* (Cambridge: Cambridge University Press, 2001), 26.

⁵³ Barbara Drake Boehm, "Charles IV: The Realm of Faith", *Prague: The Crown of Bohemia, 1347-1437* (New York: The Metropolitan Museum of Art, 2005), 23.

⁵⁴ Rosario, *Art and Propaganda*, 5.

⁵⁵ Thomas, *Anne's Bohemia*, 10.

⁵⁶ Vaclav Mencl, *Czech Architecture of the Luxemburg Period* (Prague: Artia, 1955), 15. See also Agnew, *The Czechs*, 35. It is believed by some scholars that Charles had attended the Sorbonne during his time in Paris, although there is no primary source documentation to support this thesis.

⁵⁷ Russell, *Medieval Regions*, 99.

⁵⁸ Mencl, *Czech Architecture*, 14. See Barbara W. Tuchman, *A Distant Mirror: a calamitous 14th Century* (New York, NY: Ballantine, 1978) for a description of Charles' return to France in the months before his death.

Art as a Colonial Tool: How Colonialism Made African Art “Primitive”

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When European powers began traveling to Africa and made connections with African people, their goal was not to learn or peacefully exchange information and goods with African societies. Instead, early explorers were driven by greed and sought to exploit and marginalize the African people and African cultures. Colonialism structured African art to be viewed as “primitive,” meaning it is simple, crude, and unsophisticated. European colonial powers had political, economic, and social goals invested in colonialism. To achieve these goals, those in power portrayed and condemned African people, culture, and art as “primitive,” exotic, uncivilized, and violent. The effects of colonialism on African art can still be seen within the work of contemporary African artists.

The lasting and detrimental effects of colonialism have profoundly shaped the history of the nations of Africa. Walter Rodney argued that colonialism ultimately “underdeveloped Africa.”¹ The three main European objectives for colonizing Africa were political, economical, and social. The political goals of colonialism took away power from Africans to control their lands; Walter Rodney states: “When one society finds itself forced to relinquish power entirely to another society, that in itself is a form of underdevelopment.”²

Europeans wanted political power over Africa to ensure control over the rich raw materials that it possessed.³ The continent of Africa was, and still remains, one of the

richest continents of valuable natural and agricultural resources, such as sugar, rubber, cotton, tin, and silver.⁴ By controlling African governments, the colonial powers controlled the African economies, resulting in European economies benefiting from African resources. By replacing local African governments, the colonial powers seized control of the African lands, preventing Africans from benefiting from the sale of these resources. Colonial powers also forced Africans to work as laborers to extract resources from the lands the Africans once controlled.

After colonial powers crushed all major African state forces, all political power was placed into the hands of Europeans.⁵ A few African rulers were placed in smaller political positions to serve as agents for European rule. These leaders were granted privileges of monetary value by European leaders.⁶ The selected agents lacked power and a voice over colonial policy; they served as puppets to enforce the boundaries that colonialism set for the African people.⁷ From the viewpoint of the colonial powers, a good agent persuaded Africans to enter into the low paying labor force, while ensuring Africans paid the imposed taxes.⁸ Europeans hoped that enforcing these taxes would eliminate the Africans “idleness and vice.”⁹

Colonial governments stated that they improved African nations’ economies and way of life during their rule. These governments claimed to have improved infrastructure by building railroads, schools, and hospitals. While it is true they did build such things, the access of these resources to the native Africans, at best, was limited, and the roads and railways were only built in strategic areas of commercial or military interest to help quickly move colonial goods or troops in and out of local communities.¹⁰ Ultimately, the

only gains made by Africans was through wages earned as laborers, which represented only a meager portion of the colossal profits Europeans reaped.

Public education is often used as a way to build economic wealth; however, within colonial Africa, public education was not consistently available to all Africans. Those who were able to attend school were subjected to their teacher's Eurocentric point of view and curriculum, one of African inferiority and European superiority.¹¹ Colonial schools sought to prepare Africans to work primarily in the least prosperous occupations in the local community, providing cheap labor for the colonial companies.¹²

Hospitals, another economically beneficial institution, were segregated and most commonly designed to care for the small population of Europeans rather than Africans.¹³ Europeans were principally employed within these hospitals; the hospitals typically catered only to Europeans in Africa.¹⁴

Africans held the most laborious and dangerous jobs; they worked in fields, mines, and factories. The mining industry in Africa was one of the most profitable industries controlled by Europeans. Africans worked in the mines extracting gold, diamonds, and other valuable natural resources without seeing any of the benefits.¹⁵ Europeans controlled the industry, thus, European societies saw the benefits. To make matters worse, mining is an extremely dangerous and hazardous job. During colonialism, hundreds of workers died from epidemics such as scurvy.¹⁶ These workers were given no health benefits and had to pay for their own medical treatment within the segregated hospitals; their salaries barely allowed them to eat properly, thus, many went untreated, because they could not afford it.¹⁷

Europeans had a social interest in colonizing African societies. At home, colonial powers portrayed their government's colonial policies as moral and justified. Colonial Europeans created a widely held notion that Africa was a single society and culture, and justified colonization by manufacturing a perception of Africans as exotic, violent, and uncivilized. Europeans created these constructs to get European citizens to back their colonial ambitions. These misconceptions devalued the authenticity and diversity of African cultures.

Colonial powers imposed restrictive laws upon the colonized Africans that stripped away individual liberties. Legal and religious restrictions were placed on Africans in an effort to dehumanize them.¹⁸ Africans had few legal rights and many aspects of their lives were restricted, such as where they could work, where they could live, and where they could receive medical attention. There were also major efforts to convert Africans to Christianity; this effort continues today, decades after African nations have gained their independence.

In September 2007, in an article from the Cincinnati Enquirer, it was reported that current Christian missionaries in Nigeria pushed their followers to destroy ancestral worshiping artifacts, stating that until they break all connections with their ancestral idols they will face many struggles and hard times.¹⁹ These legal and religious restrictions place a division between races and cultures, portraying one race and culture as superior to another. In this case, western Christian culture is portrayed as superior to African religions and culture. These divisions lead to the institutionalization of racist and discriminatory policies.²⁰

The colonial presence influenced the local population's cultural and religious practices, and changed the Africans' perceptions of what it meant to be African. Colonialism is by its very nature a "racist structure," causing individuals to depreciate their own culture.²¹ In order to achieve colonial goals, the colonial powers worked to make the Europeans and the Africans believe that Europeans were the superior race. Under colonialism, Africans were conditioned to view their culture as inferior to Europeans. This sense of inferiority continues today because society makes this inferiority complex possible by perpetuating racial superiority over another.²² These practices and beliefs have been institutionalized and are so engrained into both European and African societies that they are rarely questioned or challenged even today.

Colonialism robbed African nations of all forms of political, economic, and social self-determination and identity. Due to this, the Europeans were able to fully exploit the Africans. If colonial powers had acknowledged that Africans had strong cultural traditions, morals, and were talented in the arts, it would have shown the European public that Africans were sophisticated, and this would have been detrimental to the colonial goals. In order to keep Africans disenfranchised, colonial Europeans created a homogeneous construct of Africa as a single society and culture. Europeans justified colonization by manufacturing a perception of Africans as "uncivilized natives," incapable of sustaining their own society. Colonialism promoted many misconceptions of Africa as an exotic continent full of corruption, famine, disease, and conflict.²³

Colonial powers promoted these misconceptions in many ways, using negative portrayals of African culture and art as "primitive," exotic, uncivilized, and violent. To accomplish this, Europeans distributed propaganda through the press, advertising, theatre,

music, colonial exhibitions, and the visual arts to reaffirm this view of the African people and their culture.

Colonial conflict in Africa was often covered within the European press from the 1890s up to the 1930s. Before this time, colonialism was a state affair, but during this period, it became a popular form of patriotism.²⁴ In news reports and propaganda posters, Europeans portrayed the military actions as being between European “soldiers” and African “warriors.” The term soldier carried the connotation of respect and professionalism; whereas, a warrior sounds like a wild and uncontrollable killer. This depiction portrayed European soldiers as being superior to African warriors.

War scenes depicting colonial conflict with Africans were romanticized and portrayed European soldiers in heroic battles scenes. Neither news agencies nor advertising agencies sent correspondents to observe African conflicts to record what African fighters actually looked like. Some of the grimmest images of Africans are found in newspapers and other printed works during this time.²⁵ Colonials portrayed Africans as a violent, savage, beastly, and most often a nude enemy warrior.²⁶ This image was in stark contrast to the professional, civilized European soldiers.

