

Perspectives in History, Volume Twenty Six

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Letter from the President

It is a somewhat irregular circumstance that I would be conducting my first act as President of the Alpha Beta Phi chapter in writing the 'Letter From the President' for the 2010 - 2011 Journal. Typically this duty would be last act of a President for the school year, in this case, our recently graduated President Clare Poynter, but as a favor to her I've agreed to take on the task. With the close of 2010 - 2011 school year, I am proud to introduce the latest addition our long running journal. Of course, as there is with any publication, a tremendous amount of effort was put into its completion, from numerous actors. If by chance I happen to leave out kudos to anyone involved in producing this work, please keep in mind that it never fails that someone is forgotten when so many need to be mentioned in such a short letter.

Perspectives would not exist without the effort of our editor, Vincent Fraley, who I would argue has had a greater burden of work than his predecessors. This year for Phi Alpha Theta was an irregular year, one which saw the departure of one President, and his administration, halfway through the year, leaving the way for Clare Poynter to take his place. As a part of this transition, the previous year's drafts for the journal have been in limbo. Vincent acquired the lost drafts, and has taken the duty of getting all them published – twice the amount of the work of any editor before him, who only had the responsibility of their year's journal only.

Following Vincent, it is most appropriate to acknowledge the success of this year's Phi Alpha Theta in general due to the efforts of Professor Bonnie May, who also left NKU in the middle of the school year. Despite her absence, she has remained an integral part of our society - participating in many of our fund raising and community engagement duties. She has also allowed for greater combined success between our organization and that of the NKU VETS, which have done a tremendous amount of work for the community. As a liaison between our

two societies, Bonnie has build a bridge that will stand for years beyond our time at NKU.

Other Presidents in the past have discussed the many feats of Alpha Beta Phi in their letters; I feel if I were to do such, I would take up half of the journal. Rather than do that, I feel it's most important to recognize those who made all we've accomplished possible; our feats speak for themselves. Therefore, I would like to thank the students and professors who have involved themselves in some way or another with Phi Alpha Theta throughout the year. These thanks range from urging students to publish in our journal, to recruiting new members, to participating at our numerous events. As always, Alpha Beta Phi keeps a running schedule of events including fund raisers, lectures for the public, social gatherings for students, and volunteering for non-school related historic societies. None of these events would have occurred had it not been for the participation of the students and faculty of NKU.

A special thanks I would like to give to Dr. Jonathan Reynolds, Dr. William Landon, Dr. Eric Jackson, Dr. Jim Ramage, Professor Terence Fleming, Professor Suzanne DeLuca, Drs. Steven and Andrea Watkins, Dr. Burke Miller, Dr. Carol Medicott, Professor Michael Hinckley, Dr. Jeffrey Williams, Lou Stuntz, Tracy DeBellevue, Jan Ratchford, and Dr. Paul Tenkotte, who are all staff members that made a huge difference for Alpha Beta Phi in some way or another throughout the year. Likewise, I would like to thank Alexandra Barrett, Glenn Bramble, Sharyn Labate, Arin Arnold, Erich Kirby, Shane Winslow, Bob Kinsella, and all the other students who participated in Phi Alpha Theta events that were of non-officer/non-member holding positions.

This year for Alpha Beta Phi, taking a tip from Bonnie May's methods, members of Phi Alpha Theta made efforts to engage with other student organizations for the sake of promoting the liberal arts throughout NKU. I would like to thank the International Student Union, Erin and Santiago Jamrisk, The German Club, Katie Paul, Kiksuya and all its wonderful members, the

Celtic Club, Kelley Clements, and of course the NKU VETS and Bill Schwartz.

This year saw a decline of our long-running Military History Lecture Series, but in its place other lectures has surfaced, allowing Alpha Beta Phi to continue its mission of engaging the community. This was done through the Scripp Howards center, and many thanks go out to Collette Thompson and Mark Neikirk for including us in their events.

I would like to close this letter by thanking the other officers of Phi Alpha Theta of the school year for all they've done to make this year one of the society's best, when it easily could have been one of the worst. Matt Chalfant, Kari Becker, and Clare Poynter, you have my sincerest thanks. So then, engaging reader, now that you've an idea of all the work that has gone into making Alpha Beta Phi the #1 chapter of Phi Alpha Theta for (more years than I can recall), I encourage you to lose yourself in history and enjoy this excellent journal.

James Thomas Lupo IV

President, Alpha Beta Phi Chapter, Phi Alpha Theta

A Word from the Editor

Like any aspiring historian I shop my school's library when handed a puzzle. How does one preface a journal? Herodotus began his journal-cum-history with "I here display my inquiry, so that human achievements may not be forgotten in time, and great and marvelous deeds... may not be without their glory." This is the first line of our colloquialism 'written history'. As the Persians aren't at the library's door this preface will admittedly resound with much less thunder. This is not for lack of muster but for the fact that, Herodotus included, the most notable prefaces (if such things exist) are brief. This seems to be because the preface's author knows not to unduly delay the reader from the true prize. Puzzle solved; be quick.

An editor's job is one of balance. The counterweights are democracy and diktat. A temporary tilt in favor of either is only acceptable if equilibrium is again reached. Otherwise *Perspectives* becomes *Perspective*. The trapeze act was made easier by the openness of this journal's five authors and the merit of their articles. This negated the need for structural re-negotiations, those swampy quagmires of editing (for a test: imagine yourself as a student having to explain to an upperclassman why their thesis could use some work). I enjoyed our conversations reviewing the seldom traces of red ink and salute their diligent work.

I would like thank those whom I owe most. Dr. Francois Le Roy reactivated the magnetism of history when I was a dough-faced freshman and in my memories of higher learning will stand tallest. Now as a bearded senior, Professor Terence Fleming demonstrated why historians are the most adroit people in the room. To Dr. Jonathan Reynolds and the officers of Alpha Beta Phi chapter I am indebted for this endeavor and hope they, as well as every reader, enjoy the following pages as much as I enjoyed the process of colligating them.

Vincent Fraley

**GEORGE III AND THE COLONIAL USE OF ARMS:
A VIOLATION OF AN “INALIENABLE RIGHT”?**

Patia Tabar

Much has been made in the past several years over the rights of American citizens to own guns. Arguments have been made for both sides, and most on the pro gun ownership side have resorted to the basic revolutionary argument that King George III attempted to take away some “inalienable” right to own firearms and that’s why the Colonists went to war in 1775. Recently this argument has taken a legal turn which has resulted in two United States Supreme Court cases dealing specifically with attempts by localities, Washington, D.C. and Chicago, IL, to regulate the possession of guns wherein the Court has decided that gun ownership is an “inalienable right”.¹

The belief that the British were attempting to take away the Colonists’ right to bear arms is far from the truth. The responses of the British government which precipitated the Revolutionary War had nothing to do with preventing the Colonists from arming themselves against Native Americans or even themselves. King George III and his Parliamentary government were simply attempting to prevent a rebellion against the Empire. In fact it was King George III and William Pitt who effectively armed the Colonies with guns during the French and Indian War and the attempts to disarm them in 1775 were solely a response to the Colonists attempts to arm themselves as a precursor of rebellion.

REBELLIONS ARE BY DEFINITION “ILLEGAL”

¹ *District of Columbia v. Heller*, 554 U.S. ___, 128 S.Ct. 2783, 171 L.Ed.2d 637 (2007), <http://www.law.cornell.edu/supct/pdf/07-290P.ZO>, (pdf version for pagination purposes) (accessed on Nov. 19, 2010); *McDonald v. City of Chicago, et al.*, 561 U.S. ___, 130 S.Ct. 3020, 177 L.Ed.2d 894 (2010) <http://www.law.cornell.edu/supct/pdf/08-1521P.ZO>, (pdf version for pagination purposes) (accessed on Nov. 19, 2010).

In order to set the tone of this article, the viewpoint that all rebellions are legal must first be disabused. What is a rebellion? A rebellion is an “open, organized, and armed resistance to one's government or ruler.”² Synonyms for “rebellion” are mutiny, sedition, insubordination, and disobedience.³ There is no such thing as a legal uprising against authority or government. However, something that is illegal does not necessarily mean it is not justified. There are justified rebellions, but the justification is necessarily in the eye of the rebel. This article is not about justifying the American Revolution, but rather about the assumption that the Revolution was precipitated in some great part by the British attempts to disarm the Colonists in violation of any alleged inalienable right. This is the assumption made by many who support the interpretation of the Second Amendment which gives the citizenry a right to bear arms, and that that the American Revolution was necessary to preserve that very right. But, from the British perspective, if the Colonies were rebelling, it would make sense to forestall any rebellion by disarming the rebellious populace. That logic also presumes there was a threat of violence, if not actual violence, prior to the attempt to disarm.

ENGLISH REBELLIONS PRE-REVOLUTIONARY WAR

The Supreme Court, in *Heller*, stated that the Second Amendment guarantees an individual's right to bear arms. To do so the Court argued that the use of state run militias in 17th and 18th century England to quash “political dissidents” was sufficient enough historical motivation to warrant its decision.⁴ In other words, because the possibility that a government would use a state run “militia” to quash rebellions, it should be the right of the people to

² Dictionary.com, “Rebellion”, <http://dictionary.reference.com/browse/rebellion>, (accessed Nov. 16, 2010).

³ Ibid.

⁴ *Heller*, 19.

individually bear arms. While this is true semantically, the historical motivation is much more complex.

To characterize the actions of the English government as suppressing “political dissidents” when it used the state run militias to quash open rebellions is blatantly deceptive. During the 17th and 18th centuries the British went through various rebellions, including a civil war, which were not only direct challenges to the authority of the monarch on the throne, but threats against the body of the king, with one king, Charles I, actually losing his head to the challengers. Of course the ruler would want to “suppress” any challenge to his authority, whether the challenge was justified by the abuses of that particular ruler, or whether the challenge came from a usurper, e.g., Bonnie Prince Charlie.⁵ One of the most common methods used was to prevent the rebellious factions from keeping arms, thereby preventing them from effectively rebelling again.

INALIENABLE RIGHT?

The idea that the right to bear arms, which has been recently discussed by the United States Supreme Court in *Heller*, which deals with federal gun rights, and its successor in states’ rights arguments, *McDonald*, can be traced back to several root causes, but one of the primary origins of this alleged right is the English Bill of Rights, drafted in 1689. The Bill of Rights was a document drafted in direct response to the actions taken by King James II, who had been deposed the year before. James II was a known adherent to the Catholic faith, a fact which made him suspect in the eyes of Protestant Englishmen. The Bill of Rights memorializes this antipathy when it accuses James II of “causing several good subjects being Protestants to be disarmed at

⁵ Konig, 128.

the same time when papists were both armed and employed contrary to law.”⁶ As a response to the charge, the authors drafted another paragraph which declared that “the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law.”⁷

The Court in *Heller* re-stated a well-known principle of legal jurisprudence that laws are to be interpreted using their plain and ordinary meaning.⁸ Applying that long-understood legal precept to the language of the English Bill of Rights cited by gun-rights proponents, it can only be reasoned that the Protestants who drafted the document were upset at King James II, the second son of Charles I, because he prevented them from having arms readily available for defense against the Papists, who were armed. This was language that didn’t specifically exist anywhere else in English law. However, this isn’t the first time self-defense had ever been thought of or needed in the English countryside before. Challenges to English royal authority abound, and there are too many to document in this paper. There are ample historical proofs of the rebellions which took place from 1066 to William Wallace, to the Peasant’s Revolt of 1381 to Bacon’s Rebellion in colonial Jamestown in 1676.

The language of the Bill of Rights therefore doesn’t necessarily provide for a “right” to bear arms, but rather a “need”, and only for the Protestants. This means that arms were only necessities for Protestants if the Papists were armed contrary to the law. This is conditional at best, and rights are inherently not conditional. Other historians agree with this assumption. Joyce Lee Malcolm, in her book *The Right to Keep and Bear Arms, The Origins of an Anglo-American Right*, takes to task the assumption that the English had a right to bear any arms, much less guns, prior to the drafting of the Bill of Rights, and who also believes that the Bill of Rights does not in

⁶ English Bill of Rights, para. 8.

⁷ English Bill of Rights, para. 25.

⁸ *Heller*, 3.

fact, create such a right, but manufactures one for political expediency.⁹ She is joined by other historians such as David B. Kopel, who points out that English governments had restricted arms ownership on multiple occasions, especially gun ownership, including by the Scots¹⁰, as well as the Papists and Protestants.

Many gun owners use the argument that guns were needed for hunting by the Colonists, and that the need goes back to England. Kopel specifically denigrates the idea that weapons were used for hunting purposes by the commoners of England, demonstrating instead that most of the land was held privately by either the King or aristocracy, and that hunting by the commoners was illegal.¹¹ One of the most famous English stories supports Kopel's assertion, that of the legend of Robin Hood, who hunted illegally in Sherwood Forest, which was the home of the King's deer.¹²

COLONIAL VIOLENCE PRIOR TO LEXINGTON AND CONCORD

There were events which occurred prior to the Revolutionary War which were violent in nature and assuredly gave pause to both King and Parliament in their views on the Colonies. In the early 1800s both South Carolina and North Carolina had significant problems with a vigilante group called the "Regulators".¹³ The Regulators were an extra-judicial, vigilante group, acting outside the parameters of established laws. Many states had them, and not a few used violence to achieve their ends. However, the violence was sporadic and usually small-scale. There were a few occasions when the conflict became large-scale, alarming the colonial governments. On one such occasion, the South Carolina Regulators came close to an armed conflict with the

⁹ Malcolm, ix.

¹⁰ Konig, 123-139.

¹¹ Kopel, 1339.

¹² Robin Hood Society, History.

¹³ Brown, 83-95.

authorities, but the scheduled battle was canceled and the Regulators agreed to never use the name again and to allow the law to be administered naturally.¹⁴

It was the North Carolina Regulators which caused the most problems for the British authorities. The North Carolina Regulators were, like all other Regulators, a vigilante group, specifically organized to bring the law to North Carolina when it felt that the existing authorities would not act.¹⁵ The authorities, who were also Colonists even though they worked for the Crown, were the ones at risk and took measures to crush what they saw as a lawless element.¹⁶

In their attempts to suppress this violent uprising, the authorities, under Governor William Sir William Tyrone, sent out the militia against the Regulators. The militia were better organized and better armed, and a violent battle occurred at Alamance, resulting in a number of deaths of men from both sides.¹⁷ This was the extent of the violence regarding the North Carolina Regulators. No further incidents of violence of this size were reported of this kind, even though there were plenty of smaller, less violent episodes leading up to the War. However, no attempt was made to disarm the Colonists, either, based on these events.

OTHER ACTS OF VIOLENCE

There were other acts of violence, not including the Regulator Movement, which could have given rise to an attempt by the Royal authorities to disarm the populace. No attempt was made after the riots following the imposition of the Stamp Act in 1765, which included the tarring and feathering of Crown-appointed tax collectors. Even the most violent of the latter episodes, the Boston Massacre, did not result in an attempt to confiscate guns from the Colonists. The Boston Massacre, occurring in 1770, was a singular event in that guns were used only by the

¹⁴ Brown, 94.

¹⁵ Escott and Crow, 379.

¹⁶ Green, 81.

¹⁷ Escott and Crow, 379.

British soldiers when the Colonists began hurling rocks and snowballs at the soldiers standing guard. Five Colonists were killed, but the soldiers were tried, defended by none other than John Adams, and found not guilty of the charges against them. The soldiers were not attempting to overtly oppress any Colonist, they were simply on guard. No Colonist fired, and there's no evidence that any showed a firearm of any sort.

Up until the French and Indian War, most Americans had few, if any firearms. King George's main attempt to regulate the arming of the American Colonies came in 1774, when Parliament placed an embargo on all armaments, including guns, lead, powder, and replacement parts.¹⁸ Given all other regulations Parliament had placed on weapons ownership throughout the years, there is no reason to believe that the early "patriots" saw gun ownership as an inalienable right; however, they began to see it as a necessity after they had been shot at. King George's attempt to stop the arms from coming in was an attempt to stay, if not prevent totally, the rebellion he saw coming, not an attempt to deprive fellow Englishmen of some inherent and ethereal right.

THE MYTH OF THE WELL-ARMED COLONIAL MILITIA

Assuming therefore that the drafting of the English Bill of Rights was indicative of the antipathy in which Catholics and James II were held by the Protestants, and did not confer an inalienable right. And assuming that the isolated acts of violence before the Revolutionary War were insufficient to cause England to restrict the ownership of weaponry in the Colonies before 1775, where did the idea that the Colonists were to be feared come from, and why did the Colonists believe that King George III was attempting to prevent them from bearing arms when he hadn't yet?

¹⁸ Spector, 74-95.

The history of the citizen-soldier, or militia, is tied to European ideas of feudalism, of which England had a long recognized history. The lords were granted lands by the titular ruler with one caveat being that they provide their own army and weaponry in times of defense. That caveat wasn't an oversight or an afterthought; it was the main contract provision through which lords were granted lands. The lords were to provide defensive manpower and weaponry to defend the kingdom and its outlands.¹⁹

There is a pervasive myth throughout most pre-Revolutionary War literature that the Colonies had well-armed, well-trained militias. This too is a falsity. Prior to the French and Indian War, militias in the Colonies were sporadically used, if at all. In Virginia the militia disappeared for several decades, causing a significant shortage in defensive manpower when the Tuscarora Indians attacked.²⁰ The inability of the Governor to gather volunteers to fight off the attacks caused him to have to sue for peace.²¹ South Carolina had the same issue, causing Lieutenant Governor William Bull to report to the authorities that an effective defense was “Inconsistent with a Domestick or Country Life”.²²

While many colonies did not share the same difficulty in rousing and keeping militias, they weren't the commonplace, ready-at-a-minute's notice force they have been made out to be. A young George Washington reported that the Virginia militia had “ne'er [been] studying war nor warfare.”²³ Nor had Washington changed his mind as late as 1776 when he wrote to the President of Congress that, “[t]o place any dependence upon Militia, is, assuredly, resting upon a broken staff. Men just dragged from the tender scenes of domestic life, unaccustomed to the din

¹⁹ Pocock, 97.

²⁰ Shy, 179-180.

²¹ Ibid, 180.

²² Ibid, 181

²³ Fitzpatrick, Washington to the Earl of Loudoun, January 10, 1757, 18-19

of arms.”²⁴ Several Colonies did not have a militia, including Maryland, Delaware, and Pennsylvania. There wasn’t even a gun manufacturer in North America, which caused the Colonies to rely on Great Britain and other countries for their supplies of arms and munitions.

Until 1755, most Colonies were content to let the British regulars patrol the frontier and do any fighting necessary. The convenience of a standing army outweighed the price paid for it. Additionally, most British felt that the American militias were not up to the standards of the British regulars.²⁵ General Braddock led the forces on the attack on Fort Duquesne in 1755 against the French and Indian troops. Braddock’s forces were mostly composed of British Regulars, with the addition of some American regular troops, such as George Washington, but no militia men. There were exceptions; however, most British had low opinions of the American militias, noting that they were drafted from vagrants, indigents, and itinerants.²⁶

That’s not to say that the use of well-trained militias would have brought about different outcomes. In fact, all subsequent attempts to use Americans as defenders met with the same or similar results, until the idea occurred to the Americans that the British were not up to the fight. Pennsylvania, under the Quakers, reorganized a militia and armed it at first, with Benjamin Franklin acting as commander. However, they were not the marksmen that people believed they were. Most did not have arms. Washington complained of this in his letter about militias to Robert Dinwiddie, wherein he stated that “[o]ut of the hundred that were draughted, seventy-odd arrived here; of which only twenty-five were tolerably armed, . . . [and] were, from the want of arms, incapacitated to defend themselves, much less to annoy the enemy.”²⁷ As late as 1776 Benjamin Franklin argued in favor of more traditional weaponry, such as pikes and bows and

²⁴ Washington to Congress, September 24, 1776.

²⁵ Franklin, 98.

²⁶ Shy, 184.

²⁷ Fitzpatrick, Washington to Dinwiddie, June 27, 1757, 78-79.

arrows, instead of guns.²⁸ These are not the comments of leaders who have faith in the military might of their people. So how did the Colonial militias become armed?

INFLUENCE OF WILLIAM PITT ON COLONIAL MILITIAS

This lack of both arms and trained fighting men in the Colonies was the situation faced by William Pitt during the mid-Eighteenth century. William Pitt rose to the position of Secretary of State in 1757, thanks in part to the defeat and complete rout of British troops at Fort Duquesne. The subsequent problems with manpower and equipment came to the notice of the new Secretary. His major success was in funding the Seven Years War and finding a way to reimburse the Colonies for expenditures they made for their own defense, including the raising of volunteer, paid militias.

However, Pitt also promised and provided the Colonies with guns and ammunition enough to arm them the same as the British Regulars.²⁹ The Colonists needed the arms as few had their own. The Governors of New Hampshire, New Jersey, Massachusetts, New York, and Connecticut all complained about the shortages of arms and the need for supplies from Great Britain.³⁰ Governors of many colonies complained to him that they were unable to raise the numbers of men he had requisitioned from them.³¹ At one point Pitt promised twelve thousand guns immediately, but even that was not sufficient and other defeats resulted, including the disastrous campaign at Fort Ticonderoga.³² Pitt sent over shipments of arms to America

²⁸ Esper, 382.

²⁹ Correspondence of William Pitt, Pitt to Saunders, 12th January, 1759, Pitt to Amherst, 12th January, 1759, Pitt to Amherst, 10th February, 1759, 3-6, 36-37.

³⁰ Schutz, 309.

³¹ Correspondence of William Pitt, Fauquier to Pitt abstract, 3rd April, 1759, Wentworth to Pitt, 5th April, 1759, 80-81.

³² Schutz, 307.

numbering in the tens of thousands.³³ Ultimately, Pitt sent more arms to America than had been sent in the last half of the 1600s.³⁴ He was so successful in his efforts to arm the Colonies, pay them for their service, and reimburse the Colonial Governors for their expenditures, that he was later accused of “giving birth to sedition in America.”³⁵ This sedition spoken of is the outright rebellion by the Colonies against Great Britain, commonly referred to in America as the Revolutionary War.

OPEN REBELLION

Evidence regarding a well-armed Colonial militia now having been debunked, it remains to be seen why the British would want to disarm the very people it had armed. Much has been written about the causes of the Revolution, and therefore it is well-accepted history that the Revolution was in response to abuses perpetrated on the Colonies by unfeeling, unresponsive, and uncaring British governments over the course of the years between the Seven Years War and the battles of Lexington and Concord. Assuming *arguendo* that unfair and unrepresented taxes were levied, dictatorial and punitive laws made, and abuses perpetrated on the Colonists by these same governments, it can now be left for the remainder of this paper to discuss the issues surrounding the open insurrection against these same governments, who only saw the Colonies as money-making and resource-supplying ventures. The Colonists viewed their actions as a justified stand against tyranny. The British, from the Monarchy to the people, saw it as a rebellion.

While Americans of the late 1770s believed that they were in the midst of a justified revolution, the fact remains that the British saw the actions of the Colonists as illegal, subversive,

³³ Ibid, 310.

³⁴ Cardwell, 289.

³⁵ Dep. Alfa-Informatica University of Groningen, Pitt, Speech Against the Stamp Act.

sedition, and blatantly rebellious. King George III's response to the Colonists does not deal with any overt attempt to disarm the Colonists, but rather points to the rebelliousness of the Americans. In his "Proclamation of Rebellion" of August 23, 1775 the King specifically stated that the American colonists had "proceeded to open and avowed rebellion, . . . with[stood] the execution of the law . . . and lev[ied] war" against the mother country.³⁶ The issue for the King was to "suppress such rebellion, and to bring the traitors to justice."³⁷

Apparently isolated acts of violence weren't sufficient enough for the Crown to attempt to seize weapons. It took the concerted effort by the Colonists to stockpile weapons for a possible future rebellion for the Crown authorities to decide it was time to deprive the Americans of arms. In General Gage's orders to Lieutenant Colonel Smith regarding the seizure of arms at Lexington and Concord, Gage states that "a quantity of Ammunition, Provisions, Artillery, Tents, and small Arms, have been collected at Concord, for the Avowed Purpose of raising and supporting a Rebellion against His Majesty."³⁸

VIEWS OF THE COLONISTS AS EVIDENCED BY THEIR OFFICIAL DOCUMENTS

Nothing the Colonists did up until April of 1775 was as indicative of their feelings as official statements the Continental Congress delivered to King George III in the form of Declarations. Take for example the language of the Declaration of Causes and Necessity of Taking up Arms. The language specifically drafted by the Continental Congress contains absolutely no statement regarding the banning of arms in any way, other than to speak of the "unprovoked assault" on Lexington and Concord, and the fact that the inhabitants had to

³⁶ Proclamation by the King for Suppressing Rebellion and Sedition, George R., August 23, 1775, http://www.lexrex.com/enlightened/laws/rebel_proc.htm, (accessed November 15, 2010).

³⁷ Ibid.

³⁸ Gage to Smith, 18th April, 1775.

“deposit[] their arms with their own magistrate” in order to leave Boston.³⁹ No mention is made of the fact that the Colonists were stockpiling arms in anticipation of a violent confrontation with British troops. In fact, General Gage did not believe that he could effectively seize the stockpiles of arms because he did not have the force of men he needed and did not especially like the potential result.⁴⁰

Additionally, the Declaration of Independence makes no statement regarding the British authorities’ attempts to restrict the ownership of arms, but rather states that the King has “constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.”⁴¹ Neither of these documents gives any credence to the idea that the Colonists felt the King was attempting to deprive them of their right to bear Arms at all. Nor does either document mention specifically any of the events which King George and his Parliament would have looked upon as rebellious acts. Their own words belie their truest motivations behind the rebellion.

Had there been any real belief by the Founding Fathers that the arms they were stockpiling belonged to them as some sort of “right” at the time of the beginning of the Revolution, or even earlier, they would have stated that along with the rights they did assert. When Thomas Jefferson, John Adams, and Benjamin Franklin, children of the Enlightenment, wrote the Declaration of Independence, they knew what “inalienable rights” were. Yet even at that time, no mention was made of any “right to bear arms”, even though all three had ample opportunity to know of and had probably studied the English Bill of Rights, especially John Adams, who was a lawyer. These were not stupid, unlearned men.

³⁹ Declaration of the Causes and Necessity of Taking up Arms.

⁴⁰ French, 57.

⁴¹ Declaration of Independence, Second Continental Congress.

The “right” contained in the Second Amendment was only asserted after the writing of the Constitution, and only after the Revolutionary War. The Colonists, whether justified or not, engaged in an illegal, seditious rebellion against their King and Country. King George had no choice but to attempt to suppress the “political dissidents” he ruled over in what became the United States of America. However, no attempt was made to disarm any Colonist until the rebellion was in full swing, and only after shots had been fired at British soldiers at the Battle of Lexington and Concord. There was no attempt to take away any inalienable right, mainly because there was no true belief in an inalienable right to bear arms until George III took measures to stop the illegal revolt. The owning of weapons is purely a matter of expediency, not necessity, and therefore may not be as inalienable as some would hope. History dictates the expediency, only mankind dictates the necessity.

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The Church in Chains: The Participation of Slaves in Boone County Churches

Analisa Mason

A woman breaks down weeping. She is shaken by her experience and wants to tell anyone who will listen. She says she went down to the river full of guilt and with the intention of dying there, and on the way her heart was convicted to ask for forgiveness. While she kneels on the bank she is reminded of the words of Jesus Christ and joyfully accepts him as her savior. Her life is changed. Pastor John Taylor rejoices over her conversion and new hope. Is this a typical story of conversion? The woman is black Letty. And the pastor to whom she tells her story is her master. Her brother is Asa, slave preacher at Bullittsburg Baptist Church in Boone County, Kentucky and the year is 1802.⁴²

At the very tip of northern Kentucky, Boone County bordered two free states. Yet Boone County was very much a slave county, using slave labor to farm the land. The county was also home to several flourishing churches, churches attended by slave-holders, as well as slaves and slave preachers like Asa. What was the role of Boone County churches in slavery? Did the church keep slaves down or benefit their lives? These are the questions that this paper will attempt to answer looking at the churches that were in Boone County, briefly discussing the Second Great Awakening, and comparing county and church slave life in the years before the Civil War.

Churches in Boone County

⁴² John Taylor, *A History of Ten Baptist Churches*, (Bloomfield, Ky: W.H. Holmes, 1827), 110-112 retrieved from <http://baptisthistoryhomepage.com/taylor.bullittsburg.html> (accessed November 1, 2009)

The first church to be founded in Boone County is also the oldest Baptist Church in Kentucky. Bullittsburg Baptist Church was founded in 1794 by only eight, pioneering settlers in the brand new state. The church grew quickly as new settlers from Virginia and different parts of Kentucky arrived; by 1800 the church included 200 members. John Taylor was a pastor who joined the church in 1796; he chronicled his experiences there in his book *A History of Ten Baptist Churches*. Taylor is the one who tells of Asa, a black man who was his slave and an excellent preacher for the slaves. Bullittsburg Baptist was the mother of several Baptist churches in Boone County, beginning with Woolpers Creek Baptist, which was founded in 1801 to be nearer several members' homes, but was absorbed back into Bullittsburg that same year.⁴³ Middle Creek Baptist was the next church to be established in Boone County, in 1803. It was also established from members of Bullittsburg Baptist in order to be closer to their homes. Middle Creek was named for its location and now is called Belleview Baptist after the rural town of Belleview.

Hopeful Lutheran Church was established by a group of German-Americans who migrated from Virginia in 1805. The Lutherans were fewer in number than the Baptists, but they continued to grow and soon built a church in what is now Florence. Their history is recorded by Rev. David Harbaugh in a commemorative sermon, preached 48 years after the founding. Harbaugh refers several times to the German heritage of the Lutheran Church and Hopeful's people.⁴⁴

⁴³ Church Minutes, *Woolpers Creek Baptist Church* 1801, from www.bcpl.org (PDF)

⁴⁴ David Harbaugh, *A History of the Evangelical Lutheran Congregation of Hopeful Lutheran Church, Boone County, Kentucky*. (Cincinnati: S. V. Chossman, 1854) 1-16

Meanwhile, the Baptists of Boone County continued to multiply, birthing two new congregations in the second decade of the 1800s: Forks of Gunpowder Baptist in 1812 and Sand Run Baptist in 1819. Both were created from Bullittsburg Baptist members and were part of the North Bend Association of Baptists, of which Bullittsburg Baptist was the head. Sand Run Baptist was established near what is now Hebron with 78 members.⁴⁵

By this time, Boone County experienced more diversity. The 1830s saw the establishment of several new congregations, including new denominations for the area. The Methodist, Presbyterian and Christian churches joined the area with Burlington Methodist, Richwood and Burlington Presbyterian, and Florence and Petersburg Christian churches.⁴⁶

In the last twenty years before the civil war, three more congregations were formed in Boone County. First was Big Bone Baptist, the first church in the Big Bone Lick area, formed from Middle Creek Baptist members in 1843. Next was St. Patrick's Catholic Church in Richmond in 1850 and then Hebron Lutheran Church, formed from Hopeful Lutheran members, in 1854.⁴⁷ From this it can be seen that Boone County was fairly well represented in the Christian denominations of the day, but the Baptists had a stronger following in the county than any of the others.

⁴⁵ Robert E. Kirtley, *History of Sand Run Baptist Church, Boone County, Kentucky*, 1876, from www.bcpl.org "Sand Run Baptist Church" (accessed Oct. 14, 2009)

⁴⁶ Matt Beecher. "Boone County Historic Churches".
<http://www.boonecountyheritage.org/content/explore/HistoricChurches.asp> (accessed Oct. 14, 2009)

and "Richwood Presbyterian Church" in www.bcpl.org (accessed Oct. 14, 2009)

⁴⁷ "Big Bone Baptist Church" in www.bcpl.org (accessed Oct. 14, 2009)

and "St. Patrick's Catholic Church", in www.bcpl.org (accessed Oct. 14, 2009)

and "Hebron Lutheran Church." in www.bcpl.org (accessed Oct. 14, 2009).