Caricatures were printed depicting societies like the Zulu and Ashanti as ruthless killers, who did not wear clothes and killed with carved stone knives and sticks. In a colonial campaign against the Ashanti, the Illustrated London News devoted a series of articles in 1873 titled, “The Gold Coast and Ashantee War [sic].”²⁷ In these articles and images, the Ashanti were depicted as witch doctors, who made human sacrifices to heathen gods, that reinforced the notion of the Ashanti as an immoral and heathen society.

One image that incited European audiences was “The Sacrifice of a Ju-Ju Girl.”²⁸ The image is of a beautiful girl, who has European facial features, and a dark complexion chained to a pole as an ominous crocodile crawls towards her. The British used this image to redefine the nature of the conflict from a matter of controlling Ashanti owned natural resources to a matter of suppressing violent savages and stopping the heathen practice of human sacrifice.²⁹

The Zulus were another group targeted by the British. During the Zulu war, the British lost nearly 1,600 men.³⁰ Prior to the war the British admired the Zulu for their organized society, military practices, and strategic methods of battle.³¹ However, during the war, the press portrayed the Zulus as degenerate beasts.³² In one image, the powerful king of the Zulus, who led an amazing defense against the British and who was respected by the British prior to the war, Catshwayo, is shown writing a letter; the caption reads, “A lesson in diplomacy - of a certain sort. Experienced Despatch [sic] Writer to Untutored Savage.”³³ Catshwayo is drawn to look beast-like, with feathers on his headdress, around his waist, and around his legs; his feet are bare; he is wearing a necklace made of bones and the skull of a small animal; and he is surrounded by spears. These images were made to be sold and consumed, and they did not accurately represent the culture of the African people depicted.³⁴

Even comic strips chronicled European conflicts and adventures in Africa. A popular one of the day was the French comic, *Les Aventures en Afrique de Fred, Mik, et Bob*.³⁵ In one issue, *Les Aventures en Afrique de Fred, Mik, et Bob* showed characters being boiled in large black kettles by African cannibals. Cannibalism and violence were commonly used themes in the portrayal of Africans in European comic strips. These

depictions were not taken as tales, but were viewed as accurate representations of Africans.³⁶

Similar to the propaganda posters and comic strips, advertising also portrayed Africans as cannibals and violent. Both in Germany and the Netherlands coasters were made to advertise beer that depicted Africans boiling a European in a large black kettle.³⁷ Another common depiction of Africans in advertising was of African servants who wore loin cloths. An example of this is a German advertisement for Kaloderna shaving soap.³⁸ This image shows a young African boy with just a wrapping around his lower body, holding a mirror for a German colonial officer shaving.

Music and theater productions were also used to portray Africans as savages. Minstrel shows became very popular in the United States, as well as European countries that usually incorporated the Cake Walk, a dance that originated on plantations, wherein blacks imitated the stiff nature of whites. These shows were defined by Kenneth Lynn as, “a white imitation of a black imitation of a contented slave.”³⁹ With minstrel shows, whites painted their faces black and poked fun at African American characteristics and sang songs that parodied blacks such as “The Bonja Song,” “Jim Crow,” and others.⁴⁰ Although these performances originated in the United States, they were also popular in European countries.

In Europe, one of the most popular performers during the 1920s and 1930s was Josephine Baker. She was a well-known performer around the world and especially in Paris. Despite being a skilled dancer and performer she was advertised and marketed as a “wild” and “primitive” character. At one of her openings in 1925, she performed topless with a feather skirt.⁴¹ In the following year she performed in one of her most famous and

provocative costumes, which was a skirt made out of only bananas.⁴² Baker's talents as a performer cannot be denied, but what European audiences found most intriguing about her was her "wildness."⁴³ Her image was manufactured, which she enhanced by keeping and walking around Paris with a pet leopard.⁴⁴ This was the image Europeans wanted to see of Africans, reinforcing the notion of Africans as a wild and exotic people. Critics would say her performances were of an "instinctive exoticism," and that her movements were "ape-like."⁴⁵ These descriptions were racist, and perpetuated a connection between "primitivism" and "exoticism." However, at the time, these were seen as positive descriptions of Africans in European eyes.⁴⁶

From 1889 to 1931, colonial exhibits were very popular and common in European countries, portraying the European view of African life and culture. The demeaning exhibits only helped colonial powers to seal the image of Africans as "primitive" people in the minds of European citizens. In 1889, one exhibition of a "Senegalese Village" at the Champ-de Mars showed an imaginary village of Africans wearing loin-cloths.⁴⁷ It portrayed Africans as "innocent native(s)" and was meant to suggest the Senegalese existed within an earlier stage of human development as compared to the modern world.⁴⁸ While the Africans depicted in the exhibit were real people, the exhibit sought to present images Europeans expected to see as opposed to accurate representations of the Senegalese culture.

At these exhibits, there were not just photographs and works of art with text next to them, they often brought African people and made them perform tasks during the exhibits. In another 1889 exhibition, blacksmiths demonstrated how African weapons and jewelry were made; these demonstrations were a popular component of exhibits.⁴⁹

Europeans wanted to characterize African arts, not in terms of creative expression, but as utilitarian objects such as “weaving, leather working, blacksmithing, and goldsmithing.”⁵⁰ Musicians, singers, and dancers were often featured within these exhibitions and drew large crowds.⁵¹ The European public loved these exhibits, often reporting they had encountered an “‘authentic’ African ‘savage.’”⁵²

Some Europeans may have had objections to the colonization and depictions of Africans had they realized that Africans had a long tradition of culture, morals, and unique arts that influenced some great European artists such as Picasso and Matisse. Art is normally viewed as a form of visual creativity and expression that is, in itself, sophisticated. Had Europeans brought back African art that portrayed this sophistication, it would have stood in stark contrast to the ideas put forth in the media, and European citizens may have been more hesitant to support the colonial effort. In order to avoid this European powers had to portray the art of Africa and the African to be “primitive,” exotic, uncivilized, and violent.

Colonialism allowed Europeans to bring back “spoils of war” and artworks were common treasures. Europeans often only took pieces of art that were of taboo subjects. Many of the sculptures, masks, and other mediums of art that were brought back featured sexual and violent themes.⁵³ In African art and culture these images are used to “scare off evil spirits and profane hands.”⁵⁴ The majority of themes represented in African art focus on paying tribute to ancestors, depicting nature, reflections of beauty and strength, and religion.⁵⁵

Colonial exhibits were held on African art to demonstrate European supremacy over both African art and people. In 1931, the Musée des Colonies held an elaborate

colonial exposition of African art and architecture.⁵⁶ The exposition collected many pieces of African art that had been brought back from Africa. The exposition guide, which detailed the regions and meanings of the pieces in the exhibit, was biased, reinforcing the impression that Africans were racially inferior to white Europeans.

The majority of pieces that were shown featured sexual or violent themes. The curators of the exhibit explained the nudity as a representation of the “primitive state of the native.”⁵⁷ Through the use of African art and European interpretation of the art, viewers were led to believe that Africans were naked in their daily lives. It also portrayed the African as having the sexuality and the morals of a “primitive” human as opposed to the civilized Europeans.⁵⁸ These exhibits presented African art out of context and through the eyes of Europeans. They did not look at African art from an African perspective, thus they misinterpreted the art and displayed it in a Eurocentric point of view. This technique interpreted the African artworks through political biases and European aesthetics, culture, and historical values.⁵⁹ It does not allow for a full understanding and interpretation of African arts and it has deprived the world of understanding the beauty and uniqueness of the African aesthetic.

As a result of these colonial tactics and reinforcement of stereotypes, African art is still viewed in the same light today. The art of Africa is stereotyped with the same exotic themes as in the 1930s. Art of Africa and the African diaspora are still often labeled as “primitive” craftwork, often in the form of woodcarvings and colorful textiles. Olu Oguibe argues that Western attitudes toward African artists have “origins in colonial ethnography and the colonial desire for the faceless native.”⁶⁰

The majority of African artists today find it difficult to break into the Western art market unless they embrace their “Africanness,” which is often subsequently adopted for the sake of recognition.⁶¹ David Koloane states, if an artist of African descent creates works that do not necessarily evoke or represent their “Africanness” they are accused of “losing their identities.”⁶² Koloane believes this “argument for ‘identity’ in the work of Black artists... is only a smokescreen for an essentially racist questioning of their abilities.”⁶³

As colonialism ended and African nations began to gain their independence, the role art would play and what would define African art was brought into question. After being deprived of their personal cultures for so long, Africans looked to pan-African theories of nationalism.⁶⁴ Art schools and art festivals began to spring up and political and cultural awareness became major subjects of artworks.⁶⁵ African artists normally then and now have had two roads to follow with their art: they can play into the clichés that world society was built on and give Western patrons the “Africanness” that they want in art from artists of African descent⁶⁶ or they can search their personal memory through a painful process of remembering the events that brought them into existence and create authentic African art that speaks of the African experience and true African expression.⁶⁷ This is true of all contemporary artists, but unlike most artists, if African artists choose to base their work on the latter, they are less likely be to recognized for their creations.