The Second Great Awakening

In order to understand the strength of the Baptists in Boone County and the stance of the churches to slaves participating in worship, the religious revivals that came to be known as the Second Great Awakening must be discussed. Kentucky was the birthplace of the Second Great Awakening (also known as the Great Revival), so Boone County was surely affected by it. While there is no record of anyone from Boone County being present at the first revival at Cane Ridge, Minister John Taylor of Bullittsburg Baptist Church encountered similar workings of revival in his travels just south of Boone County in 1800.⁴⁸ The Cane Ridge revival and others of the time were marked by the collaboration of several denominations, primarily the Methodists and Presbyterians. This press for unity (which was followed by reactive disunity) enabled larger crowds to be gathered and gave more influence to the Methodists, who otherwise had the least influence in a community and were the most anti-slavery.⁴⁹ Of course the revivals are known for their riotous behavior, with participants dancing and trembling with workings of the Holy Spirit, behavior that was more akin to worship in slave congregations than orthodox white religion. Indeed it was not at all uncommon for the revivals to be attended by blacks as well as whites. So while the Great Awakening was rightly known for its impact in Christianizing the pioneer west, it is also a differentiated from later conditions as a time when blacks and whites worshiped together more freely.⁵⁰

Baptists in Boone County had their own revival, recorded by John Taylor. While not as dramatic as the Cane Ridge revival, lacking great camp meetings, the revival of the settlers in

⁴⁸ Taylor, 93

⁴⁹ David T. Bailey, *Shadow on the Church: Southwestern Evangelical Religion and the Issue of Slavery, 1783-1860*, (Ithaca: Cornell University Press, 1985), 66-69

⁵⁰ Bailey, 66-89

Boone County led to the increase in attendees and renewed spiritual life of Baptist churches. Because of the growth of the Baptists at this time, they had to form new churches to accommodate the members in the area, starting with Middle Creek in 1803—three years after the beginning of the revival. John Taylor tells of the changed lives of several Boone County residents and records that 112 baptisms took place in a year; 112 new converts on the sparse frontier is evidence that something special really was happening. And he certainly does not limit his narrative to white conversions; he relates Letty's story as recorded above, summing it up with this phrase "it is probable more slaves will go to Heaven than masters."⁵¹ John Taylor was the master of Letty and her brother Asa. Taylor relates Asa's conversion as well: "[We baptized a] man of colour. A young fellow who I had raised myself, by the name of Asa. I had learned him to read very well — he afterwards became a preacher. Asa and Christopher Wilson were both Baptized the same day, and they only. After they both became preachers, Mr. Wilson took great pleasure in taking Asa with him, when on a tour of preaching."⁵² During the period of the revival, anyone who had been converted was admitted to the church, no matter their social status or skin color.

Boone Churches and Black Members

The minutes of Boone's early Baptist churches show that blacks were welcomed as founding members, presumably even before the revival, but the first list of members was not created until Woolpers Creek Baptist was reabsorbed into Bullittsburg Baptist in 1801. In the list of founders of Woolpers Creek, black members are not mentioned because only heads of households are, but it is evident that they were members of the new congregation by actions

⁵¹ Taylor, 112

⁵² Taylor, 95

mentioned in the church minutes. For example, a rebuke was brought against John Taylor's slave, Jacob "for some immodest attempts towards two black women, and other unseemly conduct, together with deviating from the truth when interrogated."⁵³ Jacob could have been expelled from fellowship if he had not given a satisfactory reply, indicating that he was a member and treated as one. The list of Baptist members in 1801 contains 33 blacks that had become members of the church since 1797.⁵⁴ As the church was composed of 200 members at this point, it is evident that they were very much in the minority but still a sizable number.

Most of the information about blacks in Boone churches comes from the minutes kept of church governance meetings. These meetings were used to accept new members, elect leaders, and for discipline of members accused of wrongdoing. The majority of the minutes are spent on discipline issues. The pioneers must have valued fellowship highly, as exclusion from the church was dealt out harshly as a discipline on the unrepentant. Black members are easily found in these records, often accused of drunkenness, adultery, lying, and other charges, including running away. As with all accused members the black person was supposed to explain himself, and then the church decided whether the explanation was satisfactory or not. In the cases mentioned above, none of the (unrecorded) replies were deemed satisfactory, and the slaves were excluded. The fact that blacks were not allowed to vote on church issues is not mentioned in the minutes, but David T. Bailey points this out in his chapter on slaves in southwestern churches.⁵⁵ However there was still a sense of equality between blacks and whites in Boone County churches, with

⁵³ Church Minutes, *Woolpers Creek Baptist Church*, 1801, retrieved from www.bcpl.org (PDF)

⁵⁴ Bullittsburg Baptist Church member list, May 1813. Retrieved from *Baptist History Homepage*, <http://baptisthistoryhomepage.com/bullitsburg.slaves.html> (accessed Nov. 9, 2009)

⁵⁵ Bailey, 178-196

issues about black or white members being brought up proportionally to their numbers, not more or less.

An instance of the Bullittsburg Baptist Church dealing seriously with controversies between its black members is given in the minutes from December, 1811 to February, 1812. At this time there was a disagreement between Asa (the slave preacher mentioned above) and Matthew, both black. Although the matter was presented in December, the church took two more meetings to finally resolve in Asa's favor, indicating that they considered the matter carefully. This controversy is also significant because of its dealing with more clerical matters than were usually brought before the church regarding slaves: apparently, Matthew was trying to usurp Asa's spiritual prominence. It is also significant that Asa is the one who brought the complaint against Matthew, showing that even a black member had some legal standing in the church.⁵⁶

Sand Run also records dealing with issues involving black members. Robert E. Kirtley records that the church was constituted with 78 members, 23 of whom were black. A complaint brought against a black member there shows the way whites often brought up multiple offenses in one complaint. The minutes record that Joseph Graves "brought in a complaint against Joseph, a black member belonging to Sister Fanny Demlaney for taking from several circumstances a parcel of Tobacco and when interrogated about it stating falsehoods also for raising a riot at Bro. Ferrilson the Sabboth and making use of Unsavory language."⁵⁷

⁵⁶ Church Minutes, *Bullittsburg Baptist Church 1811-1812*, quoted in: James R. Duvall, "Asa: The First African American Preacher in Boone County, Kentucky", retrieved from: http://web.archive.org/web/20041105081315/http://www.geocities.com/baptist_documents/asa.first.black.prcher.html (accessed November 9, 2009)

⁵⁷ Robert E. Kirtely, *History of Sand Run Baptist Church, Boone County, Kentucky*, (1876) from www.bcpl.org, (accessed November 9, 2009)

Church Minutes, *Sand Run Baptist Church*, cited in: Bailey, 184

The relationship between the Lutherans at Hopeful Church and blacks is harder to decipher than with the Baptists. Apparently they did not find significant contradiction in employing slaves to work on the pastor's land in the shadow of the church.⁵⁸ While this does not set them apart from the Baptists, who were also slaveholders, the Lutheran church leaves no evidence that it included blacks among its members. It is also possible that slave holding ran in higher numbers among Lutherans than the Baptists. Ephraim Tanner was a prominent man of Boone County who attended Hopeful Lutheran and his family is known for its slaves.⁵⁹ Perhaps the difference between Lutheran and Baptist interaction with slaves had to do with class; Lutherans may have generally been wealthier. Or, the difference may be related to language; Hopeful Lutheran services were conducted in German at first.⁶⁰ More research needs to be done on this topic.

There was also Burlington Methodist church in Boone County established in the 1830s. As a whole, Methodists, or at least their preachers, were the most radically against slavery of the contemporary denominations. Bailey gives a reason for this fact: Methodist ministers rode circuits and thus owned no land and often had no family and therefore had no need at all for a slave. The riding of circuits also allowed the ministers to preach radical views and not have to live daily life with their congregants—who may not have always appreciated what their pastor preached.⁶¹

Slave Life in Kentucky and Boone County

⁵⁸ Paul Tanner, *Slavery in Boone County, Kentucky (and Its Aftermath)*, (Frankfurt: Boone County, 1994), 3

⁵⁹ Tanner, 1-28

⁶⁰ Harbaugh, 1-16

⁶¹ Bailey, 38-41

It has been shown that blacks were a part of Boone churches. The question remains: what life was like for slaves in Kentucky and Boone County and did their role in the church offer any improvement? Ivan McDougale proposes in his article “The Social Status of the Slave” that in Kentucky slavery was patriarchal. He says that slaves in Kentucky lived in arrangements that were about the same as a rural school, large plantations were rare, and he notes that in Kentucky it was never made illegal to teach a slave to read. An example of a master teaching a slave to read in Boone County is John Taylor’s own account of “learning” Asa, his slave, to read well. But slaves in Kentucky were still just as much subject to the will of their master. This is attested in the 1835 statement of the Presbyterian Synod of Kentucky condemning the fact that slavery caused transient marriages and promoted “licentiousness,” addressing the fact that masters did not consistently honor slave marriages and could pull either partner out of the marriage at any time by selling the slave or merely restricting rights.⁶²

In 1860 there were 225,483 slaves in Kentucky and 1,745 slaves in Boone County.⁶³ There were laws enacted even early on regarding slaves, such as requiring the burning of the hand as a punishment for felonies and a prohibition on teaching blacks without white witnesses present. There are records of Boone County slaves receiving the death penalty from white juries, but these were for cases of murder. As time went on counties bordering free states (such as Boone) were allowed to organize patrols to prevent slaves from escaping across the river. Slaves

⁶² Presbyterian Synod of Kentucky, *Statement, 1835*, cited in: Ivan E. McDougale, “The Social Status of the Slave.” *The Journal of Negro Education* 3, no. 3 (1918): 288

⁶³ A. M. Yealy, “Local Historian Tells More About Slaves”, *Boone County Recorder*, 31 December 1954 retrieved from: <http://www.geocities.com/boonehistory>

murdering slaves made newspaper headlines more than once, and whites were outraged by the thought of violent slaves.⁶⁴

Slave patrols could require any slave who was off his master's property to show a pass at anytime, therefore restricting freedom of slaves even in their non-working hours. However Boone County was a porous county, with slaves often disappearing across the river, many times in groups, which must have been organized events. Help from outside, from Indiana or Ohio, was sometimes suspected. Slaves who ran away were hunted down and returned to the master when and where possible.⁶⁵

As time went on even churches in Boone County participated in the widespread trend of separating their previously integrated congregations, requiring blacks to be in a separate gallery. Sand Run Baptist lost the attendance of some of its longest standing black members because of this. Several black members took it as an offence that they should be required to be separated from their fellow Christians.⁶⁶ But even before this trend the churches' outward appearance of black and white equality was substantively lacking. While there were some aspects of church

⁶⁴ George A. Miller, "Thomas Campbell in Burlington", *Boone County Recorder*, 8 March 1899, p.1 retrieved from: <http://www.geocities.com/boonehistory>

Elzafen Hume "The Court Record of the Trials of Ralf and Ned for Murder", *Boone County Court Order Book* (Boone County Court, December, 1805) transcribed from the original by James Duvall, retrieved from <http://www.geocities.com/boonehistory>

Kenneth Lake, "Boone County Patrols in Slavery Days" in: "Broken Bits of Old Kentucky: In a Riverside Neighborhood of Boone County," *The Hesperian Tree: A Souvenir of the Ohio Valley*, edited by John James Piatt. (North Bend, Ohio: John Scott & Co., 1900), 346-347. retrieved on November 9, 2009 from: <http://web.archive.org/web/20050116183952/http://www.geocities.com/boonehistory/patrol.whipping.html>

⁶⁵ "Stampede of Slaves—Arrest of Fugitives", *Covington Journal*, 17 June 1854, p. 2, col. 3. retrieved from <http://web.archive.org/web/20050117143211/http://www.geocities.com/boonehistory/slave-stampede-1854.html> (accessed November 9, 2009)

⁶⁶ Church Minutes, *Sand Run Baptist Church, 1821*, cited in: Bailey, 192-193

that upheld blacks' intrinsic worth, others encouraged the reality of their less-than-citizen status in America.

The way the church involved black members was deficient in several areas. The first has already been mentioned: although blacks could be members, they could not vote in church affairs. Another is the fact that they could not tithe, thus contributing directly to the needs of the church. These two aspects are undoubtedly related. One may not see inability to tithe as a hindrance to liberty, but tithing is something that whites were doing and which gave them some control over what the church did and a perceived ownership in the church. Non-tithing members were inevitably less than full members. Also, although there were slave preachers like Asa, there is no record of blacks in the church leading whites without a higher white authority being there with them or nearby.

Partial Freedom in the Church

However, slaves did gain some benefits to liberty through the church. The first has already been mentioned, that is the ability for legal standing in at least Baptist churches in the area. While there is no record of a black member bringing a charge against a white member, the fact that white members treated disagreements raised between black members with as much seriousness as they did white conflicts shows some legal equality in the church that is not found in the county government. Another hint at equality that was more readily found in the church than in everyday life is even more basic than legal standing: it is that black members were recognized as brothers and sisters in Christ with the white members of the congregation. Blacks were required to give a testimony of their conversion before being accepted into the membership of the church just like whites, and the congregation listened and evaluated the authenticity of the

conversion. Blacks who were converted were baptized at the same time as whites.⁶⁷ By including blacks in spiritual fellowship whites were acknowledging that there was one God for blacks and whites, that slaves had souls that could be saved just as whites. This gave an intrinsic, if not political, value to black slaves.

Another means of freedom for slaves was simply the Sabbath that most masters honored. Owners normally gave slaves one day a week to tend their own gardens and do their personal business or pleasure. The benefit was limited because it was only one day of the week in which to do everything personal as well as rest, but at least there was one day a week. Without that day slaves would have been less likely to grow gardens, whose produce they sometimes sold to gain income. Sunday was a day when slaves could be entrepreneurs, giving them property which was necessary for full citizenship at the time, though how often this was actually attempted is unclear.⁶⁸

Church-going was an opportunity to get off the master's property, a liberty that was otherwise often inhibited by patrols. There is no evidence to suggest that they were forced to go, especially since true conversion was necessary for membership. While church was not the only time slaves were allowed to leave the property, it was often a highlight of the week, as noted in Raboteau's *Slave Religion*.⁶⁹ For slave preachers such as Asa, the travel opportunities were even greater. As quoted above, there was a white preacher who liked to take Asa with him on his

⁶⁷ Church Minutes, *Bullittsburg Baptist Church, 1830*, retrieved from www.bcpl.org (PDF)

and Taylor, 95, 101

⁶⁸ Albert J. Raboteau, *Slave Religion: The "Invisible Institution" in the Antebellum South*. (New York: Oxford University Press, 1978), 225

⁶⁹ Raboteau, 223

preaching excursions—these were undoubtedly sometimes outside of the county. Freedom of movement is one of the first liberties to be repressed in slavery, but in the church there was some slight lifting of this repression. Further, it must be noted that one of the greatest fears for whites was the gathering of black slaves and attempts were frequently made to limit black meetings. However church was a place that provided social interaction between slaves from different masters. The exchange of ideas and experiences inherent in social gatherings is something to be prized in liberty and slaves were allowed some of this in the church.

Services for the church were different than slave labor and the church valued a different aspect of the black person than most masters did. If a slave was a preacher or leader among the black congregation, he was able to perform intellectual instead of physical labor. Therefore the church provided another “job option” in slavery. While slave preachers remained slaves (inherent in their name) they had another role, one that served as the academic, orator and philosopher of the slave community. This was because slave preachers were often literate. Asa, and other slave preachers, had distinction among whites as well as blacks, whose communication of spiritual things was valued by both. The institution of the church provided this step in liberty for some blacks.⁷⁰

Literacy, as the final benefit mentioned here, is perhaps the most important role of the church in Boone County and elsewhere for black slaves. Encouragement of literacy is inherent in Christianity, especially in the Protestant denominations that were the mainstay of Boone County. Christianity is a religion of the book, the Bible. The Protestant denominations are founded on the idea that personal study of the Word of God is necessary for every Christian in order to understand the truth. Ever since the importation of slaves, Christians in America struggled with

⁷⁰ Raboteau, 233-238

what to do about slave literacy, and many taught their slaves to read the Bible intentionally. Because there was no Kentucky state law that prohibited teaching slaves to read, the encouragement of literacy in the church had even more of an impact on blacks in this state than the deeper south. About twenty percent of the advertisements for runaway slaves from Kentucky noted that the slave could read.⁷¹ Many of the slaves who knew how to read by the time of the Civil War did so because of the Bible and the church mission or Christianity-engendered love for the written word.⁷² With the power of literacy, many slaves of the South embarked on the road to liberty. Liberty in the sense of intellectual freedom or the physical sense that slaveholders feared would often follow literacy—escaping to freedom.

Still Chained in the Church

And yet the church, in the sense of organized religion, continued to be a means of controlling the slaves as well. The church had the power to grant or withhold weddings and funerals. It is unclear whether Boone County churches exercised this power for or against slaves. The church was also known to moralize slavery, rationalizing the peculiar institution's existence with Bible verses. And although Boone County churches may have been better than the cultural norms when it came to equality of blacks and whites, they still reinforced the separation by keeping black members from voting in the church. Boone County churches also excluded members for many circumstances on the basis of sin, but never for holding slaves. Finally, the relationship between the slaves and the church suffered as the impact of the Second Great Awakening waned with time. With the introduction of partitions to separate black and white

⁷¹ same as below

⁷² Janet Duitsman Cornelius, *When I Can Read My Title Clear: Literacy, Slavery, and Religion in the Antebellum South*, (Columbia: University of South Carolina Press, 1991), 4-10

congregants, Sand Run church incensed long-standing black members. Slaves of the time fully understood the hypocrisy of white Christians and although the Church was used as a means of control, slaves were not necessarily controlled, as evident by their leaving the church.⁷³

There were Baptist, Lutheran, Methodist and other churches in Boone County, but from the information available it seems that the Baptists were most involved with slaves—including Asa and Letty in 1800 and 1801. Kentucky and Boone County slaves experienced constraint of movement, harsh trials, and basic hindrances on marriage, although they may have been able to read and had tolerable accommodations. The church improved on this condition by accepting slaves into fellowship, seriously considering their conflicts, and promoting literacy—among other things. Yet equality was limited and became worse with time. Boone County churches and slaves were definitely connected, but the taste of liberty in the church was entangled with unequal treatment for slaves. But by looking at their numbers in the church we see that many of them accepted these difficulties and weighed the benefits, perhaps of spiritual fellowship, higher by remaining in the church. Therefore, in answer to the question of whether the church kept slaves down or benefited their lives, the answer is mostly that the church benefited the lives of slaves. Especially during the time of the Second Great Awakening, slaves were accepted as participants in Boone County churches and benefited. However, Boone County churches never fully provided for the freedom of slaves.

⁷³ Cornelius, 229-230

**The Origins of Modern Terrorism: How the Irish Designed
the Terror Organization**
James Lupo IV

Introduction

There is no doubt that terrorism is one of the leading issues plaguing our world today. Everyone is familiar with the attacks of 9/11, the London Train Bombings, the Chechnyan School Bombing, and the growing number of attacks in Iraq, Afghanistan, Northern Ireland, and Pakistan. While the methods of terrorism have been around for centuries, there is no denying that following the end of World War II, and then the Cold War, the adoption of terrorist tactics and ideas have spread throughout the world.

Throughout history there has always been combat; people have been and will always continue to wage war. What has changed in conflict is the method by which many engage in combat. Thanks to the invention of the atom bomb, long gone are the days of trench warfare, or massive invading armies, akin to those of Europe in the early to mid 20th century. Conflicts of this sort are only still seen between countries without nuclear weaponry, such as in the Iran/Iraq War, the Balkans and in Central Africa throughout the late 80's and early 90's. Likewise, with the atom bomb ending large-scale warfare, more advanced weaponry has allowed for precision striking against enemies, thus hitting at the "head" without having to mount a full-scale assault. Weaponry of this type, like with nuclear arsenals, have been restricted only to those states which have developed the technology, or their allies with whom they share it.

Thus with a 'military monopoly' by many states it is increasingly difficult for any state or people without comparable technology, or massive numbers of well-trained soldiers, to engage in any effective conventional combat against them. It is in this schism between the "haves" and "have nots" of military power that terrorism is readily found. But what is it about the adoption of terror

tactics that has become acceptable to so many groups? Did the methods of terrorism, developed over the 20th century, make terrorism easier to employ?

Before examining the development of terrorism, it is important to note that terrorism is divided into three distinct categories; State Terror, Lone-Wolf Terror, and Non State Terror. *State Terror* is "terror from above", when a government terrorizes their own citizenry. This was first formally implemented by Robespierre's France, and includes other regimes such as Stalin's Russia, and Hitler's Germany to name a few. *Lone-Wolf Terrorism* is, as the name implies, terrorism conducted by a single individual. Men such as the Unabomber Ted Kaczynski, Dave Copeland, and arguably Timothy McVeigh fit this model, and may even be extended to include anarchists prior to the 19th and 20th Centuries. *Non-State Terror*, the focus of this research, is terror organized amongst a stateless group that either exists inside of a country, or works in a global clandestine network. Non-State Terrorism, which is certainly the most popular form of terror, has been defined and refined by groups throughout the last 100 to 170 years, and was arguably first organized in Ireland by the Fenians and their descendants, the Irish Republican Army.

In addition to examining modern terrorism, it is important to specify what exactly qualifies the difference between today's terrorism and that of previous centuries. Terrorism prior to the 20th Century did share many qualities with terrorism today, with the exception of one major quality. As anarchist Guy Fawkes will illustrate, most terrorism prior to the 20th Century was typically based around a *single event*. Guy Fawkes, and the Catholics he associated with, aimed to kill James I and have him replaced. They planned on doing this by destroying Parliament in London, in the infamous Gunpowder Plot. Thus, the majority of Non-State Terror, prior to the IRA, lacked *longevity*. With examination of modern groups, it will be clear that

many of today's terror organizations are designed to have lasting power, long enough to conduct a meaningful campaign. Also, what is most troubling, in addition to their lasting power, is the measure of success of many of these groups. Since the IRA, many terror organizations either have had moderate (or complete) success in their goals, or still remain strong contenders for attaining their goals. In short, modern terror groups are much more difficult to defeat than their earlier counterparts.

It would be a fallacy to declare that all terror groups since the IRA were influenced by the IRA's tactics. However, it is difficult to contest that IRA's origins, the Fenians, serve as the earliest representation of the modern terror organization. The IRA, its beginnings, its factions, and its causes when thoroughly examined will prove as an exemplar of the organization of terror groups globally in the 20th and 21st centuries.

The Rise of Terrorism

The late 19th and early 20th Centuries were certainly a tumultuous period; there's no shortage of terrorist incidents. There are two major incidents in 1881, the assassination of James Garfield, and the assassination Tsar Alexander II. In 1883, the Haymarket Riot in Chicago ends in the death of eight police officers and unknown civilians when dynamite is hurled into the crowd by anarchists. In 1893 bombs are thrown into the Chamber of Deputies in Paris. 1894 Emile Henry kills 15 police and destroys a Parisian Cafe with several bombs. 1894-98, President Carnot of France, Prime Minister del Castillo of Spain, and Empress Elisabeth of Austria-Hungary were all murdered by anarchists. In 1896, the first terrorist siege takes place in Istanbul, where several hostages are killed. 1901, President McKinley of the USA is shot and killed. The excess of the political assassinations comes to a head in 1914 with the murder of

Franz Ferdinand in Sarajevo, setting off the events that lead to World War I.

Although terrorism throughout this period was on the rise, Charles Townshend, a British historian illustrates the early 20th Century best with regard to terrorism. "After a generation in which terrorism seemed to be engulfing the world, suddenly it went out of style". The world in 1914 to 1945 was immersed in the World Wars, a thirty-one year period that came to define the modern world. However, while all of this was taking place, "a revival of terrorism looked unlikely". With the solidification of power amongst the major players in the World Wars, grassroots opposition akin to that of the late 19th Century logistically became increasing difficult. States had the monopoly on weaponry, and the design of the Police-State in the early 20th century kept insurrection at bay. Despite all this Ireland continued to maintain its terror campaign.

The Irish terrorism can trace its beginnings to both the 1798 United Irishmen Rebellion, and the Great Irish Potato Famine in 1845-52. While the 1798 rebellion is without doubt the foundings of Irish nationalism, the United Irishmen were far from what is considered a terrorist organization. Their approach to combat was akin to that of the American and French revolutions that preceded them; this method of insurrection as a terror tactic will be addressed later. The critically important aspect of 1798 to the development of terrorism is the sacrifices made by Wolfe Tone, in the name of Irish independence became the foundation for the ideology of all later Irish terror groups.

The impact of the famine on Ireland was so great that it has become a marker for historians in tracing Irish history, delineating two periods, pre-Famine and post-Famine. In Pre-Famine Ireland, a "middleman system" of landlordship was introduced. English owners of the Irish land would fill the role of an "absentee landlord", and leave collection of dues to the

responsibility of their Irish subjects (usually Protestants). Essentially, this system allowed for the mass-manipulation of Ireland, as Irish agriculture was cheaply paid for and exported by the British, while forcing the Irish to pay rent.

The Potato Famine put pressure on this system, eventually leading to its unwinding. The deaths of roughly 25% of the population, with approximately another million more emigrating out of the country radically changed the Irish political landscape. Economic depression from the exodus and mass deaths of a large percentage of the Irish people drove a wedge between the majority of Ireland and their landlords. Without a stable economy for the Irish to maintain their living, the landlords sought to remove Irishmen unable to make their rent. Revolt against this fed the continuance of the nationalist movement.

While preservation of the Union with England has always remained favorable with a certain percentage of the population of the Irish, the ideas of an independent Ireland were firmly established. Men such as Thomas Davis and Charles Gavin Duffy were nationalist leaders in 19th Century Ireland, rallying support for an independent Ireland. Their efforts led to the formation of an Irish Tenant League, an organization designed to create an independent Irish party in Parliament. However, with the collapse of this system, to some it seemed the only means of establishing an independent Ireland was through a "fierce repudiation of constitutionalism and a fanatical reliance on physical force alone."

On the fiftieth anniversary of the 1798 Rebellion, a nationalist effort arose once more during the height of the famine. Although the Young Ireland Insurrection in 1848 was not quite the scale of Tone's efforts, it did manage to add fuel to the nationalists cause by adding another roster of martyrs.

Following the defeat of the Young Ireland Insurrection in 1848, James Stephens and John

O'Mahony, members of the nationalist conspiratorial group had escaped to Continental Europe to avoid arrest by British authorities. In their exile their efforts gave birth to the *Irish Republican Brotherhood* (IRB) in Dublin. While in Paris, Stephens and O'Mahony studied to perfect "conspiracies" by learning revolt from the Blanquis in the Paris Commune, and from several underground societies. Due to the massive emigration of Irishmen to the United States during the Famine, in 1859 another organization, the *Fenian Brotherhood* (later Clan na Gael) was founded in New York. O'Mahony, who also helped found the New York branch, nicknamed the overall organization *Fenians*, after the Gaelic warriors, *Fianna*, men who lived away from society and were called upon in a time of war. Thus, embittered Irishmen were united *internationally*. "The Republican military solution came when the Irish Republican Brotherhood formed in the 1850s. Support came from exiles and emigrants around the world."

While the IRB fully accepted the ideals of an independent Ireland set forth by Davis, they feared England would never concede to releasing Ireland without an armed insurrection. Only through subversion, insurrection, and rebellion could the dreams of the Republicans become reality. The founding of the Fenians (a collective name that includes the IRB and the Fenian Brotherhood) was necessary, and it is because of their structural organization that a "campaign" of revolt, rather than the former insurrections is achieved. This separates them from the single-incident anarchists, and therefore allows the longevity needed for a successful war against a superior power, the British.

Understanding the Terror Organization

The logistics of running a terrorist group or organization is no different than the way any military unit or business operates. Every organization needs a command, financing, goals, and

labor divided into particular ways to achieve success. However for a terrorist organization to successfully achieve its goals, all logistical action must be conducted in secrecy, placing pressure upon the organization and thus making it much more difficult to succeed. While the specifics of how a group may vary, nearly all non-state terrorists organize in a similar fashion. The most basic of these organizational styles resembles a pyramid. A terror-group hierarchy is organized by the *Command* at the top, with their *Active Cadre* immediately below their ranks. Further down the pyramid, terrorist support comes from *Active Supporters*, and *Passive Supporters*. It is this basic structure that the Irish Republic Brotherhood seems to resemble.

With the Fenians divided into two separate wings, the Dublin branch and the New York branch, each had specific tasks towards the overall goal of Irish independence. The connection between these groups established an "Active" and "Support" role for the two branches. The Dublin IRB would be the branch of action, while New York would supply Ireland with financial aid, weaponry, and personnel (i.e. largely Irish-immigrant veteran officers from the American Civil War).

Specifically, "[t]he [*Command*] structure of the IRB was organized in 'circles', with a center A in charge, who had under him nine-sub centers known as B's or captains; each of these controlled nine C's or sergeants, who in turn directed nine D's or privates." This military chain of command, resembling that of contemporary professional and revolutionary armies adapted to work in secret, with each circle supposing to have a membership of 800, but in reality was closer to 2,000 men. While this model had a working command, for the sake of maintaining a secret campaign, it had its obvious difficulties. Surely with memberships of such a profound size

(when compared to current terror groups), each circle likely had difficulty in maintaining secrecy from the British authorities.

The *Active Cadre* is the "arm" of the terrorist organization, from which the manpower is drawn to carry out missions and goals. For this, the Fenians drew directly from any Irishman willing to join the cause, and they were from all walks of life. O' Broin details in his book *Fenian Fever*:

"A most elaborate plan for the establishment of a republic, involving widespread military action, had been found lately on a clerk in the Crown Solicitor's office... [T]his was indicative of the spread of Fenianism to into almost every civil department, rail, roads, stations, telegraph offices and the post office. The situation was not judged to be at all bad as it had been in 1848, but there were 33,000 men available in the army [at that time] as [opposed to] only half that number now... When it came to gauging the extent to which Fenianism had actually penetrated the Army, Superintendent Ryan, in January 1866, said that almost all the men in the three regimes he named were Fenians."

In the case of the latter years of the IRB, in the early 20th century, the IRB's active cadre was composed primarily of soldiers from several Irish faction armies (such as the Irish Citizen Army and the Irish Volunteer Force) and from American-Irishmen who returned to Ireland (many Irishmen in America were veterans of the American Civil War, and had specialized military training). Although the IRB's forces were numbered in the thousands, after the command, the active cadre is the smallest group within any terrorist organization. The most important element within the hierarchical order of terror organizations however is not the

command or the cadre, but rather the *Active Supporters*. This is the branch of the organization that finances the terror campaign, and allows for the endurance of the group to maintain its goals. Prior to the refinement of modern terrorism by the Irish, such support was rarely seen within groups, thus evidencing their lack of endurance in achieving their goals.

For the Fenians, active support was available in a multitude of formats. The American branch of the Fenians was designed to work as an auxiliary service to the Dublin branch; to supply Ireland with officers, monetary aid, and arms. However throughout the history of the Irish Republican Brotherhood this was not always true. According to Donovan Rossa, a prominent leader of the IRB, "I have heard many Irishmen in America speak about the large sums of American money that were spent in organizing the movement in Ireland, England and Scotland. I have traveled these three countries in connection with the organization of the movement from 1858 to 1865, and I can truthfully say, that in the early years of our endeavor, 'men at home', spent more of their own money out of their own pockets than was contributed altogether by the whole Fenian organization of America."

Apart from tangible resources, political support is also often the responsibility of the active support. Politically (in the government and independently), there were organizations such as the Irish Parliamentary Party, the Gaelic League (also known as Conradh na Gaeilge), and arguably the most famous of these, Sinn Fein. While these were not illegal organizations, compared to the IRB, they did serve to draw the Irishmen towards radical nationalism, and thus developed a pool from which the IRB could recruit more members. In one such prominent example, Michael Collins, the future leader of the IRA, was first officially involved with Irish nationalism through the Gaelic Athletic Association. He, like many others, became more involved with legitimate and illegal Irish organizations, as the IRB had penetrated many of these

groups.

The effectiveness of their recruiting methods are just as powerful overseas. "[In America, the IRB began] with 40 members, all New Yorkers in 1858, [and] grew to 50,000 [by] beginning of the [US] Civil War, with perhaps four to five times that number of open sympathizers." The Irish branch had less initial success in their early formation, as the failures of the United Irish Rebellion in 1798 and Young Ireland in 1848 still sat in the minds of the contemporary Irishmen, as well as the Catholic Church influencing the Irish against secret societies. However, the IRB was acutely aware of the Catholic Church's influence, and many members "firmly withstood the disapproval of their church and believed in a complete separation of church and state". Thus the ideals of the IRB in Ireland, although it had difficulties in establishment, over time they effectively had brought the Irish together. "That was one good thing the Fenian organization did in Ireland in its day - it in a great measure broke up the faction-fights and the faction-parties, and got the men of both sides to come together and work in friendly brotherhood for the Irish cause. That, as much as anything else, greatly alarmed the English government and its agents".

Certainly without active support, any organization, legitimate or illegitimate, would quickly crumble. The active support is complemented by the *Passive Support*, the largest of the organizational hierarchy, and are the most difficult to typify. "Passive supporters do not readily join terrorist groups; they simply represent a favorable element of the political climate. When a terrorist group can muster political support, it will have a relatively large number of passive supporters". Hence, in the case of Ireland, the passive support was Irishmen that favored nationalism, but did not participate in any of the formal groups of the Fenian movement.