Since African nations began gaining their independence, artists’ works have been largely about Africans reclaiming their identity and culture after colonization. In the 1980s, however, a new theme in African art arose, as one of asking “Could democratization bring deliverance?”⁶⁸ Colonialism had lasting detrimental effects on

African culture and society; colonialism left Africans robbed of their rich natural resources, politically volatile, and feeling socially inferior. Many Africans were hoping Democracy could fix colonialism's destruction. The idea of an African proverb circulated through the 1990s that "no condition is permanent" which most Africans were hoping to be true.⁶⁹

Artists that work with these kinds of questions and subjects in their works are choosing to search their personal memories to remember and show the events that brought them into existence. These artists are authentic and are working toward a goal of expressing African aesthetics and using subjects relevant to African society. These artists are not giving into Western art market pressures to portray African society in the stereotypical ways that European buyers and curators desire. Instead, they are showing a true African art.

There are other artists, though, that cannot withstand the pressures from the Western art market to do so. These artists use stereotypical imagery in their works, in hopes of gaining international recognition. By doing this, false ideas about African art are perpetuated.

African artists struggle to become well-known in the Western art world. While many create beautiful works, for the most part, if they do not play what Olu Oguibe calls the "culture game" they will not be recognized or successful in the Western art market. To play the "culture game," Oguibe says the artists must give Western patrons the "Africanness" they were expecting from the work.⁷⁰ These artists have compromised their work, because there are few venues in which they can express authentic African art.⁷¹

African and Black art is not seen as a universal art; universal art is classified by Western audience's views of African art. Authentic African art should become universal; artists of African origin and descent should not feel the need to feed into Western ideas of African culture and experiences. Much of today's art is about truth, justice, and social commentary; however, African stereotypes persist. With all the stereotypical images and ideas attached to the continent of Africa, it is logical, and not far-fetched to imagine that the art community could be a venue for true African representation. Venues, galleries, museums, and people dedicated to debunking false stereotypes about African art are needed. If the art world provides venues in which African art can be viewed as universal and respected, the stereotypes and expectations connected to artists of African countries and the African diaspora will begin to be questioned and corrected.

Due to the political, economic, and social goals of European colonialism, the people of Africa, their culture, and art was portrayed as "primitive." The effects of colonialism on Africa did not disappear once colonial powers left and African nations gained their independence. The damage of colonialism was catastrophic and Africans are still struggling to recover. The art of Africa is no different. Due to the false perceptions colonialism gave the world about Africans and African art, contemporary artist find it nearly impossible to break into the international art market without compromising their integrity to satisfy Western demand for works of falsely created "Africanness." These false ideas, created during colonialism, are still affecting artists and art institutions to this day. It is important to understand what happened during and after colonialism to understand how these stereotypes have persisted within art institutions around the world without correction.

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Roman Influences on Napoleon and His Military Practices

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The French army during the Napoleonic era was a new creation in warfare. Drawing from the circumstances of the French Revolution the military structure evolved into a system that was head and shoulders above any other European army at the time. The institution of mass conscription swelled the numbers of the army while the organizational structure made possible better control of movement in the field. The underlying doctrine of liberty and freedom that had fed the Revolutionary fever in France contributed to a powerful mandate that encouraged French soldiers to fight in the name of Liberty and France. This new military system swept out of France and repeatedly claimed victory over enemies. In combat with other nations the French record of victory was overwhelming and left other nations, such as England, struggling to match the evolution of the French in their own armies. But not all aspects of the French army were new. While organizational and command structures may have evolved into something unfamiliar to Napoleon's contemporaries, certain other aspects of the French army would have been recognizable in the ancient world. Because of these similarities and more, which shall be discussed shortly, the question arises as to how much influence the Roman military system had on Napoleon and his armies. Where influence of Rome is difficult to trace in the examination of simple organization and structure, by combining those aspects with Napoleon's admiration for Caesar and the value he placed on ancient accounts and

their themes, it becomes much easier to establish a direct link between Napoleon's France and Caesar's Rome. It is the purpose of this paper to examine many of these similarities, all placed firmly in the context of several overarching themes of war, in the hope of establishing the link between ancient Roman military practice and Napoleon and his armies. To accomplish this, some of the similarities between the French and the Roman armies must be established.

Most Europeans in the first century B.C.E. would have seen much that was familiar if they had been witness to Napoleon's forces. While it is easy to imagine the astonishment that would have greeted the sight of muskets firing or the terror that likely would have accompanied the use of artillery among those people, other aspects would have been a fairly common sight. Marching columns of thousands of men moving in disciplined order, the professional deployment of troops before battle in familiar three line formations and the eagle standard would all have been instantly recognizable to anyone who had witnessed a Roman army in action. Even certain terms would have been familiar, and mention of Consulates and velites would have been recognizable. These similarities are interesting, but alone do not provide a strong foundation for any argument of Roman influence on Napoleon. Other issues must be considered before any conclusions can be drawn with any confidence. Before any real examination of actual Roman practices and the possible influences they had on Napoleon can begin, two of these issues must be considered.

The first issue is the probability of Roman influence on Napoleon. In order to trace any link between the ancient world and Napoleon, Napoleon's attitude towards the ancient world must be examined. A cursory look at the political and military terminology

during the Napoleonic era will show that the French government and the army were inundated with Latin words and phrases. It is not enough to take a few similarities in terminology and attempt to build a convincing argument that they show a conscious desire on Napoleon's part to implement Roman models of structure and organization in his own military system. While a link may be discerned, it is circumstantial at best. A better indication of any influence has to be found in the views Napoleon held about history, the ancient sources and the worth he assigned to them.

In Napoleon's world, the classical era was much more familiar than it is now. The works of ancient authors held a place of real importance among the educated class in a way that has disappeared from the modern world. As a result access to ancient writings was widely available. Napoleon would have been exposed to these works during his life and would have been even more familiar with ancient military accounts through his military education. The amount of references he made in his letters and conversations to Roman ideals, generals and battles show clearly that he was well read in this area. It becomes clear that he had a fondness for the ancient world when one takes into account that in one letter Napoleon requested a large quantity of books to be sent to him in the field. Among the works requested, and one of the few mentioned by name, was Machiavelli's *Discourses Upon the First Ten Books of Titus Livy* as well as several other works on the Romans.¹ Another letter asking for the memoirs of ancient campaigns against the Parthians, written by the generals who conducted them, along with notated maps of the region including routes and place names offers an even better glimpse into Napoleon's view on military history.² Where the former is simply a request for material that could be interpreted as merely a literary interest, the latter seems to indicate an active

interest in the campaigns as a source from which to gather information. The maps and notations requested along with original source indicate that Napoleon had a more practical interest in the campaigns than a literary one. In the same way, his comments on Julius Caesar show an admiration and respect that one general may feel towards another.

When presented with an opportunity to receive the title of Augustus, Napoleon flatly refused. He responded that neither Augustus, nor any Roman emperor, had done anything that he should desire to emulate. Rather, "... the only man who distinguished himself by his character, and by many illustrious deeds- and he was not an Emperor- Was Caesar. If the Emperor desired any title, it would be that of Caesar."³ Although he went on to say that he would not accept that title either on the grounds that it had been cheapened by overuse in the more recent past, the statement shows that Napoleon thought very highly of Caesar. He respected his accomplishments and skill as a general, commenting on Caesar's battles in the Roman Civil War "That's what I call battles, taking into account the enemies he had to fight as well as the qualities of their generals."⁴ Instances like these, which appear frequently in Napoleon's letters and conversations, show that Napoleon had a great respect for ancient military accounts and especially for Caesar, whom he considered "... an master to be studied by all future generations of soldiers."⁵ When considering statements like those above, it becomes clear that Napoleon did hold the ancient accounts as beneficial to the study of warfare. The question then becomes how the ancient sources would be applied in any meaningful way to modern warfare as he knew it. This application of antiquity to a new age is the second issue that must be considered in trying to establish a foundation for Roman influence in French military affairs.

The best place to begin examining the practical aspects of transferring ancient concepts to military practices under Napoleon is perhaps to examine the structure and organization of both the Roman and the French armies. The most obvious place to start would be with how armies went about recruiting soldiers. The French army instituted mass conscription on August 23, 1793.⁶ This was a revolution in modern warfare that gave France access to large amounts of manpower that no other nations at the time had the means to match. This was a great advantage for France, giving them lethal superiority in numbers over their enemies. The similarity here with the Romans is easily seen. The Roman army under the Republic was also a conscripted force and Polybius described it in great detail.⁷ Conscription under the Romans was very similar to that under the French in that the entire population was theoretically liable for military service. By the time of Caesar, the limitations on wealth requirements were gone and the professional army opened up to most of the population in ways similar to the French army.⁸ In addition, a surface examination of troop deployment seems to reinforce the similarities. Polybius described the Roman manipular system under the Republic of deploying in three lines with the light-armed hastatii in front; the older, more heavily armed principes in the second line; and the veteran triarii in reserve at the rear. Cavalry were deployed on the wings and light skirmishers called velites were stationed as a screening force in front to cover the army deployment and advance while at the same time harassing the enemy.⁹ This compares well with the French methods of deployment. All three formations under the French army, the *Ordre Profond*, the *Ordre Mince* and the *Ordre Mixte*, involved regimental deployment in varying lines of three with lighter troops at the front and the heavy reserve troops in the rear.¹⁰ Light skirmishers deployed in front of the army to

harass the enemy and covered the armies approach or protected the flanks. These French skirmishers even acquired the name velites which further solidifies the comparison.¹¹

Both armies made use of gaps between individual units to allow for retreat or advance through the lines as the situation dictated. These similarities might seem to make a strong case for the Roman influence on the French military but there are issues still to be resolved.

The problem with using the above similarities is that although they tempt the mind to make a concrete connection, to do so would be to dismiss the individual circumstances surrounding both armies. Conscription, for example, while used by both the French and the Romans, need not have been a result of a direct link between the two. In both cases conscription was far more likely to have been the result of each nation's respective times. The French use of conscription can be better explained by examining the French Revolution. There was a mass exodus of the aristocracy from France in the face of popular resentment which carried along with it most of the higher ranks of command in the army. At the same time, the revolution was very conducive to the opening of the army to the former peasant class. This, added with the external threats that faced France at the time as displaced aristocrats fled to other nations and tried to influence those nations to a conflict with France in order to secure their own return to power, places the evolution of a conscript army firmly within the backdrop of its own time. Similarly, the ideas of reserve troops and the similarities between battle deployments may be explained as simple military sense. These things worked well in practice and need not have been a product of some desire to emulate Rome among the

French. Although certain terms in common tempt an observer to make a connection, there is no concrete evidence at this point that a connection exists.

Donald Neill argued precisely against such connections in an article on the influence of the ancient world on Europe.¹² Using the same reasoning of tying each age to its own particular circumstances he put forth a very well reasoned argument that there was minimal ancient influence on more modern military affairs. Using contrasting technologies that existed in each era, he built a strong case that technological advances had rendered the ancient theories about war irrelevant. To a large extent he was correct. Attempting to employ tactics from the ancient world in an era of muskets and artillery without alteration would have been foolish on any commander's part. Neill laid out ancient patterns of siege and fortifications to show that gunpowder had changed the reality of battle. Sieges were conducted differently before artillery because the same tactics just did not work. His focus was primarily on the tactical level, concentrating on how fortifications were constructed and how attempts were made to break them. Caesar's fortified camps would have no relevance to fortifications in the age of gunpowder because they were not constructed in a manner to withstand artillery. In the same manner, the introduction of firearms had rendered the Roman method of advance outdated due to the damage an army with firearms could inflict. Following his argument to its logical conclusion very little of the ancient style of warfare was transferable to more modern times. Although he stopped short of stating that nothing could be applicable from the ancient world, his concentration on tactical issues and the technological aspects of engineering makes it difficult to see how anything worthwhile could be lifted from the

ancients. This argument, while well constructed and of considerable value in its own right, also has one major problem.

By concentrating on the technical aspects and the day-to-day functions of the common soldier Neill did not address the larger picture. War is not simply a collection of mundane actions carried out in reaction to technological advances. While this does without doubt play a significant role in how armies wage war it is not the complete picture. The fact that fortifications changed between Caesar's time and the modern in construction does not render the idea of fortifications useless. In the same way while the fact that firearms did change the way in which armies approached and attacked each other, there was still a need in war to approach and attack the enemy. By concentrating on the details of warfare it is easy to miss the bigger picture. There are common themes in war that exist outside the times they are fought in. A balance must be maintained in examining detail versus these overarching themes of war. Where one may bring nothing of value to a given situation, the other may bring great results. Napoleon recognized this fact. While he allowed that the tactical elements of warfare could be learned in military academies through drill and study, he also maintained that the "... grand principles of warfare can only be acquired only through the study of military history and of the great captains and through experience."¹³ It was these great principles of warfare that Napoleon recognized in ancient accounts of war. By identifying the grand themes in war and combining them with the organizational and logistical aspects of the army he inherited from the French Revolution, Napoleon was able to adapt modern tactics and practices to take advantage of their full potential. In this way the similarities between the French and Roman armies, which to this point can be seen as circumstantial, begins to take on a more

solid foundations. The link becomes more apparent, as well as solid, with the consideration of the following words Napoleon used to describe Caesar:

Caesar's principles were the same as Hannibal's': to keep his forces united, to strike speedily at critical points; to rely on moral factors, such as his reputation and the fear he inspired, as well as on political means in order to ensure the loyalty of his allies and the submissiveness of the conquered nations; to make use of every opportunity of increasing his chances of victory on the battlefield and, in order to accomplish this, to unite all his troops.¹⁴

This brief passage describing Caesar's high points as a general could also be applied to Napoleon himself. Nearly the entire quote outline the main points of Napoleon's approach to command and could almost be construed as a manual of how he conducted his campaigns. By examining in more detail each element from this passage a better understanding of the similarities between the two generals should develop.

Speed is one of the grand principles of warfare that Napoleon recognized in Caesar. It was a common theme in his campaigns. In 52 B.C.E. it served him well when Vercingetorix led a rebellion among the Gallic tribes when he employed a quick march over the mountains into enemy territory to seize back the initiative.¹⁵ At the onset of the Gallic wars he was able to move a legion to block the migration of the Helvetii. Since a legion was not sufficient, Caesar feigned negotiations to buy enough time to quickly assemble three additional legions from a separate province in the span of two weeks.¹⁶ Perhaps the most effective use of speed he employed was during the Civil War. Rather than wait on additional legions to invade Italy, which would give Pompey time to gather his own forces, Caesar chose instead to lead a single legion across the Rubicon and into Italy. With only the Thirteenth Legion at his disposal he first captured Ariminum

followed in rapid succession by Arretium, Pisurum, Fanum and Ancona.¹⁷ The effects in Rome were immediate:

Such a panic arose from these operations, that the consul Lentulus who had gone to open the treasury for the purpose of disbursing the money voted by the Senate to Pompeius fled incontinently from the city, leaving the more sacred of the two treasures wide open, owing to a false alarm that Caesar was momentarily expected, and his cavalry was already at the gates...followed by...the majority of the other magistrates. Pompeius had left the capitol the day before.¹⁸

By the speed of his advance, Caesar had not only removed the threat that Pompey would be able to consolidate his forces before Caesar could engage him in force, he had also managed to deprive him of the funds he should have been awarded. Pompey would go on to withdraw his Italian forces to Greece because he felt Italy to be indefensible. Caesar came into possession of Italy, and the treasury at Rome, by default. He did not rest though, and immediately launched a campaign against Pompey's supporters in Spain with the legions that by that time had joined him.¹⁹ He was successful there as he was in Italy, and all told he had invaded and brought to heel both Italy and the provinces in Spain in a single winter. Pompey still remained to be dealt with, but the war had gotten off to a good start due to the use of speed.