The IRB had designed the most basic model to be later adopted terror organizations;

however, they had very limited success. Despite the size of the manpower "loyal" to the Fenians, the nationalist movements were primarily political in their approach. Essentially, the general idea was to spread nationalism, and gain numbers to the Fenian cause in a political sense, and then "rise-up" against England when *Ireland was ready*. The question of how long to wait for Ireland to be ready came with the start of WWI in Europe in August 1914. The IRB command decided on September 9th that the organization was too loose for an armed rising, and it would continue to wait; because of this, the active cadre shifts in the early 20th century. This led to Pearse, Plunkett, and Ceannt to take over military affairs by 1915 and launching the Easter Rising in 1916; they had waited long enough.

The Easter Rising of 1916

Concerning the Easter Rising, the command of the Irish Republican Brotherhood gained control of another army, the Irish Volunteers after their predecessor, the Irish Volunteer Force, split, also divided over problems arising from the beginning of WWI. With the aid of another group, the Irish Citizen Army (ICA), the Rising was to become the work of several factions united for a common cause. Collectively, they became known as the Irish Republican Army (IRA). The anticipation leading up to the Rising garnered much attention, as much of the world paid mind to the turn of events in Ireland. "Marx, Engles, and Lenin, each kept a close eye on Ireland, [and] had allowed for the fact that when the socialist revolution came to the world, overthrowing the existing social order, it might well be sparked off in this country".

While the Easter Rising of April 24, 1916 was the first major attack by the Irish against the British in the 20th Century, the event was perhaps a little too premature and too aggressive for a campaign. The organization of the IRB surely allowed them to reorganize and regroup

following defeat of the event, but they lacked the ability to maintain a fight out in the open with the British. In Cottrell's book, *The War for Ireland*, it states that Pearse "did not care whether a rising succeeded or not, and there is considerable evidence to suggest that he was more enthusiastic about heroic failure than success".

Ultimately the lack of cohesion amongst the command, and the chaotic nature of the Rising, led to several blunders that clearly show the weakness of the IRB as a conventional military. Prior to the Rising, the Irish Volunteers were split due to an issue in the command. The IRB, under Patrick Pearse, was planning on utilizing the full force of the Volunteers, an army of 13,000 men. The Chief of Staff of the Volunteers, Eoin MacNeill, ordered his men to stand down and not participate in the IRB's planned Rising. The order then kept roughly 11,000 of the force from participating, and of those who did participate, several of them surrendered. "600 Volunteers on the historically significant Vinegar Hill [surrendered] after barely firing a shot".

Within the city of Dublin itself, there were equally as many problems with the progression of the Rising. A result of a raid on Magazine Fort was the result of poor timing and inept planning. The fort contained a British ammunition cache that was to be destroyed, however the raid "did little to damage the British major arms dump, [and] the premature detonation of their explosives merely alerted the neighbouring British troops."

Another major mistake, as a result of poor security during the taking of critically strategic ground, had occurred. An ex-British soldier, Michael Mallin was tasked with occupying St. Stephen's Green, a crucial location in Dublin that allowed a geographical link between several other positions. From the Green, Mallin's group could then reinforce several battalions at Dublin Castle and Trinity College. Despite the fact however that Mallin was a military man, his taking

of the Green was rushed and poorly executed. Sherbourne Hotel, which overlooks the Green was not occupied by the IRA, and thus, "Mallin's command was given a rude awakening as British machine guns in the hotel continually raked his position". The break in this link of the IRA's forces kept others in the city from acquiring the back-up they planned on receiving, and thus was a costly mistake for the overall operation.

The lack of proper intelligence of Dublin's personnel and troop locations brought another costly error for the IRA during the Rising. James Connolly of the ICA had attacked the Dublin Castle, a strategic and significantly symbolic location for Dublin. The first killing of the Rising had occurred here, with Connolly mortally wounding Constable James O'Brien, during the occupation of the Castle's Upper Yard. From this position, the ICA could have easily taken the rest of the Castle, and would have been a major victory for the Rising, as "the Chief Secretary was currently within the walls at the time. [Connolly] failed to appreciate that the six soldiers they captured were the only garrison, and inexplicably withdrew to some buildings opposite its gate".

It is observable in the case of the Four Courts that the quality of soldiers during the Rising was not of the highest quality. A force of British cavalry on their way from the North Wall along the quays that run parallel with the Liffey were under observation by the Irish the entire way, and were ordered to hold their fire. When this force reached the Four Courts, they came under sloppy fire from the IRA, wounding some but allowing for many of them to seek refuge. Although this wasn't the largest of ordeals that came out of the Rising, it is an exemplar of how unprepared the IRA was at conducting a cohesive combat against the British.

In the end, "the IRA's command structure had effectively been decapitated by the Rising's failure and the majority of militant Republicans found themselves behind bars in mainland

Britain". In short, the Rising was a complete failure as a military operation, as its character resembled a revolutionary battle much more than a terrorist attack. As with anything, the more complex something becomes, the more prone it is to failure. Despite this however, the Rising did bring the issue of nationalism to the forefront of Irish politics. "[The] Nationalists felt that Pearse and his cohorts had betrayed and undermined their cause; however their subsequent treatment made them Irish folk-heroes". Following the defeat of the Easter Rising, Michael Collins recognized that all was not lost; the Irish just needed to combat the British effectively. After three episodes of attacking the British head on in 1798, 1848, and now 1916, it was clear that their approach needed reexamining. Collins' first hand experience with the failures of the Easter Rising provided him with the necessary insight to differentiate between the tactics that worked against the British, and those that did not. 1916 was the last time the Irish would openly stand against the Crown. Thankfully, Pearse and the other leaders of the Easter Rising left a legacy that Collins would be able to use to his advantage.

"It appeared at the time of the surrender [that the Rising] failed, but that valiant effort and the martyrdoms which followed it finally awoke the sleeping spirit of Ireland." The martyrdom of those executed in the wake of the Easter Rising, and drawing from the 700 years of history between the two islands gave Collins a rallying point to continue the fight against the British. "The presence of the English had deprived us of life and liberty. Their ways are not our ways. Their interests and purposes meant our destruction. We must turn back again the wheels of the infamous machine which was destroying us. We must get the English out of Ireland".

The Formation of a Modern Terror Organization

His ideas were heavily entrenched in Irish history, and unlike the IRB who looked upon

the failures of their predecessors, Collins spoke of their victories. "The vigorous hostility of the Young Ireland movement, which revived our old literature, [and] which recovered Irish history, spread a new spirit." "The Fenians came and once for all raised the banner of Ireland's freedom, with a definite military policy which, though unsuccessful at the time, had its full effect in bringing before men's minds the real road to Irish salvation". "We recalled the immortal tales of our ancient heroes, and we began to look to a future in which we could have a proud free, distinct nation worthy of the past".

However, ignoring the mistakes of the past would have meant for Collins to repeat them. Tim Pat Coogan, a renowned Irish historian, introduces in his biography of Michael Collins that he was "the *founder* of modern guerrilla warfare, the first freedom fighter or urban terrorist". Avoiding to take the British head on, as the IRB did in 1916, Collins (after he was released from prison following the Rising) took the underground structure designed by the Fenians, reformed it, and continued the fight against the British in a shadow war. Collins had become a student of the tactics and writings of earlier anarchists and terrorists. "Armed resistance was the indispensable factor in our struggle for freedom. It was never possible for us to be militarily strong, but we could be strong enough to make England uncomfortable (and strong enough to make England too uncomfortable). While she explains the futility of force, it is the only argument she listens to".

Collins knew revolution could be successful, but it would not have developed from a popular uprising the way Patrick Pearse thought it would following the Rising. Collins developed a strategy of "selective terrorism" and reorganized the structure of the Irish campaign into small units of isolated fighters. The term "terrorist cell" originates from Collin's design, as "cell" was the term he used to describe the units.

While the standard pyramid format still remains, Collins divided up the active cadre into role-specific *Cells*, each serving a major function for the IRA's overall goals. It was in 1919 that the former Irish Volunteers reemerged as a formidable guerrilla force according to Collins' design. As the figure 2 displays, the active cadre is broken into cells based around tactics, intelligence, and supply.

The intelligence cell, which became the IRA's Intelligence Division (IRAID) "ran an extensive network of spies consisting of sympathetic G-Men, policemen, civil servants, soldiers, the Castle's cipher clerk, and even a few Auxiliaries". Working with information from the intelligence cell, Collins' had several tactics cells, the most infamous being "The Squad", a personal hit-team of men that Collins' jokingly referred to as the "Twelve Apostles". The tactics cells would be the action arm of the reformed IRA, and unlike the methods of the Fenians in the Easter Rising, Collins engaged the British forces in a manner they had difficulty defending against. The strategic goal of any guerilla organization is to exact maximum damage to the enemy while concurrently minimizing loss of one's own forces. Collins masters this principle. Often the attacks he organized were small in size, and "hit and run" in nature, thus resembling the tactics that are familiar of modern groups. Collins' ideas and organizational cell structures were so effective, that they easily influenced later groups and terrorist leaders such as "the proto-Israeli group Irgun Zvai Leumi, and Ernest "Che" Guevara's communist revolutionaries in Cuba".

Unlike future terrorists however, Collins "reasoned that indiscriminate terror was of no value". He opted that effectiveness would come from ruthlessly targeting security forces and their symbols of authority. After months of preparation, police, barracks, and depots were all attacked. Collins gathered intelligence on the internal workings of the British police

headquarters, and drew up a list of targets. One of the more infamous attacks of Collins' IRA was the "Cairo Gang" murders, a supposed British intelligence ring in Dublin. While this certainly was a terrorist action, it exemplifies Collins' focus on "constrained" terror. The British response however to the murders was not quite so couth. *Auxiliaries*, the name of the group given to "mercenary" police to assist with the suppression of the IRA, had opened fire on a football game in the same evening, killing Irish carelessly, and injuring a hundred more. Because of the death toll on both sides, these events came to be known as one of the many "Bloody Sundays" throughout Irish history; in total fourteen British, fourteen Irishmen, and three Republican prisoners.

In 1921 after a series of "pitched battles" between the IRA and the British Auxiliaries, the IRA and England came to a truce, the Anglo-Irish Treaty. Although Collins did develop a campaign based upon terrorism, his organization was designed to fulfill the objective of a free Ireland. While he didn't exactly succeed in getting a "united" and free Ireland, he did succeed in having Ireland partitioned, in which the Republic of Ireland would be founded, while the northernmost counties would become Northern Ireland and remain part of the United Kingdom. In doing this, Collins willingly ended his hostilities towards the English, and ended his campaign of terror.

The Legacy of Michael Collins

In a matter of five years (1916-21), Michael Collins had developed a successful model for a terror campaign and organization, and succeed in some capacity, or at the very least, he succeeded where the Fenians did not. Since him, the Irish have gone on to form further IRA organizations, but none of them have had the same effectiveness as Collins'. One must consider

then, how does Michael Collins fit into the "patriot vs. terrorist" argument? Were the actions he took to combat the British justified?

Although the IRA, by definition, is a terrorist organization, the manner in which Collins conducted his campaigns leaves one to wonder if the label is appropriate. Certainly the deeds of the Americans and French in the late 18th Century, campaigns that eventually led both to establish republics, are not readily considered terroristic, albeit the tactics between these two and the IRA are comparable. Collins merely took the principles of guerrilla warfare and adapted them to an urban environment. Are the hundreds of years of Irish suppression not provocation enough for them to mount a clandestine war against their overlords? Modern terror organizations are all in one way or another viewed upon in these circumstances. Were the fighters of "x" organization really despicable terrorists, or were/are they patriots fighting a just cause? In the context of rationality, the IRA under Collins is certainly considered more legitimate than later IRA groups, such as the Provisional IRA and the Real IRA, regardless of the fact that Collins was the most wanted man in England prior to the Irish Free State.

Collins perhaps explains this idea best, "Ireland [in the context of English politics] must be disposed of by means of a generous peace. If Ireland refused that settlement, we could be shown to be irreconcilables. Then Britain would again have a free hand for whatever further actions were necessary 'to restore law and order' in a country that would not accept the responsibility of doing so for itself". While Collins didn't certainly attain a united and independent Ireland, he understood the need to work *with*, not against his opponents.

The amount of influence Michael Collins and the IRA had on the world in the 20th Century is immeasurable. Following the success of Collins, the methods of warfare were forever changed. Several world leaders since Collins look toward him for inspiration in their own

struggles. "Mao Tse Tsung had studied Collins' tactics and Prime Minister of Israel, Yitzak Shamir, had used the codename 'Micail' during the Israeli War of Independence". Nearly all terrorists organizations that arose following World War II, formed along the lines of operation organization set forth by Collins' design. The Abu Nidal Group and Hamas in the Middle East and Aum Shinrikyo of Japan embody the same designs as the IRA, and other groups have taken the Irish's basic design and modified it to their own needs, such as the ETA, the Provisional IRA and Al Qaeda.

With our current world engaged in war with terror, it is imperative that terrorism is readily and fully examined, and every complexity dissected. Understanding terrorism and tracing its development from its origins to its present standing reveals a worldwide network of conspiracy, exposing connections from one group to the next. If terrorism is to be truly defeated, it must be truly understood. For this, there is no better exemplar than that of the Irish, and Michael Collins. How the Irish designed the terror organization offers the best delineation from a revolutionary army to a guerrilla force. If we are to prevent the trials of the future, we must know the trials of the past.

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An Irregular Affair

Aaron Fields

At the Battle of Kings Mountain on October 7, 1780, Loyalist militiaman Alexander Chesney noted that "the Americans...were able to advance in three divisions under separate leaders to the crest of the hill in perfect safety until they took post and opened an irregular but destructive fire from behind the trees."⁷⁴ Chesney's account is one echoed by Loyalist militia and British regular alike in the American Revolution, but the success of American troops during the war is credited to the Continental army, who fought against the British army in conventional linear tactics of eighteenth century European warfare. The battles that they fought and lost, however, are credited to the militia, a force some commanders considered unconventional and cowardly. However, the Southern Campaign of 1780-1781 tells a different story of success. Since more than eighty percent of the actions in the war were in the Southern Theater, one can deduce that the victories achieved in the South, the weapons that were used, and the guerrilla war that was fought in the South influenced the outcome of the war.⁷⁵

I. An Unconventional Lot

Two different styles of fighting defined the military character of the American Revolution. The British and American regulars both fought according to standard eighteenth century tactics. This style of fighting saw action mainly in the northern campaigns. Both the Patriot and Loyalist militias employed guerrilla, or partisan, warfare mainly in the Southern Campaign of 1780-1781. That is not to say the army employed only one style in the north or only

⁷⁴ Robert M. Dunkerly, *The Battle of Kings Mountain: Eyewitness Accounts, the Battle That Turned the Tide of the American Revolution* (Charleston, SC: The History Press, 2007), 132.

⁷⁵ Jac Weller, "Irregular but Effective: Partizan Weapons Tactics in the American Revolution, Southern Theatre," *Military Affairs* 21, no. 3 (1957): 118. <http://www.jstor.org/stable/1984281>

the other in the south. However, the army fought the northern campaign more often with linear tactics while in the south the army fought more irregularly. The term guerrilla warfare first appeared when French Emperor Napoleon Bonaparte fought the Peninsula Campaign against the Spanish from 1808-1814. Guerrilla in Spanish means "little warrior" and was used to describe the warriors that attacked Napoleon's communication and supply lines. Since the term did not emerge until decades after the American Revolution, contemporaries referred to the tactics used by the American forces in the Southern Campaign as "partisan war."⁷⁶ Guerrilla warfare as a fighting style itself traces back to classical antiquity. Alexander the Great's Macedonians and the Roman Empire met the type of hit and run tactics associated with guerrilla warfare in their respective times with enemies such as the Persians under Darius and the Goths of Germania. Mao Tse-Tung's Chinese demonstrated three phases of guerrilla warfare in the twentieth century. The phases went from preparation to coordination to mounting an offensive. In the latter two phases, the military conducted actions, in the second phase to "wear down and demoralize the enemy" and in the third phase to "fuse themselves into an actual army...that would give them victory."⁷⁷

The Continental Congress implemented the Continental Army on June 14, 1775 after the British defeated Massachusetts militia forces at Lexington and Concord. These soldiers, known as minutemen, were trained as militia and they fought as guerrilla warriors. The Massachusetts militia dealt more casualties to the British soldiers than perhaps expected because it engaged in hit and run tactics, picking off the neatly organized columns of marching British troops under General Thomas Gage. This early confrontation of the two opposing forces showed that the elite British army could possibly be beaten, and indeed beaten by "untrained" militiamen; that is,

⁷⁶ *Ibid.*, 99.