Napoleon's own campaigns echoed those of Caesar in this aspect. One of the most striking similarities is seen in the reaction of Napoleon when he learned of the formation of the Third Coalition to oppose him in 1805. Upon hearing of the Coalition, Napoleon took decisive action and immediately marched against the Austrian forces at Ulm. Defeating them, he pushed on and occupied Vienna before coming against the Russian and Austrian forces at Austerlitz in December of 1805.²⁰ There, Napoleon drew the

Austrians and the Russians into a battle where they were defeated. The end result of the victory was that both Austria and Russia had been removed from the table before the Coalition forces even had a chance to consolidate.²¹ By way of speed and decisiveness Napoleon managed to turn the tables on his enemies the same way that Caesar had but speed needed an organizational structure to allow its benefits to be reaped. The mobility that Napoleon's army demonstrated time and again to allow the emperor to employ an army of hundreds of thousands of soldiers in a timely and efficient manner had to come from somewhere outside the grand principles laid out in his description of Caesar's style of command. For its importance in implementing this principle into practice, this is where the aforementioned organizational structure moves from its place as a reaction to its times and becomes more of a vehicle for the Roman influence on Napoleon.

Napoleon inherited most of the army organizational structure from his predecessors. Napoleon made good use of this structure, and approved of the divisional organizations of the army as being like the Roman legion.²² What he did do was further refine the system so that it could better carry out its operations in the manner he desired. By adopting the corps in the late 1790's and making them the functional units of the military, Napoleon ensured his army would make great leaps in its flexibility.²³ Each corps was its own entity within the army and was fully functional on its own. With a make-up of differing troop types grouped together on a permanent basis the structure allowed for self-contained units with great experience working together to become the foundation of the army. Each corps was fully capable of independent action as the need arose and was able to move separately on the battlefield to react to situations in real time or to converge their strengths onto a weak point in the enemy lines almost as soon as it

appeared. This independence of action was extremely useful to Napoleon and was one of the great advantages the French had over their foes. The Jena campaign of 1806 illustrates this concept nicely.

With his army on one side of difficult terrain and his Prussian enemies on the other, Napoleon opted to march directly through the Franconian forest and force the enemy to meet his advance. This required a great amount of flexibility on the part of his army as the plan was a "...general concept, providing for and in fact demanding constant, day-to-day elaboration by Napoleon and predicated upon the assumptions that the French army could...respond directly to such instruction."²⁴ The army responded accordingly, marching through the forest in three columns and concentrating their forces once again. It is at this point that the value of the maneuverability of the corps shows itself. Napoleon made a mistake in believing that the Prussians were moving from Erfurt to Gera when his center column made contact with the enemy. Napoleon's response was to have his army turn to intercept this movement, but the Prussians had actually been moving to the west instead.²⁵ Napoleon immediately wheeled his army again; only this time he sent his columns to three separate destinations in an effort to cut off the possible retreat of an army that he did not know the location of precisely. Only the fact that each corps was self-contained and fully capable of military action on its own made this type of tactic feasible. The result was the envelopment and defeat of the Prussian army, which could be attributed to the corps structure of the army and its superiority over the Prussians.²⁶

The Roman had achieved a similar level of tactical ability, albeit on a much smaller scale, in the cohort, which shows some kinship with the self-containment of the French corps. There were ten cohorts to a full Roman legion. These units were also

capable of independent action, although they were not perhaps the vehicle of attack that the corps was. While they could be detached to act on their own, their number was too small at 480 soldiers to be effective in anything other than light action or garrison duty.²⁷ The value of the cohort was much higher when they were used to maneuver independently as a part of the entire army. The battle at Pharsalus where Caesar finally met Pompey's legions in battle provides a good example of the advantages the cohort offered.

To begin the battle, Caesar's legions were outnumbered with Pompey's forces numbering 45,000, according to Caesar, and his own forces roughly half that number.²⁸ The greatest danger presented to Caesar was the threat that Pompey's greater numbers would allow Caesar's army to be flanked. He expected this move and in anticipation of a cavalry strike against his right, he pulled a single cohort out of each legion in his third line of reserves to form a fourth line protecting that flank. This move was made after his forces had been deployed and was likely a spur of the moment thing that demanded speed and flexibility on the part of his army. Screening this fourth line with his cavalry, he kept Pompey unaware of the move so that when Pompey's cavalry had driven Caesar's back they met an unexpected line of infantry that launched a swift counter attack. According to Caesar, this impromptu fourth line was the main instrument of victory because "it was they who, in the first place, had effected the route of the cavalry... had cut to pieces the slingers and archers; finally... by turning the left of the Pompeian line, had started the general flight."²⁹ Not only had the flexibility of the cohorts been employed to stop Caesar's own right from being turned, it had allowed for the advance that turned Pompey's flank. At Pharsalus, like at Jena, the outcome had been determined to a large

extent by the maneuverability of the respective armies that allowed the commanders to put their plans into action. While by themselves each army's organization may be seen as a part of the time in which they were formed, the adherence to the rule of speed in action had a profound impact on the refinements of adapting and using the existing structures.

In much the same way, logistics was as much influenced by the grand principle of speed as it was by the historical background of each army. To be able to support large armies in the field they must be fed and provided for. While Caesar's legions were not as large as the typical Napoleonic era army, his numbers fluctuating generally between 25,000 and 30,000, they were still large enough to demand a substantial amount of supplies. Maintaining supply lines via wagons or carts interfered with army movement. An army cannot move at a high pace while having to wait on its supplies. In the interest of speed, both Caesar and Napoleon adapted to ensure that they were not slowed in this way. Both generals made extensive use of enemy territory to supply their forces.

Caesar had adopted the practice of living off the land rather than a line of supply. He made mention in his commentaries of requisitioning supplies from Gallic allies as well as from the enemy. There are mentions of conflicts that arose such as when the Gallic allies, specifically the Adui, had been stalling in providing the Romans grain during Caesar's campaign against the Helvetii.³⁰ In this case, Caesar forced the Adui to provide what they had promised after getting rid of the conspirators. Perhaps the most colorful allusion to this practice of living off the land is preserved in the story of the actions of Caesar's soldiers in Greece. Low on supplies the soldiers in some cases baked plant roots into a type of bread. Some industrious soldiers apparently threw some of the loaves across Pompey's lines causing Pompey to remark that he was fighting beasts

instead of men.³¹ Napoleon echoed the idea of living off the land, claiming “ the basic principle we must follow in directing the armies... is this; that they must feed themselves... at the expense of the enemy territory.”³² To accomplish this, Napoleon refined the army’s logistical system. He set officers in charge of gathering and distributing supplies and made locating and acquiring food stocks a part of his pre-campaign intelligence.³³ The shared mentality of Caesar and Napoleon emphasizing speed in operations has been illustrated, but there are other considerations that arise.

Organizational structures and logistical considerations alone are not enough to ensure rapid response of an army to commands. The hardships that the common soldier had to endure on forced marches and sparse rations that sometimes happen to an army in enemy territory without a true line of supply would have been substantial. Hunger and fatigue is as dangerous to a commander as the opposing army can be. It takes discipline for the soldier to deal with these things, let alone to stand in the line during battle, and it takes loyalty to ensure that desertion does not slowly strip an army of its combat ability. It is in these two areas of enforcing discipline and inspiring the loyalty of the common soldier that both Caesar and Napoleon stand with only a handful of other generals at the top of the list. It is also in this area that the common traits of Napoleon and Caesar are perhaps most easily seen.

Caesar’s approach to discipline was the traditional Roman approach. Under the Roman military system punishments were harsh and soldiers were subjects to beatings or worse for insubordination. They in effect forfeited most of the rights they had as citizens. The death penalty was common for offences ranging from cowardice to theft to sleeping on guard duty.³⁴ The death penalty took several forms in the professional army including

crucifixion; being thrown to wild beasts; and perhaps the most famous and horrific practice to the modern eye, decimation. Decimation was reserved as punishment for units who had shamefully fled battle and consisted of one out of every ten soldiers, drawn by lots, being condemned to death. This punishment was carried out by the remaining members of the unit who fell upon and beat to death the condemned.³⁵ This approach was echoed by Napoleon when he wrote that every tenth deserter should be shot.³⁶ Such practice does little to explain how true loyalty, rather than fear, could have been inspired. In fact it seems to recur that mutinous soldiers at various points singled out especially harsh commanders and killed them, as the following passage indicates:

The mutinous legions... lynched a centurion nicknamed "Fetch me another!"...from his habit of snapping his cane over a legionaries back and bawling out for another to continue punishment.³⁷

This scene calls to mind neither loyalty nor discipline, and yet it was in the context of an army that made use of these practices that Caesar was able to inspire an almost fanatical loyalty in his troops. How he accomplished this reveals much about Caesar and provided much of the comparison between Napoleon and Caesar.

To begin with, Caesar used such practices sparingly. Instead, he relied mainly on the use of symbols, rewards, and the soldier's sense of honor. At this point discussion about the symbols and terms used by Napoleon must come back into play. Where on first glance the adoption of the Roman Eagle on the French standard showed no real connection beyond the cosmetic on its own, when considered in the light of the grand principle of morale and loyalty among the troops it begins to show a more definite line of influence to the Roman world.

The Eagle was an object of almost religious devotion among the Roman legions. It was kept in a shrine where the standards were stored every night in the camps the Romans routinely built while either in the field or on a more permanent garrison duty.³⁸ The greatest disgrace that could befall a legion was to lose its eagle in battle. So fanatical was the devotion of the soldiers that sometimes the threat of losing their eagle would be enough to move hesitant soldiers into action. One story from Caesar's commentaries related that in the initial landing in Briton the legionaries were frightened by the foreign enemy and the depth of the water they would have to wade through to get to shore. In the midst of this hesitation the standard bearer of the Tenth Legion jumped into the water and called to follow unless they wanted to lose their eagle. This triggered an immediate response as the soldiers "...exhorting each other not to submit to such a disgrace, jumped with one accord from the ship, and the men from the next ship, when they saw them, followed them and advanced against the enemy."³⁹ This passage illustrates the powerful loyalty that the eagle, as a symbol of unit pride, instilled in the legions. Napoleon adopted this symbol in hopes of generating the same pride in accomplishment and sense of honor and devotions in his own men.⁴⁰

In the same way, rewards and promotions contributed to the sense of accomplishment and devotion in each army. What a soldier might resent doing if he were simply forced into it, he might willingly strive for if he felt his conduct was recognized and rewarded. Napoleon at one point stated: "One obtains everything from men by appealing to their sense of honor."⁴¹ Napoleon and Caesar shared this belief in the importance of a sense of honor among the soldiers. It was built upon to the extent that their own honor became by extension the honor of their soldiers. Caesar did this so well

that according to Plutarch he was “so much a master of the good-will and hearty service of his soldiers that those who were in other expeditions were but ordinary men displayed a courage past defeating or withstanding when they went upon any danger where Caesar’s glory was concerned.”⁴² Napoleon’s words to his troops that “He has no existence; he has no rights... his honor, his glory are none other than your interests, your honor, your glory.”⁴³ This statement is almost interchangeable with the speech Caesar gave to his troops prior to invading Italy when he laid out the wrongs done to him by the Senate and extended that sense of injury to make it an attack on the liberty and freedoms of all Romans.⁴⁴

The effects of this cultivation of loyalty can be seen in two separate events. The first is the way in which Caesar handled a mutinous legion in Italy during the Civil War. He was planning to invade North Africa at the time and the hostile soldiers turned those individuals he sent to investigate the mutiny away from the camp. Although the legions were reputed to be in a dangerous state Caesar went to the locations and walked through the men to the platform. Calmly addressing the troops and asking what their concerns were, they demanded to be paid and discharged. At this point Caesar almost appeared to turn into a dramatic actor as he simply granted their discharge in an almost offhand manner and promised to pay what he owed them when he has conquered North Africa with another army. Their pride and honor stung, the soldiers remained silent until Caesar began to speak again, addressing them as citizens instead of soldiers. At this point, shamed at having been spurned by their commander for their abandonment of him, they pleaded with Caesar to take them back into service. Reluctantly he agreed to take all back save for the Tenth Legion, which had been Caesars most favored and trusted legion. The

Tenth became desperate to get back into their generals good graces, even going so far as to beg to be decimated if only Caesar would allow the survivors to return to service. Finally, after having played on the varying emotions and loyalties of the soldiers Caesar agreed to take the Tenth back without any need for decimation.⁴⁵

A similar attempt occurred in Napoleon's career when he returned from exile on Elba. While on his way back to Paris, part of the French army was dispatched to stop his arrival. In the tense moments when they confronted the followers that Napoleon had already gathered, Napoleon pushed forward between the opposing sides. When a soldier spotted him and cried to fire, Napoleon simply offered himself to his opponent, stating that if any man desired to shoot his Emperor, there he stood.⁴⁶ A moment of quiet passed before the French, who had been sent to stop Napoleon, raised a shout to the Emperor and joined in Napoleon's advance to Paris. This ability to handle his men showed the same command Caesar enjoyed over the emotions of his soldiers. In each case both generals had shown the ability to manipulate the sentiments of their troops, not only in good times, but also under the worst of circumstances. The affection each had instilled into their armies allowed them this kind of control. The influence of the manner in which Caesar handled tactics, organization, and campaigns but also the common soldier had on Napoleon is much easier to see in light of these events.

In the end any attempt to establish a direct link of influence between Caesar and Napoleon relies to a large extent on interpretations and combinations of factors. It cannot be established by any one event or any cursory examination of the similarities that existed between their respective armies. Instead, cosmetic aspects like military standards and organizational structure have to be combined with an understanding of Napoleons

admiration for certain aspects of the ancient world as well as his adherence to the grand principles of war that he ascribe to Caesar. It is very difficult to get into the mind of any historical figure and determine precise reasons for what they did or did not do. The best that can be done is to examine the question from all angles and draw conclusions from the available evidence. The probabilities of Napoleon being influence by Rome and especially Caesar in his military practices seems fairly high in light of the combined evidence, but it is not by any means the dominant factors in how Napoleon conducted his affairs. Napoleon was not simple imitating Caesar or trying to recreate France and Europe as an exact replica of some long lost Roman ideal. He was very much his own man and had his own visions for what he wanted to accomplish, but it is likely that he found many aspects of the Roman system that he could use. Perhaps it is best to let Napoleons words be the final ones on the matter:

History I have conquered rather than studied; that is to say, I wanted from it and retained from it only what could add to my ideas. I spurned what was of no use, and I seized upon certain conclusions that pleased me.⁴⁷

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The Huns: Barbarian Among Barbarians

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The Visigoths waited anxiously at the border of the Danube River as the Romans mulled over their proposal. Some force, known and understood only as “the Huns”, was headed their way, one so unique and so powerful that cities and tribes were annihilated in their footsteps and barbarian leaders fled for their lives. This enemy was so strong, in fact, that its presence brought the Visigoths to the Danube and the mercy of the Romans, pleading for access across the river and away from this threat, willingly giving the Romans men for their military in exchange. Only seven years before this reemerging on the shore of the Danube, the Visigoth leader Athanaric had negotiated an end to a war with Rome in the midst of the Danube, claiming he had “sworn a terrible oath to his father never to set foot on Roman soil.”¹ Now, here were his people led by the Visigoth Fritigern, begging for permission to violate the treaty and seek refuge within the confines of Roman territory, all because the Huns were approaching. What was it, then, about this newly arrived group of warriors that caused such a reaction from the Visigoths, and that allowed their migration across the Danube?

A great deal of this terror most probably came from the lack of knowledge that existed concerning these Huns. While both the pleading Visigoths and the permitting Romans had their share of violent histories among various groups, the Huns quite literally were something that neither side had ever witnessed before. The Romans at this point had

not even seen the imposing force causing havoc to all whose paths they crossed, only heard rumors that there were massive migrations of barbarian groups because of these Huns.² With the arrival of the terror-stricken Visigoths, these rumors gained solidity and the Romans themselves began wondering about the latest barbarians in Europe. Unfortunately, there was no record whatsoever of them in the Roman libraries³, and the Romans were simply left with the rumored descriptions about their enemies. Historically speaking, these rumors of distant people held more exaggeration than fact and often could dehumanize anyone Romans had not seen first hand. An example of this is Pliny's Natural History written a few centuries before the Huns arrived in Europe. What is supposed to be an honest description of people in India and Africa reads more like a cast list for a horror film. According to Pliny, these areas were full of "human oddities"⁴ such as people with varying numbers of eyes, the heads of dogs, or limbs growing in incorrect directions, and others without necks, noses, or mouths. Some were consequences of human affairs with animals, some were cannibals, and some had sweat that could kill.⁵ Obviously these descriptions were not written about the Huns themselves, but given that this was Roman reaction toward the unknown people only a few centuries earlier, it makes one wonder precisely what the Romans had envisioned with no solid information with which to build their concept of a Hun.