⁷⁷ Gordon, *South Carolina and the American Revolution*, 97-98.

untrained in conventional warfare. The Battle of Bunker Hill also demonstrated the resolve of the Americans. The Patriot militia fought the British on Bunker's and Breed's Hills. The British, under Generals Gage and Howe did not "reconnoiter the Charlestown Peninsula" and encountered swampy, walled, and fenced terrain which made it difficult for the British to advance with conventional warfare tactics.⁷⁸ The Patriot militia had taken up defensive positions behind walls on Breed's Hill and fired volley upon volley into the British, beating back their attacks until they ran low on ammunition and the British, having a numerical and supply advantage, swarmed them; a Patriot retreat ensued. Even in retreat the militia continued to fight causing British General John Burgoyne to describe the retreat as "no flight."⁷⁹ The early battles in the American Revolution of Lexington, Concord, and Bunker Hill "seemed to bear out the virtue and efficiency of the militia as a military organization."⁸⁰ Nonetheless, the Continental Congress chose to adopt a conventional fighting force.

When the Continental Congress chose George Washington to be Commander in Chief of all continental forces on June 17, 1775, they did so with Washington's understanding that the military would be subservient to Congress. Because of Britain's colonial occupation, the colonists feared a standing army; to the colonists, a standing army was tyranny. John Adams thought a standing army was necessary for victory: "I have been constantly labouring to obtain

⁷⁸ Michael Stephenson, *Patriot Battles: How the War of Independence Was Fought* (New York: Harper Perennial, 2007), 216.

⁷⁹ *Ibid.*, 220.

⁸⁰ Wayne E. Lee, *Crowds and Soldiers in Revolutionary North Carolina: The Culture of Violence in Riot and War* (Gainesville, FL: University Press of Florida, 2001), 136.

an handsome Encouragement for inlisting a permanent Body of Troops."⁸¹ Despite the colonists' apprehensions about a standing army, Congress created the Continental army, which consisted of ten companies from Pennsylvania, Maryland, and Virginia. Congress modeled the army after the British system, one which the colonists had fought alongside during the French and Indian war and had seen defeat the opposing French and Native American forces. Modeling the Continental army after the globally successful British army was what military leaders encouraged.

In addition to John Adams, George Washington also preferred a standing army. Due to his experience with the British Army in the French and Indian War, General George Washington respected and admired the British system. Washington, as well as a majority of military leaders, wanted to model the army after the British, for he believed in a professional, well-trained body of soldiers capable of competing with the British. While Washington preferred a standing army, he utilized partisan tactics also. For instance around the first Battle of Trenton, December 25-26, 1776, Washington's army had been chased out of New York and retreated across New Jersey. Washington's soldiers partook in guerrilla war harassing Howe's men inviting him to comment that "every foraging party was attacked."⁸² Washington's strategy at the Battle of Trenton was irregular as well. He ordered a three pronged attack during a fierce winter storm at night time in order to surprise the waiting Hessian soldiers fighting for the British. While Washington preferred to fight as regular army, he was resourceful and recognized that necessity sometimes dictated otherwise.⁸³

⁸¹ Richard D. Brown, *Major Problems in the Era of the American Revolution, 1760-1791* (Boston: Houghton Mifflin, 2000), 191.

⁸² Stephenson, *Patriot Battles*, 253.

⁸³ Mark Kwasny, *Washington's Partisan War, 1775-1783* (Kent, OH: Kent State University Press, 1996), xiv.

According to firearms expert Jac Weller, several factors dictated the nature of war: participants, local geography, and weapons; the American Revolution was no different.⁸⁴ Gordon argued that Carolinians resorted to guerrilla warfare, "the war of striking and then disappearing before the enemy could catch you" because it was their only option⁸⁵ The militia of the South had experience with the tactics and adopted them as their own from fighting the Native Americans. During the French and Indian War, the colonists fought for the king to ward off the French and their Indian allies. The Indians that the colonists and British regulars encountered fought with the hit and run tactics that the colonists adopted. Gordon attributes the experience to the Cherokee attacks incited by the British four years prior to the start of the Southern Campaign: "When the Cherokees chose to take up the hatchet for the king's cause...their decision proved destructive to themselves and far more helpful to the Americans than the British."⁸⁶ The British inadvertently taught the Americans how to beat them. The Native Americans, ever-frustrated with colonial intrusions, confronted colonists very early in North American colonization; from then on this melding of two different styles of war defined American tactics.⁸⁷

Southern leaders such as Daniel Morgan, Francis Marion, and Thomas "the Gamecock" Sumter learned military tactics from fighting with the Native Americans. In the early eighteenth century, white settlers were outmatched by Indian tactics. The skirmishes raged, the colonists became more acquainted with the fighting style and mastered the tactics to a point where they outmatched the Indians themselves. "Most importantly," Weller argued, they developed "the

⁸⁴ Well, "Irregular but Effective," 118.

⁸⁵ Gordon, *South Carolina in the American Revolution*, 98-99.

⁸⁶ *Ibid.*, 100.

⁸⁷ Lee, *Crowds and Soldiers* 128-129.

loose teamwork so necessary in all successful irregular fighting."⁸⁸ The British stirred up the Indians giving the colonists valuable experience with Indian tactics, a mistake that contributed to the defeat of the British army.

Furthermore, one could argue since Americans gained experience with Indian combat during the French Indian War that the Redcoats too had the experience and means to repel or even fight a guerrilla war. Russell Weigley stated that "recent European wars had become so formalized and even ritualistic that the idea of irregular war had virtually passed beyond the ken of European armies."⁸⁹ The British had so long fought against armies who practiced the same tactics as they did or, in the case of the French and Indian War, fought against guerrillas but defeated them, that experience with guerrilla tactics had little value.

II. Weapons of Choice

In addition to prior guerrilla tactics experience influencing the shift to a partisan war, the differences between the flintlock musket and the rifle necessitated a change in Southern Campaign combat. The standard weapon of both armies, British and American regulars, was the flintlock musket. The flintlock musket weighed eleven pounds and measured just shy of five feet long without the bayonet and could hit a target at a rate of forty percent from 100 yards away. The barrel of the musket was smoothbore, meaning it had no grooves on the inside of the barrel to keep the lead ball from bouncing around. In conventional eighteenth century European warfare, the musket was an integral part of linear tactics. An army would form a wide line and advance across a field after firing a volley or two from rank and file. In the advance, a

⁸⁸ Weller, "Irregular but Effective," 120.

⁸⁹ Rusell F. Weigley, *The Partisan War: The South Carolina Campaign of 1780-1782* (Columbia, SC: University of South Carolina Press, 1970), 9.

commander would order a bayonet charge, causing what was often either a retreat or grisly hand-to-hand combat. The British army was so intimidating because of their mastery of these tactics. An advancing, charging line of British Redcoats with glistening bayonets was most certainly a terrifying spectacle for any army, disciplined or not.⁹⁰

A more accurate weapon was introduced to the colonies, especially the south, in the form of the rifle. The barrel of the rifle was grooved in a spiraled pattern called rifling, hence the name of the weapon. Grooves inside the barrel caused the bullet to spin instead of bounce, which gave it more speed and accuracy as it exited the barrel. John W. Wright argued that although more accurate, lighter, and possessing a smaller bullet, the rifle took more time to reload. However, contrary to Wright's argument, General Daniel Morgan used both the rifle and the musket at the Battle of the Cowpens, a battle in which the Americans defeated the redcoats with irregular tactics. In the case of the Cowpens, one hundred fifty riflemen formed in front of the militia and continentals. They fired a couple well aimed shots and retreated behind the safety of the next two lines.

The rifle was essential to the success of the partisan war in the Southern Campaign because its characteristics made it more suitable for guerrilla warfare. Wright conceded that the soldiers under Francis Marion, Charles Sumter, and Andrew Pickens used the rifle because it was ideal for the guerrilla war which their men fought but charges that "while the American rifleman was the most efficient soldier individually...the characteristic of [his] arms confined [his] activities to a secondary place."⁹¹ All of Wright's evidence, with the exception of one excerpt,

⁹⁰ John W. Wright, "The Rifle in the American Revolution," *The American Historical Review* 29, no. 2 (1924): 294-295. <http://www.jstor.org/stable/1838519>

⁹¹ *Ibid.*, 297.

only dates to 1777, three years before the Southern Campaign began. Gordon contended that the soldiers who used the rifle were not concerned with using the bayonet.⁹² The tactics associated with guerrilla warriors did not warrant the necessity to mount a bayonet. The bayonet, used as a shock factor by the British would not have had the same effect had the partisans used it. When a soldier's fighting style consisted of firing and hiding or running, the last thing that concerned him was charging with the bayonet.

One of the Loyalist leaders in South Carolina, Lieutenant Colonel Patrick Ferguson, who fought in the Battle of Kings Mountain, supported the use of the rifle in the war. Ferguson himself invented a rifle, which adopted his name. The Ferguson rifle, a breech-loading weapon, meant that instead of loading the ball and powder into the barrel of the gun, or muzzle-loading, a soldier loaded the ball and powder into an area near the trigger. Muzzle-loading flintlock muskets and rifles required the soldier to put powder into the weapon followed by a lead ball. The soldier then packed the components into the front of the barrel with a ramrod in order to get the ball and powder close to the hammer and flint. The soldier pulled back the hammer, pressed the trigger, and the flint sparked igniting the powder and propelled the ball forward. The Ferguson rifle required the same component, but it took less time to load the weapon because the ball and powder were loaded much closer to the hands of the soldier and did not require packing with the ramrod. A good musketeer could fire up to three shots per minute in the heat of battle, while a rifleman could fire only one in the time it took a musketeer to fire three.⁹³ The Ferguson rifle however matched the firing rate of a musket. The Ferguson rifle "could fire four aimed shots

⁹² *Ibid.*, 6-7.

⁹³ *Ibid.*, 295

per minute."⁹⁴ Although a shorter and lighter weapon that matched the firing rate of the musket promised efficient death dealing in the partisan war, the British loyalists under Ferguson were the only troops to adopt the deadly weapon. Unfortunately Patriot militia shot Ferguson dead and defeated the remaining Loyalist forces at the Battle of Kings Mountain. The rifle and the musket both were used simultaneously in the southern campaign by all of the major factions: British and American regulars, and militia, Patriot and Loyalist; regulars employed the musket more than the rifle; militia employed the rifle more than the musket.

The militia participated in larger battles also where the results of their participation, or lack thereof, were defeat. For instance, in the Battle of Camden, the militia was the first part of the American army under General Horatio Gates to turn and run in the face of an advancing British army under Lord Cornwallis; the flight of the militia caused a rout of the rest of the army. In another instance, the Battle of the Cowpens, the militia collaborated with the Continentals under General Daniel Morgan, and defeated the British under Lieutenant Colonel Banastre Tarleton. These two examples of major battles that defined British regular and American continental combat in the Southern Campaign, demonstrate how the militia's participation differed in each battle. Don Higginbotham argued that it "depended on how they were employed and how they were led," and that, "civilian-soldiers would go as far on the battlefield as their commanders would take them."⁹⁵ This statement can be supported in the actions of Generals Horatio Gates and Daniel Morgan at the Battles of Camden and Cowpens respectively.

III. Fight or Flight - A Strategic Decision

⁹⁴ *Ibid.*, 296.

⁹⁵ Brown, *Major Problems in the Era of the American Revolution*, 221.

At the Battle of Camden, General Horatio Gates intended to set up defenses north of Camden, South Carolina and disrupt British supply lines, not attack the British. However, Gates took a direct route through barren land and the army became weary.⁹⁶ With an exhausted army, Gates placed what Michael Stephenson called the weakest (the militia) portion of the American forces to hold his entire left against the strongest of the British force under Lord Cornwallis. Gates, reminiscent of the future American Civil War general George McClellan's actions at Antietam, was not a fighter but rather a defensive general. Gates did not believe in the worth of the cavalry nor did he use it at Camden, while Cornwallis had arguably one of the best Revolutionary War cavalry commanders under him in Lieutenant Colonel Banastre Tarleton.⁹⁷ When combat erupted the militia took flight and Tarleton's cavalry swung around the American left routing the regular troops as well. The militia turned and ran because of the strong British right's bayonet charge, an attack the militia simply could not handle because of their rifles not having the ability to mount a bayonet.⁹⁸ Gates fled more than 200 miles from the battlefield ahead of his soldiers.⁹⁹ Tarleton also criticized Gates for placing the militia against the strong British right and misplacing faith in them and cited Gates' "last and greatest fault" as trying to change the placement of his army just before the battle began."¹⁰⁰ Gates tried to change the formations of his army right before combat began and when he tried this, Cornwallis attacked,

⁹⁶ John Buchanan, *The Road to Guilford Courthouse: The American Revolution in the Carolinas* (New York: John Wiley & Sons, Inc., 1997), 156-166.

⁹⁷ Stephenson, *Patriot Battles*, 318-319.

⁹⁸ Gordon, *South Carolina in the American Revolution*, 94.

⁹⁹ George Athan Billias, *George Washington's Generals* (New York: William Morrow and Company, 1964), 103.

¹⁰⁰ Banastre Tarleton, *A History of the Campaigns of 1780 and 1781 in the Southern Provinces of North America* (London: New York Times Press, 1968), 109-110.

which "threw the American left wing into a state of confusion, from which it never recovered."¹⁰¹

Thus had Gates not deployed as he did against the British right, used the cavalry to meet Tarleton, and for attempting to fight the British with a weary army in linear formation is what cost the Americans the battle and not the militia.

Alternatively at the Battle of the Cowpens, the Americans defeated the British with irregular tactics, militia, and regulars under General Daniel Morgan, a commander experienced with rifle combat and partisan war. Unlike Horatio Gates, Morgan did not fully place his faith in the militia. Morgan placed his faith in containing the militia in battle by having them retreat after a couple volleys behind the cover of continentals and a small bit of raised terrain instead of throwing them at veteran redcoats without bayonets. After firing their volleys, they retreated behind the continentals. Morgan, knowing Tarleton's hunger for glory planned this to draw Tarleton into the awaiting militia and continentals. The British dragoons, or cavalry, under Lieutenant Colonel Banastre Tarleton mistook the action for a retreat just as Morgan assumed. Tarleton witnessed an American militia retreat at Camden, which justified his assumption but cost him greatly. A volley from the waiting continentals cut down Tarleton's men and all the time the militia had had time to reload in order to absorb another British attack. While Morgan relied on the regulars to soften the British advance, Cowpens was a collective victory, utilizing all available forces in a decisive manner. These irregular tactics that fooled Tarleton cost the British greatly, one hundred ten killed and seven hundred two captured to the American seventy two casualties, twelve killed and sixty wounded. Morgan also used the American dragoons under William Washington in the battle, something Gates did not find useful. Washington's dragoons held off an attack from Tarleton's cavalry, who aimed to exploit what they thought was a fleeing

¹⁰¹ *ibid.*, 110.

militia unit.¹⁰² Tarleton attributed the loss to one of three things: first, the "bravery or good conduct of the Americans," second, "the loose manner of forming which had always been practiced by the King's troops in America," or three to "some unforeseen event, which may throw terror into the most disciplined soldiers, or counteract the best-concerted designs."¹⁰³ Contrary to Tarleton's theory it is evident that all three factors, not one, played a role at the Cowpens. Both Morgan's strategy and the British inability to adapt to irregular tactics even though they had faced them before contributed to what was an "unforeseen event" to Tarleton.

In contrast to the mixed tactics used at Cowpens by Morgan and the linear tactics used by Gates at Camden, the Battle of Kings Mountain is perhaps the best example of guerrilla warfare in the American Revolution and one of its most important victories. The battle lasted roughly an hour but saw combat unlike that of the larger battles of Camden, Cowpens, and Guilford Courthouse. The Americans were on horseback, shooting from behind trees, and retreating after an attack to come back with one later. Concurrent with the third phase of twentieth century Chinese guerrilla warfare, nine separate units of Patriot militia each led by a different colonel banded together to defeat the Loyalists at Kings Mountain. The Loyalists under Patrick Ferguson, the only British soldier at the battle, stationed themselves at the top of Kings Mountain and tried three times to charge the Americans with the bayonet but failed because of the guerrilla war in progress. The area was wooded with thick underbrush, which was ideal for guerrilla war. Ferguson was outnumbered two to one, but a loyalist's accounts holds that the British might have won had it not been for the terrain: "Kings Mountain from its height would have enabled us to oppose a superior force with advantage had it not been covered with wood which sheltered the

¹⁰² Billias, *George Washington's Generals*, 309.