What the Romans could gather from the rumors, however, was that this force was not one that they could easily trust. While they were accustomed to barbarians groups, even employing different races in their army, this was a particular kind of foe of whom

the Romans were wary. They were “the type of mobile, treacherous enemy whom the Romans had always distrusted and with whom they had always felt ill at ease.”⁶ This was founded on certain ways of the Hun life:

The Huns’ nomadic way of life, which rendered them so incomprehensible to the Roman mind, also made them fearful enemies, capable of moving at high speed, appearing by surprise where no one expected them, and giving or refusing battle as they pleased.⁷

This was an interesting twist concerning the Huns in that they were not just barbarians, who were a familiar sight to these Europeans. The Huns were described as being less than barbarian, hardly human at all:

They stood on a distinctively lower grade of civilisation than any of the Teutonic invaders of the Empire. The Goth, the Frank, the Alaman, and the Vandal were barbarians indeed, but barbarians with some capacity - in the case of the Goth with an extraordinary capacity - for appreciating the advantages of civilisation. The Hun, fresh from his centuries of wandering over the high table-land of Tartary, was an utter, irreclaimable savage.⁸ [sic]

The Romans had no way of knowing who these Huns were aside from rumors, but their fighting style and the fact that the Visigoths were at their doorstep were more than enough cause for alarm. Why not allow the Visigoths in and have a few more soldiers for their military in case of combat?

The Visigoths had little better to go on. Even before seeing the Hun warriors, only knowing of their rumored surge across Europe, their only link to who these barbarians could have been was a disturbing legend recorded by Jordanes. Tradition held that the

Gothic King Filimer exiled a branch of his tribe for witchcraft, where “unclean spirits”⁹ overcame them and molded them into the Huns, a race of men who were “scarcely human and having no language save one which bore but slight resemblance to human speech.”¹⁰ Not knowing their enemy would have been frightening; thinking they descended from evil spirits would have been horrifying. Upon seeing the Huns and the devastation they caused, this theory was hardly shaken but rather enforced. Witnessing the warriors in action only “made their enemies feel they were fighting men scarcely human”¹¹ because of their “repulsive physical appearance”¹² and abilities in warfare. It seemed the only concrete fact the Visigoths had concerning the Huns was that they were a deadly enemy who at that moment had proven unstoppable.

The sad truth of this controversy is that to this day, historians still know little about the origins of the Huns. One popular theory is that they are descendants of the Hsiung-Nu tribe. This group raided China centuries before the Huns arrived in Europe, eventually being forced into Chinese culture, all but one particular segment of warriors who escaped this fate by going west. Many have concluded that this band was the beginning of the Hun tribe based on the locality, similarities in certain words, and the fact that grave excavations have shown that they – like the Huns – used asymmetric bows.¹³ Following the given logic to the proposed conclusion, it seems as though one can conclude that the United States was a part of Mexico because of proximity, Los Angeles, and Taco Bell. While this theory of Hun origins could in fact be true, the evidence seems inconclusive on the issue. After all, the Huns very quickly absolved names and words

into their language, so it seems nothing unusual that a tribe from their same area of the world would use some of the same terms. The asymmetric nature of the bow is also a stretch as, again, the two groups are from the same general area of the world. It would hardly be abnormal for both to be familiar with this method, given their proximity, even if they were not related. Not only is the bow unsatisfactory evidence for this reasoning, but in the end, the Hun bow and the Hsiung-Nu bows simply were not the same bow; they just shared the asymmetric quality.¹⁴

There are a number of other reasons why this theory is faulty, including the three hundred years without detail. After the Hsiung-Nu head west, there is no record of them afterward, and the Huns do not show up in written record until their arrival in Europe in the fourth century.¹⁵ Considering it hardly takes three hundred years to cross from Asia to Europe on horseback, the claim that they are the same people begs the question as to what they were doing for those three hundred years. There simply is no physical connection between the two other than they came from Asia toward Europe. Political structures and social customs were also very different, the Huns having a “multiplicity of ranked kings”¹⁶ that the Hsiung-Nu did not. Even if the two tribes were somehow connected in their history, it is still a broad assumption to say that the Huns were the descendants of the Hsiung-Nu since the Hsiung-Nu was a confederation, meaning they could have been connected without being related.¹⁷ There are a great deal of holes in this theory, leaving very little evidence that would support it in most probability. While it may be true, the evidence simply is insufficient in supporting it, and historians are left

today as clueless about Hun origins as the Romans and Visigoths were when they initially appeared in Europe, without being witness to them as the Visigoths at the Danube would have been.

While the people of Europe during the Hun invasion would have first hand accounts of the warriors, it may be that today's understanding of them is greater simply due to the terror surrounding the time. The appearance of the Huns mentioned earlier is a double-sided issue. In Europe at this time, there seems to have been two categories of people: the people who knew the rumors of the Huns, and those who had physically witnessed these foes. Those who knew only the rumors had very detailed descriptions of less than appealing men who looked nothing like the people with whom they had previously encounters. As Ammianus describes them:

Since there the cheeks of the children are deeply furrowed with the steel from their very birth, in order that the growth of hair, when it appears at the proper time, may be checked by the wrinkled scars, they grow old without beards and without any beauty, like eunuchs. They have compact, strong limbs and thick necks, and are so monstrously ugly and misshapen, that one might take them for two-legged beasts or for the stumps, rough-hewn into images, that are used in putting sides to bridges.¹⁸

Ammianus continues on to describe some of their less than civilized methods of living, such as their love of raw meat and their displeasure with tents and indoor housing. He also states, "they are subject to no royal restraint, but they are content with the disorderly government of their important men, and led by them they force their way through every obstacle."¹⁹ To someone hearing rumors of a barbarian group's success in destroying tribes and cities, this description would have been less than comforting. These men, according to the rumors, were more monstrous than anything they had ever seen,

more deadly than any force surrounding them, and bred by evil spirits. Descriptions such as these certainly have the ability to breed fear.

Those who had seen the Huns were hardly less fearful with knowledge of what they were as opposed to rumors of what they were supposed to be. While it is doubtful that the Huns actually resembled the monsters their descriptions would have suggested, it is undeniable that they were different in most respects, including appearance. These were Europeans; the Huns were Asian. Ethnically, they simply did not look like the neighbors they were used to battling²⁰, and the abilities on the battlefield proved no less unique to them than did their physical appearance. After all, they fought in much the same style as other nomadic tribes against whom the Goths had success defending themselves. The Alans, for instance, shared their cavalry tactics of maintaining distance while using archery to cause chaos within the ranks of the defending army. Once scattered, the Huns (and the Alans) cemented their victory.²¹ Why then, if their tactics are so similar, were the Huns so much more effective against the Goths than were the Alans?

The answer is fairly simple. First, the Huns had much lighter cavalry than did the Alans and were able to maneuver more efficiently and much more quickly than could the Alans. Their weapon of choice also made for a very distinct difference in success against the Goths. The Alans relied extremely heavily on the lance; the Huns relied almost solely on their bow. This would seem to be an irrelevant point as the Goths also used archery, but the Hun bow had a very special modification that made it much more effective than the bows of their enemy: they were asymmetric. Typically, if a cavalry bow is built larger than 100 centimeters, its bulk proves troublesome by interfering with controlling the

horse, possibly even physically impaling it. For this reason, typical bows were under 100 centimeters. Because the Hun bow was asymmetric, the bottom portion being smaller than the top, the bow itself could be longer than their enemies', sometimes being as much as 130 centimeters long, and would not interfere with the horse. This allowed them to use their bows at greater distances than could their enemies, and proved a deadly asset for the nomads. They were quicker than the typical enemies of the Goths, and their weaponry was effective at greater distances.²² This tactical supremacy was a large factor to their military success in Europe that caused the scattering of other barbarian groups.