¹⁰³ Tarleton, *A History of the Southern Campaigns*, 221.

Americans and enabled them to fight in their favorite manner."¹⁰⁴ Contrary to this Loyalist's belief, a Patriot rifleman stated that because the Loyalist militia fired downhill, their aim was off. Thus even had there been no underbrush, the outnumbered, inaccurate Loyalists would probably still have been defeated.¹⁰⁵ Not unlike the confusion of the Patriot militia at Camden, the American encirclement of the Loyalist militia on Kings Mountain confused the Tories.¹⁰⁶

While the Battle of Kings Mountain lasted only an hour, the battle had some important implications. First the Loyalist cause lost recruits from the Carolinas in the battle and would be hard pressed to replace them; the recruiting odds turned in favor of the rebels.¹⁰⁷ Second it marked the start of a brutal civil war of retaliation.¹⁰⁸ Due to the massacre at Waxhaws months before where Tarleton's men butchered Americans under Colonel Abraham Buford, a retaliatory-minded American army did not readily forget Buford's Massacre. The Patriot militia crushed the Loyalists at Kings Mountain and gave them "Tarleton's Quarter," a term used alternatively to "no quarter" due to the aforementioned slaughter.¹⁰⁹ This retaliatory, deceptive, brutal fighting defined the backcountry skirmishes in the South all throughout the Southern Campaign.

As General Daniel Morgan rode along his battle lines at the Battle of the Cowpens in the midst of an intimidating, "hallooing" British advance he encouraged his men, "They give us the

¹⁰⁴ Dunkerly, *The Battle of Kings Mountain*, 132.

¹⁰⁵ Stephenson, *Patriot Battles*, 324.

¹⁰⁶ Anthony Allaire, *The Diary of Lieutenant Anthony Allaire* (New York: New York Times Press, 1968), 32.

¹⁰⁷ Gordon, *South Carolina and the American Revolution*, 117.

¹⁰⁸ For more on this topic, see Robert Stansbury Lambert, *South Carolina Loyalists in the American Revolution* (Columbia, SC: University of South Carolina Press, 1987).

¹⁰⁹ Weigley, *The Partisan War*, 7.

British halloo, boys, give *them* the Indian halloo."¹¹⁰ Not only did Morgan's men, and several other commanders of the militias of the Southern Campaign give the confident British the "Indian halloo," they gave them Indian tactics, adapted to combat a fierce British superiority complex. The irregular tactics employed by the American militia and sometimes regular army, depending on the commander, proved an ample strategic substitute for a disadvantage in numbers. When American commanders employed these tactics, as Daniel Morgan did at Cowpens and the colonels did at Kings Mountain, casualties were significantly less than battles where commanders used conventional tactics, such as Horatio Gates at Camden. Guerrilla warfare has existed for centuries, causing military campaigns to be protracted and difficult for conventional armies. The Southern Campaign, an example of this military struggle, was disastrous and consequential for British colonial interests in North America. The American ability to outmaneuver the British in the Southern Campaign and an unwavering resolve in the face of British determination won the American Revolution.

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¹¹⁰ Lawrence E. Babits, *A Devil of a Whipping: The Battle of Cowpens* (Chapel Hill, NC: University of North Carolina Press, 1998), 89.

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Who's Minding the Store?

Constitutional Crisis of Succession: The failure of the Reagan Administration to properly invoke the terms of the Twenty-Fifth Amendment during the failed assassination attempt of President Ronald Reagan.

Mike Mardis

On March 30, 1981, while leaving a speaking engagement at the Washington Hilton Hotel, President Ronald Reagan and three others were shot by a deranged stalker. Although Reagan would ultimately recover from his wounds, he was sedated and incapacitated for most of the remainder of the day. At the time of the shooting Vice President George Bush was out of town and inaccessible via secure communications. In the immediate aftermath that followed the assault, the top officials in the administration scrambled to deal with a variety of issues including, but not limited to, maintaining national security, delegating nuclear command authority, addressing presidential succession, and calming the public. For a few tense hours there was no legally acting Commander in Chief that could respond if a nuclear attack or a major disaster were to occur. Although no major incidents happened over the course of the evening while Reagan was in surgery, the country was left unnecessarily vulnerable for a short period of time. The Reagan Administration failed to properly invoke the provisions of the Twenty Fifth Amendment of the United States Constitution that would have provided an acting president during the crisis.

On Sunday March 29, 1981, John Hinckley, Jr. arrived in Washington D.C. after a three day Greyhound bus ride from Los Angeles. Hinckley checked into Park Central Hotel which is located less than two blocks west of the White House and across the street from the Secret

Service headquarters. Hinckley spent the night at the hotel, awoke, and went out for breakfast. When he returned to the hotel he wrote a letter to actress Jodie Foster stating:

“Dear Jodie, There is a definite possibility that I will be killed in my attempt to get Reagan... This letter is being written an hour before I leave for the Hilton Hotel. Jodie, I’m asking you to please look into your heart and at least give me the chance with this historical deed to regain your respect and love. I love you forever.” It was signed: “John Hinckley.”¹

The letter was never sent and was later found in the hotel with a copy of President Reagan’s daily schedule that was cut from the newspaper.

Hinckley was a twenty-five year old who had spent most of his years since high school bouncing around various colleges. His parents were wealthy and made their fortune in the Texas oil business before settling in Evergreen, Colorado. Hinckley was ostracized by his parents for his reluctance to work in the family business. The failure of not living up to his family’s expectations caused him great depression. During his college years he began to isolate himself from others and was described as increasingly moody by others. He became interested in fringe political groups and in 1978 enrolled in the Nazi party before getting expelled a year later. Hinckley became obsessed with the movie Taxi Driver, a film whose lead character tries to assassinate a presidential candidate. It is in this movie that Hinckley developed an affinity with the lead character as well as affection for the young co-star played by Jodie Foster. In the fall of 1980, Hinckley began to stalk President Carter on the campaign trail. In Nashville, he was arrested while trying to board a plane with handguns. His guns were seized and he was later released from custody after paying a fine of \$62.50. In December 1980, Mark David Chapman

assassinated John Lennon who was a childhood hero of young John Hinckley. The attention and notoriety that Chapman received for killing Lennon seemed to fascinate him. He had also read extensively on Lee Harvey Oswald's assassination of President Kennedy. Hinckley developed a bizarre fascination with Oswald and other assassins. In the spring of 1981, he considered assassinating Jodie Foster or Senator Edward Kennedy until for some unknown reason he eventually decided on his target of newly elected President Ronald Reagan.²

At 2:00 P.M. on Monday March 30, 1981, President Reagan gave a speech to 3,500 members of the Building and Construction Workers Union of the AFL-CIO at the Hilton Hotel in Washington D.C. The Hilton Hotel is located less than two miles from the White House. Reagan's twenty two minute speech was a conservative themed speech that argued against the idea of big government. Reagan told the crowd that it was the government's duty to "...protect the people, not run their lives."³ The audience was subdued as the union members were generally in opposition to Reagan on most issues. The President ended his speech to a polite reception and prepared to make his exit. The Secret Service mobilized to escort the President from the building to his awaiting motorcade that was scheduled to take him back to the White House.

The exit from the Hilton Hotel to the motorcade was a distance of 25-35 feet. Near the exit route was an area that was roped off for the news media to assemble. Somehow John Hinckley had managed to mix in with the media that was waiting to meet the President. Reagan left the building and on his way to the motorcade stopped to wave to the media and others that were present. The media began to take pictures and the reporters were attempting to ask the President questions. To shield the President from questions, White House Press Secretary James Brady

began making his way toward the press that was behind the rope line. As a smiling and waving Reagan was making his way to the limousine, Hinckley unleashed his assault.

In a two second period, Hinckley managed to fire six shots from his .22 caliber pistol in the direction of Reagan. The first bullet hit Press Secretary James Brady in the head. Brady's wounds would be the most severe of those shot and his brain injuries would leave him permanently disabled. The second bullet hit Washington D.C. police officer Thomas Delahanty in the neck. The third shot hit a building across the street. The fourth round hit Secret Service agent Tim McCarthy in the abdomen. The fifth shot hit the limousine. The sixth bullet also hit the limousine and ricocheted and hit Reagan in the ribs below his armpit.⁴

Secret Service Agent Jerry Parr, who was standing to the right of Reagan immediately grabbed the President and forced him to the floor of the limousine. Both Reagan and Parr were unaware that the President was hit in the shooting. "Take off! Just take off!" shouted Parr to the driver. Seconds later Reagan told Parr, "Jerry, get off me. You're hurting my ribs. You really came down hard on top of me."⁵ After Reagan had sat up in the car he thought he had broken his ribs from the fall on the floor of the car. Reagan began coughing up blood into his handkerchief. Parr ordered the driver to change the route from the White House to George Washington University Hospital which was less than a mile and a half away from the Hilton. Upon arrival at the hospital, Reagan managed to walk on his own for about forty five feet before he made it to a stretcher. It wasn't until Reagan's suit was removed by the trauma physicians that it was discovered that he had been shot.

The President had an unstable pulse and difficulty breathing. Although the wounds didn't initially seem life threatening, the situation quickly became more serious. Ten years later

Reagan would recall “It was a close call. Twice they could not find my pulse.”⁶ Even in his traumatized state of health he was alert enough to realize there was an issue with being anesthetized. As he was being prepared for surgery, the President asked his top aides that were at his side, “Who’s minding the store?”⁷ Although Chief of Staff James Baker didn’t respond to the question, the issue would become a serious problem. At 3:20 P.M. Reagan was placed under anesthesia and rushed into surgery to stop the bleeding. In surgery, the bullet was hard to find as it flattened out as it hit the limousine before ricocheting into his ribs. The surgery would last until 6:00 P.M. as doctors successfully found the bullet but faced difficulties with the damaged lung. Reagan was placed on a respirator at 6:45 P.M. and was placed in intensive care for the night and the entire day of Tuesday. In the hours following the surgery while in the recovery room the President was administered morphine to deal with the pain. At different times during the surgery and recovery Reagan was given Pentothal, Codeine, Demerol, and Valium.⁸ In various degrees, all of these drugs could impair the judgment of someone in which they are administered.

The day of the shooting was the seventieth day of the Reagan presidency, barely five months since Election Day. Members of the administration significantly lacked the preparation for a crisis of this magnitude. Senior officials were unfamiliar with laws of Presidential succession and disability and how they should be implemented. Reasons for the lack of planning and preparation remain unclear. In the immediate hours after the shooting the lack of communication between leadership in the administration, military command, and intelligence services was a serious issue that would prove troublesome at the highest levels of the United States government.

White House Chief of Staff James Baker was at the White House when news of the shooting arrived. Baker immediately left for George Washington University Hospital to be with the President. Baker also took Counselor Edwin Meece and Deputy Chief of Staff Michael Deaver with him. Once Baker was briefed at the hospital by Reagan's doctors he called Secretary of State Alexander Haig at the White House to brief him on the situation. Baker instructed Haig to set up the Situation Room in the White House to be the contact point for the administration. According to Haig, the Situation Room would "...remain the nerve center of the government and maintain its authority and its communications with the wounded President and the rest of the world until the Vice President returned."⁹ Baker would remain at the hospital to be with the President while he was in surgery.

At the time of the shooting, Vice President George Bush was on Air Force Two travelling from Dallas to Austin to address the Texas legislature. Although communications were available on the flight, they were of poor quality and were insecure for sensitive communications in matters of national security. The calls received could easily be intercepted so both parties had to be especially careful to with what information was being communicated. Haig desperately tried to get the Vice President to turn around and come back to Washington. Despite poor communications Bush told Haig that he would be returning to Washington. At 3:25 P.M. Bush landed in Austin and refueled for the two and a half hour trip back to Washington D.C.¹⁰

At the hospital, Baker and Meece met with Dr. Daniel Ruge and were told that Reagan's condition was stable. They decided to have a secret meeting in a broom closet to discuss provisions of the Twenty Fifth Amendment, the section of the Constitution that deals with presidential succession in cases of death, removal, or incapacitation. Baker and Meece were

concerned that with Reagan in surgery and under sedation he was unable to perform the duties of the president. According to Baker, there were two reasons for not invoking the Twenty Fifth Amendment.

“That was the only time that President Reagan was actually unable to perform or discharge the duties of the president. And the Twenty Fifth Amendment has two ways to get there. One the president signs a statement himself saying he’s unable to discharge – he was not in a position to do that – or secondly, the vice president and a majority of the Cabinet have to do it on their own motion.”¹¹

Baker concluded that with Bush out of town there was no way to invoke the Twenty Fifth Amendment until he arrived and met with the Cabinet.

At the White House, Alexander Haig was convening emergency meetings in the Situation Room. The Situation Room is located under the White House in an area that was once used for bowling lanes. The room is fifteen feet wide and twenty five feet long with low ceilings. The room was cramped and had poor circulation. The purpose of the Situation Room was for secure communications that could stand as a command post during times of crisis. During the afternoon the room was over capacity as many people were coming and going and giving continual briefings and receiving updates.

Discussions of whether to invoke the Twenty Fifth Amendment were also discussed in the Situation Room. The main attendees in the meetings were Haig, Communications Director David Gergen, Deputy Assistant Richard Darman, Treasury Secretary Donald Regan, National Security Advisor Richard Allen, and Secretary of Defense Caspar Weinberger.¹² White House

Counsel Fred Fielding brought in the legal documents that would be necessary to invoke the Twenty Fifth Amendment. Attorney General William French Smith helped Fielding explain how the process would work. The documents would invoke section four of the Twenty Fifth Amendment that would make Vice President Bush temporary President. Richard Darman said that it was inappropriate to discuss the situation at the present time. Darman had been in contact with his direct superior James Baker at the hospital and was following his decision to not invoke the Twenty Fifth Amendment. Darman took the documents and locked them away in his safe. Haig, Weinberger, Regan, and Smith agreed to avoid the subject.¹³ Three years later Haig would recollect in his memoirs, “At no time did those present in the Situation Room consider invoking the Twenty Fifth Amendment, which had been ratified in the aftermath of Eisenhower’s heart attack. Discussion of the transfer of power was premature and inappropriate and I believe should be avoided. Certainly preparation of papers on the subject was ill advised.”¹⁴

Matters of national security were of critical importance in the situation room. Information was slow pouring in on who the shooter was and if he was acting in cooperation with a hostile foreign government trying to destabilize the United States. Secretary of Defense Caspar Weinberger was concerned that two Soviet nuclear subs were patrolling ‘outside the box’ and closer than usual to the United States. Although this was not unusual, it was something that was being closely monitored. Anxiety was high in the Situation Room as all members were managing their areas of responsibilities. Haig was continually on the phones trying to communicate with foreign government leaders and American embassies around the world. Weinberger was in communication with military leaders and constantly receiving updates. David Gergen explained the importance of the communications in that “...it was extremely important – and all of us shared this concern – that people around the world, other governments in particular, understand

that there was a continuity in the United States and they would not take advantage of this moment: if there was a national security implication, if this had been done by a foreign power, that they would not take advantage and think America's guard was down."¹⁵ Events in the Soviet Union were being cautiously monitored in the event that a perceived sign of weakness in the United States Government might be an opportune time for the Soviets to attack the United States, an ally, or a member of NATO.

In 1981, the Cold War tensions between the United States and the Soviet Union were heating up over the situation in Poland. An independent labor union movement known as Solidarity began to hold strikes to challenge Polish authorities. The Soviet Union was threatening to send military force to put down the movement. The Reagan administration warned the Soviet Union about military intervention. A week before the shooting members of the Warsaw Pact staged a landing on the northwest Polish coast and conducted war games involving Soviet, East German, and Polish troops. Solidarity was planning additional strikes in opposition to the Soviet intimidation.

Confusion and misinformation began pouring into the Situation Room. False reports that Press Secretary James Brady had died started coming in from various media sources. News of the President's condition varied greatly from different reports. Information that Hinckley was a lone deranged assailant was reported by the F.B.I. The room became so hot and overcrowded that it had to be cleared of only senior officials several times only to slowly fill back up again. Tempers began to flare up as Haig felt that as the senior Cabinet member in the administration he should be in charge of the other Cabinet members. Secretary of State was the first Cabinet office created in the Constitution and the person holding the office would be the senior member of the

Cabinet. Haig's attempts to take charge of the meetings were challenged by Secretary of Defense Caspar Weinberger. Weinberger thought that he alone was responsible for all matters concerning the military. Weinberger thought that he was "third in line of command"¹⁶ of the military after the president and vice-president. Haig believed that as senior cabinet member of the administration he should preside over the meetings.