By the time the Visigoths fled to the borders of the Danube, they had seen a great deal of the devastation that these Huns were capable of causing. The previously mentioned Alans had already fled west "to be ultimately absorbed in the Germanic world"²³ at the sight of the Huns charging their way. The Ostrogoths had proven no match for the Huns, and the Visigoths themselves had unsuccessfully faced the Huns. Because of these invasions and defeats, the barbarian groups of Europe began scattering and migrating, as is the case with the Visigoths moving to the Danube. In essence, the Huns "intiat[ed] by their impact a movement the great historical significance of which is that it shuffled and displaced the whole East-Germanic world."²⁴ The Visigoths were more than familiar with the brutal victories of the Huns and had seen for themselves the devastation caused by their rampages, a sight that few would care to see:

The Huns had crossed one river after another, the Don, the Dnieper, the Dniester, and wherever they passed, they massacred everyone they found, men, women, and children, in such a ferocious and

systematic way that one ancient author described the events almost as a genocide.²⁵

The Goths themselves had lost everything to the invasion of the Huns, "...all the country of the Goths [being] ravaged and reduced to wilderness, the fields unsown, the houses abandoned or burned."²⁶ At this point, the refugees had two choices: flee to the Danube in hopes of Roman mercy; return to their homelands where they would starve; or be viciously murdered by Huns. Knowing completely the capability of these Huns, the Visigoths sought Roman assistance at the Danube. Rome, seeing their own potential gain in military matters, let them cross. The entire structure of their world was altered because of the invading nomads.

No one in Europe at the time of these invasions knew anything about the Huns, but their name spread with terror as they mercilessly destroyed civilization after civilization. This unknown quality was unnerving and when combined with a force proven as deadly as the Huns had shown themselves to be, caused panic within some of the strongest barbarian groups in Europe at the time, including the Goths. They were strong enough, and armed well enough to cause the European peoples they encountered devastation, fear, and destruction. Little is still known about these invaders from Asia, but one thing is for certain: their impact upon Europe at the time was massive and this was just beginning. For years to come, the Romans, the Goths, and Europe would be plagued by the existence of the Huns, the barbarians among barbarians.

1. John Man, *Attila: The Barbarian King Who Challenged Rome* (New York: Thomas Dunne Books, 2005), 12-13.
2. John Man, *Attila: The Barbarian King Who Challenged Rome* (New York: Thomas Dunne Books, 2005), 11.
3. Alessandro Barbero, *The Day of the Barbarians: The Battle that Led to the Fall of the Roman Empire*, trans. by John Cullen (New York: Walker & Company, 2005), 35.
4. Pliny, *Natural History*, trans. by Paul Holland. ed. by Paul Turner (Carbondale: Southern Illinois University Press, 1962), 72.
5. *Ibid.*, 72-80.
6. Alessandro Barbero, *The Day of the Barbarians: The Battle that Led to the Fall of the Roman Empire*, trans. by John Cullen (New York: Walker & Company, 2005), 36.
7. *Ibid.*, 36.
8. Thomas Hodgkin, *The Dynasty of Theodosius* (New York: Burt Franklin, 1971), 83-84.
9. Jordanes, *The Gothic History of Jordanes*, trans. and ed. by Charles Mierow (New York: Barnes & Noble Inc., 1915), 85.
10. *Ibid.*, 85.
11. Richard Mansfield Haywood, *The Myth of Rome's Fall* (New York: Thomas Y. Crowell Company, Inc., 1958), 98.
12. *Ibid.*, 98.
13. John Man, *Attila: The Barbarian King Who Challenged Rome* (New York: Thomas Dunne Books, 2005), 50-54.
14. Peter Heather, *The Fall of the Roman Empire: A New History of Rome and the Barbarians* (New York: Oxford University Press, 2006), 148-149.
15. *Ibid.*, 149.
16. Peter Heather, *The Fall of the Roman Empire: A New History of Rome and the Barbarians* (New York: Oxford University Press, 2006), 149.
17. *Ibid.*, 149.
18. Ammianus Marcellinus, *Roman Antiquities*, Book XXXI, *LacusCurtius*, November 2007, http://penelope.uchicago.edu/Thayer/E/Roman/Texts/Ammian/31*.html, 383-384.
19. *Ibid.*, 385.
20. Thomas Hodgkin, *The Dynasty of Theodosius* (New York: Burt Franklin, 1971), 84.
21. Peter Heather, *The Fall of the Roman Empire: A New History of Rome and the Barbarians* (New York: Oxford University Press, 2006), 155.
22. *Ibid.*, 155-156.
23. J. B. Bury, *Invasion of Europe By the Barbarians* (New York: Russell & Russell Inc., 1963), 155.

²⁴ Ibid., 55.

²⁵ Alessandro Barbero, *The Day of the Barbarians: The Battle that Led to the Fall of the Roman Empire*, trans. by John Cullen (New York: Walker & Company, 2005), 36.

²⁶ Ibid., 37.

Refusing Racism: White Allies and the Struggle for Civil Rights

By Cynthia Stokes Brown
Teachers College Press (New York 2002)

Review by **Lori Morris**

In *Refusing Racism*, Cynthia Stokes Brown tells the stories of four white allies, Virginia Durr, J. Waties Waring, Anne Braden, and Herbert Kohl, who devoted their lives to fighting for civil rights. These four individuals are only known in what Brown refers to as the “subculture of racial equality and social justice activism” or what Anne Braden termed the “other America.” (7)

The author chose these allies to explain how a white person could stay in the South and still reject white supremacy. These subjects serve as models to other citizens who are committed to the fight for civil rights. Brown wanted to keep the stories of these people alive, and hoped by doing so that she would bring her concept of the “white ally” into public consciousness. She also wanted to help people of all cultural backgrounds gain a “hope for, and determination to achieve, intercultural cooperation.” (1)

In the introduction, Brown discusses her reasons for selecting the four subjects, and conceptualized “white ally.” She also examines “whiteness” and what role white people play as counterparts to African Americans in the fight for true intercultural cooperation. She explains that one of the greatest ways to understand the role white people must play in this fight is to know the stories of other white allies. In chapter one, there is an overview of the history of racism and white

supremacy resistance movements in the United States. She then examines how “racism has not vanished in the South, but has become as subtle and hidden as in the rest of the nation.” (20)

Following this, a chapter is dedicated to each of the allies. Brown sketches a biography of the four allies and starts off by examining their childhood. Virginia Durr was born in 1903 in Birmingham, Alabama where her father was pastor of the South Highland Presbyterian Church and her grandfather owned a cotton plantation. Virginia grew up playing with the children of former slaves who had not earned enough to leave the plantation.

Brown also recounts each “ally’s” first encounter with and realization of the racist structures in American society, like Anne Braden, whose mother would give Anne’s old clothes to the black family that worked for them. Braden recounts feeling embarrassed that the young girl in the family had to wear her old clothes that did not fit. She was ashamed that the young black girl was not allowed to sit in the living room with Anne but had to sit uncomfortably waiting for her mother in the kitchen.

She then tells of the struggles for racial equality each ally experienced. For example, J. Waties Waring became a federal judge in Charleston, South Carolina and insisted on racial equality in his courtroom. He gained a reputation as the judge that ruled for black equality. His greatest struggle for racial equality was when he opened white primaries to black voters in his jurisdiction. This act caused Waring and his wife to lose many friends and be cut out of southern white society completely.

Lastly, in the biographies of each ally are the contributions they made to society throughout their lives. Such as Herbert Kohl who published *Thirty-six Children* and many other books on education and civil rights. In these biographies, Brown examines the sacrifices and struggles these white allies experienced to stay dedicated to their morals and integrity in their fight against racial inequality.

In the last chapter titled "Reflection," Brown compares the lives of these people and defines the qualities they shared that possibly contributed to their determined efforts to achieve racial equality. The majority of the last chapter is devoted to inspire other whites to join in this effort and the importance of white participation in correcting the wrongs that white supremacy and the racist structures in society created. Following the last chapter are twenty-five short biographies of other white allies such as Eleanor Roosevelt, who struggled for an anti-lynching bill; John Marshall Harlan, the lone Supreme Court justice that opposed *Plessy vs. Ferguson*; Myles Falls Horton, the founder of Highlander Folk School; and other white allies who made significant contributions.

Brown used many primary sources written by Durr, Waring, Braden, and Kohl such as the oral histories and personal papers these individuals donated to numerous universities and historical societies. She was also met and interviewed Durr, Braden, and Kohl. The secondary sources she used included books that examined the history of racism and the resistance to racism, including Milton Meltzer's *Slavery: A World History* and George Soros' *Underwriting Democracy*. She also included biographies of other allies committed to the struggle for civil rights

like Blanche Wiesen Cook's *Eleanor Roosevelt: The Definitive Years* and Michael Eric Dyson's *"I May Not Get There with You:" The True Martin Luther King, Jr.*

The book is an important piece of literature providing many insights for anyone involved or becoming involved in the fight for racial equality. One of the main reasons that racial equality is and has been a difficult struggle is because many potential allies are not offered instruction in their K-12 education to understand the situation. Brown explains that people must understand these issues and be supporters for change in the institutions that keep white supremacy in place.