Deputy Press Secretary Larry Speakes took over as liaison between the administration and the press after the shooting of Press Secretary James Brady. Chief of Staff Baker sent Speakes from the hospital to deal with the reporters gathered at the White House. Speakes went directly to the White House briefing room, bypassing the Situation Room. Unaware of any of the conversations that had taken place in the Situation Room, Speakes did a poor job of communicating the current situation to the media.

Question: Would the Vice President assume emergency powers?

Speakes: Not that I am aware of...

Question: If the President goes into surgery and goes under anesthesia would Vice President Bush become acting president?

Speakes: I cannot answer that question...

Question: Larry, who will be determining the status of the President and whether the Vice President, should, in fact become the acting President?

Speakes: I don't know the details on that...¹⁷

Haig and Richard Allen were watching a monitor of the briefing in the Situation Room and were in stunned disbelief.

Haig: Yeah... he's just turning this into a goddamned disaster!

Allen: Who has?

Haig: How can he walk into the press room... Speakes...

Allen: Did he walk in up there?

Haig: Christ almighty, why's he doing that?¹⁸

Both Haig and Allen ran from the Situation Room and sprinted to the briefing room with the intention of getting Speakes away from the podium and getting better information to the press. Haig took the podium as Speakes stepped away. Haig was sweating and out of breath from his exhaustive run from the Situation Room. Haig gave a brief statement in an attempt to calm the country and show that the government was functioning properly.

Question: Who is making the decisions for the government right now?

Haig: Constitutionally, gentleman, you have the president, the vice president, the secretary of state, in that order... As of now I am in control here, in the White House, pending return of the Vice President and in close touch with him. If something came up I would check with him of course.¹⁹

Haig's attempt to calm a nation that was facing a crisis would prove to be a huge blunder. The Constitutional line of succession gave the Secretary of State no power to be 'in control here', temporarily or otherwise. The Secretary of State would Constitutionally be the fifth in line to be

President in case of the death, removal, or incapacitation of the President, the Vice President, the Speaker of the House, and the President Pro Tempore of the Senate, in that order. In the Situation Room, Weinberger said “I can’t believe this. He’s wrong; He doesn’t have any such authority.”²⁰ James Baker was more forgiving in his appraisal, “I think, [sic] simply got it wrong. But his motives were certainly salutary. He is trying to calm the nation and calm the public, and there was nothing but total appropriateness with that – with that tendency.”²¹ In his later memoirs Haig would attempt to correct his mistake. “Instead of constitutionally... you have the President, the Vice President, and Secretary of State, in that order. I ought to have said ‘traditionally’ or ‘administratively’ instead of constitutionally.”²²

Haig’s return to the chaotic Situation Room would provide even more wrangling between Weinberger and Haig. Weinberger was telling the assembled group about an increased degree of alertness that was being placed on the military due to two Soviet submarines making irregular movements close to the United States. Haig was concerned that any increase in the defense condition, or DEFCON, of the United States might be perceived by the Soviets as an escalation and they might be inclined to escalate their defensive condition.

Haig: Let me ask you a question, Cap. Is this submarine approach, is that what’s doing this, or is it the fact that the President’s under surgery?

Weinberger: What’s doing what, Al?

Haig: That we are discussing whether or not to put the NEACP bird up in the air.

Weinberger: Well, I'm discussing it from the point of view that at the moment, until the Vice President actually arrives here, the command authority is what I have... and I have to make sure that it is essential that we do everything that seems proper.

Haig: You'd better read the Constitution.

Weinberger: What?

Haig (laughing): You'd better read the Constitution. We can get the Vice President any time we want.²³

The power struggle between Weinberger and Haig would dominate the meetings the rest of the day. Weinberger questioned Haig on why he went to the briefing room without discussing it with the group beforehand. Haig questioned Weinberger's decision to escalate the military readiness level. Although Weinberger didn't technically raise the DEFCON levels, he did raise the military to a higher degree of readiness. While both men had clear responsibility for their particular section of governmental affairs, neither man had any clear command over the others. Between occasional flare ups between the two they would spend most of their time glaring across the table at each other.

The confusion that was coming from the Situation Room was causing uneasiness with reporters. They began to openly question who was in charge. The Washington Post would make the statement, "The sudden incapacitation of President Reagan yesterday revealed considerable confusion in the White House over the line of authority in the event of a national crisis."²⁴ Larry Speakes' failure to find answers to basic questions on Presidential succession, coupled with Haig's disastrous press conference helped fuel the speculation that nobody was in charge. Not

helping the administration in their communication efforts was the fact that Press Secretary Brady was in critical condition and his office was unable to regroup and effectively get information to the press.

Chief of Staff James Baker left George Washington University Hospital and arrived at the Situation Room at 6:15 P.M. to tell the assembled group that the bullet had been removed from the President's lung and that medical reports were encouraging. Vice President Bush arrived at Andrews Air Force Base at 6:30 P.M. Bush made it to the White House in a normal motorcade instead of taking a flight in the presidential helicopter Marine One. Bush remarked, "Only the President lands on the south lawn."²⁵ Bush also decided that he did not want to cause a panic and give the appearance of an emergency crisis situation. Bush and Baker's convergence at the White House would provide clear leadership and help end the confusion and bickering among members of the administration.

Bush made it to the Situation Room at 7:00 P.M. for an emergency crisis meeting. Richard Allen briefed the group on the essential items such as the President's health, military status, foreign intelligence, and advised the Vice President on what actions that were recommended that he do next. After hearing that the President's health was stable, Bush didn't think that it would be necessary to discuss the transfer of power. The meeting of the crisis management team lasted for a half an hour. It was decided that the Vice President would deliver an address to the American people that evening.

At 8:20 P.M. Vice President Bush addressed the media and the country on live national television from the White House Briefing Room. Bush read the brief prepared statement:

“Well, I have a very brief statement that I would like to read. I am deeply heartened by Dr. O’Leary’s report on the President’s condition. That he has emerged from this experience with flying colors and the most optimistic prospects for a complete recovery. I can reassure this nation and a watching world that the American Government is functioning fully and effectively. We’ve had full and complete communications throughout the day and the officers of the Federal Government had been fulfilling their obligations with skill and care. I know I speak on behalf of the President and his family when I say that we are very grateful to all, the many people across this country who have expressed their concern at this act of violence. And finally let me add our profound concern on behalf of the two brave law enforcement officers who serve to protect the President and then of course for a friend of everybody here, dedicated public servant Jim Brady. We’re going to watch their progress with all our prayers and with all our hope. Now I’m going to walk over and speak briefly to Mrs. Reagan who has returned to the residence. Thank you all very much.”²⁶

Bush’s statement at the end of the evening would provide reassurance to the country that President Reagan was successfully recovering and the federal government was functioning normally.

Reagan’s recovery would prove to be long and difficult. Although there were reports of him holding meetings in the hospital and keeping a limited modified schedule for the first few weeks, it would be months before he was fully recovered. The effects of a gunshot wound on a seventy year old man would make the pace of recovery extremely slow. Questions remain over the degree of Reagan’s incapacitation for the first twenty four to thirty six hours after the assault.

Although Reagan was initially conscious after the shooting, he was under anesthesia during the surgery and was administered heavy sedatives in the post operation period. The following day he would remain in intensive care while receiving brief visits from family and close advisors.

The Twenty Fifth Amendment to the United States Constitution was ratified in 1967 as a way of dealing with succession of the President, filling vacancies of the Vice President, as well as dealing with Presidential disabilities. There are four sections to the Twenty Fifth Amendment. Section One of the Twenty Fifth Amendment clearly states that upon the death or resignation of the President, the Vice President becomes President. Section Two clearly states that if there is a vacancy in the office of the Vice President, the President can nominate a Vice President to be confirmed by a majority of both houses of Congress. Section Three was written with the purpose of allowing a President to voluntarily and temporarily step down from the office.

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.²⁷

Section Four of the Twenty Fifth Amendment was written with the purpose of dealing with a President being incapacitated and unable to perform the duties of the office.

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transit to the President pro tempore of the Senate and the Speaker of the House of Representatives

their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as the Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.²⁸

Section Four is the most difficult section of the Twenty Fifth Amendment. It is to be enacted when the President cannot or does not declare his own inability.²⁹

During the afternoon and evening of March 30, 1981, the President of the United States was medically incapacitated for several hours. The issue of invoking the terms of the Twenty Fifth Amendment was brought up several times but was dropped from discussion each time. For a

brief period Reagan was awake and could have voluntarily transferred Presidential power temporarily under Section Three of the Twenty Fifth Amendment. The issue was brought up with Chief of Staff Baker at the hospital, with the crisis management group in the Situation Room, and eventually with Bush on his return to the White House under Section Four of the Twenty Fifth Amendment. President Reagan, Vice President Bush, and the members of the Cabinet all made the mistake of not invoking the Twenty Fifth Amendment.

In 1989, White House physician Dr. Daniel Ruge said that he erred by not advising members of the Reagan administration that it was necessary to invoke the Twenty Fifth Amendment. “The Twenty Fifth Amendment should have been invoked, no doubt about it, because Mr. Reagan could not communicate with the people a President is supposed to communicate with... If there was a time to use it, that was it.”³⁰ Dr. Ruge thinks that it was his job to make the suggestion, but he didn’t. Ruge believes that due to the extent of Reagan’s incapacitation, he should have turned over Presidential power to the Vice President for “...at least a day or two.”³¹ Dr. Ruge can only give advice on issues concerning Presidential incapacitation, it is up to the President, Vice President, and administration officials to do with the information what they see fit.

Dr. Bert E. Park M.D., a neurosurgeon and author who has written on the effects of illnesses on historical leaders, argues that the Twenty Fifth Amendment is inadequate to handle issues similar to Reagan’s medical condition. Under the constraints of Section Three, Dr. Park places the blame solely on Reagan for his inaction. “Though the president had been awake just prior to undergoing emergency surgery, those measures prescribed by Section Three for the temporary devolving of his powers to the vice president were inexplicably ignored.”³² Dr. Park believes that a remedy to fix the problem is to have a Presidential Impairment Panel established that

would be equally divided by political party affiliation that could advise the Vice President with an impartial second opinion to compare to the findings of the presidential physician. The panel would be advisory only and could neither initiate nor depose any President.

Stanford University Professor Herbert Abrams has written prominently on the Twenty Fifth Amendment and Presidential incapacitation. Abram's argues that the Constitution is set up to work properly, but Vice President Bush and the Cabinet failed to act properly. He believes that it could have been handled quickly and easily. "The Vice President, en route from Texas to Washington, could have been informed that the president was going under anesthesia and would be incapacitated for a period of time. With many of the Cabinet in the White House Situation Room, he could have proposed invocation of Section 4. A vote could have been taken immediately, followed by a brief formal letter... Fred Fielding, Counsel to the White House, had already prepared the papers."³³ Abrams believes that the first test of the Twenty Fifth Amendment's Section 3 and 4 was a dismal failure. He believes that ignorance of the law, too much caution, concern in how the public would perceive a transfer of power, and guile of one administration handing over power to another administration were the main reasons for the failure.

In 1993, former President Jimmy Carter gave a series of speeches and writings that called attention to the deficiencies of the Twenty Fifth Amendment. He urged the creation commission to examine the issue. In 1994, a group of fifty medical doctors, political scientists, and other dignitaries formed a research and discussion panel entitled the Working Group on Presidential Disability. The Working Group examined several historical precedents in which there were problems with the Twenty Fifth Amendment. Of particular examination was the day of the

Reagan incapacitation. The group noted that "...there was a period of 10-15 hours when Ronald Reagan was unable to function as President and could not have responded to a crisis. This was the period of time when the amendment clearly should have been in effect but was not."³⁴

Although the group was merely an advisory panel, they reported the findings that they believed the Reagan administration failed to properly invoke the Twenty Fifth Amendment. The Working Group also advocated the establishment of a standing medical committee that can advise on the medical condition of an incapacitated President. In 1995, Senator Birch Bayh, one of the original authors of the Twenty Fifth Amendment, argued against the idea of a standing medical committee. "The Vice President and Cabinet are uniquely able to determine when it is in the nation's best interest for the Vice President to take the reins."³⁵ Bayh urged that the group leave Twenty Fifth Amendment alone. The Working Group presented their report to President Clinton in 1996.

Ignorance of the law may have been one of the key factors in not invoking the Twenty Fifth Amendment. Although the law had passed both houses of Congress on July 5, 1965 and was ratified February 10, 1967, several provisions of the law had never been used. Although Sections One and Two were fairly well known as Gerald Ford was nominated to be Vice President in 1973 and assumed the Presidency in 1974. Nelson Rockefeller was also nominated and became Vice President in 1974. In 1981, Sections Three and Four had never been exercised. Few in the Reagan administration seemed to understand the provisions. White House Counsel Fred Fielding said "To be very frank with you, that day, when I mentioned the Twenty Fifth Amendment I could see eyes glazing over in some parts of the Cabinet. They didn't even know about the Twenty Fifth Amendment."³⁶ While ignorance may have been a reason for

being hesitant on exercising the option, all members of the administration, with the possible exception of the President, were briefed by counsel about the law.

The primary reason for concern about an incapacitated President would be how to respond to a disaster or foreign aggression that would require an immediate response. Seemingly, all other functions of government would not be affected as Cabinet officials could handle specific areas of their particular jurisdiction. As the Working Group had stated there was a period of ten to fifteen hours when President Reagan was incapacitated and the country was essentially left without a functioning Commander in Chief. In this failure the Reagan Administration is clearly and inexcusably at fault. The Administration had only been in office for seventy days and disaster and contingency planning were lacking. Chaos and confusion resulted from a lack of preparation and poor senior Administration leadership. Some of the problems were due to the members of the Cabinet trying to keep the appearances that everything was under control and in proper working order. Specifically, Alexander Haig perhaps tried too hard to take command of the situation. By believing he had the authority and responsibility, he overstepped his authority and misspoke in an attempt to keep the nation calm.

Fortunately, the dramatic chain of events of March 30, 1981 ended anti-climatically. A mentally deranged John Hinckley, Jr. was institutionalized for his crimes. Officer Thomas Delahanty and Secret Service Agent Tim McCarthy were seriously wounded, but eventually recovered. Press Secretary James Brady became permanently disabled with brain injuries, but even in his limited capacity devoted his life to advocating for stricter handgun regulations. President Reagan was slow to recover, but ultimately regained his health and served two terms as President of the United States. The country was shaken for a few hours from the incident, but

was quickly calmed and reassured that everything was under control. The true legacy of the day would become a warning for all future presidential administrations. Presidential succession and disaster planning became matters of supreme importance during the presidential transition periods after the election and before the inauguration. As events of the day have shown, the entire national security of a nation can be thrown into chaos in a matter of mere seconds.

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⁴ Howell Raines. “Left Lung is Pierced.” *New York Times*, 31 March, 1981, A1.

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⁸ Abrams, 154.

⁹ Alexander M Haig. *Caveat*. (New York: Macmillan Publishing Company, 1984) 153.

¹⁰ Stephen R Weisman. "Bush Flies back from Texas Set to Take Charge in Crisis." *New York Times*, 31 March 1981.

¹¹ "Remembering the Assassination Attempt on Ronald Reagan." Narrated by Larry King. *Larry King Live*. CNN, March 30, 2001. Transcript, 16.

¹² Haig, 153-154.

¹³ Abrams, 180.

¹⁴ Haig, 157.

¹⁵ "Remembering the Assassination Attempt on Ronald Reagan." Narrated by Larry King. *Larry King Live*. CNN, March 30, 2001. Transcript, 12.

¹⁶ Abrams, 111.

¹⁷ Abrams, 105.

¹⁸ Richard V. Allen. "The Day Reagan Was Shot." *The Atlantic Monthly*, April 2001, 67.

¹⁹ Haig, 160.

²⁰ Donald T. Regan. *For The Record*. (San Diego: Harcourt Brace, 1988) 167.

²¹ Remembering the Assassination Attempt on Ronald Reagan." Narrated by Larry King. *Larry King Live*. CNN, March 30, 2001. Transcript, 16.

²² Haig, 164.

²³ Richard V. Allen. "The Day Reagan Was Shot." *The Atlantic Monthly*, April 2001, 68.

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²⁷ U.S. Constitution Twenty Fifth Amendment, sec. 3.

²⁸ U.S. Constitution Twenty Fifth Amendment, sec. 4.

²⁹ John D Ferrick. *The Twenty Fifth Amendment*. (New York: Fordham University Press, 1976), 197.

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