Perspectives in HISTORY

ALPHA BETA PHI

CHAPTER

PHI ALPHA THETA

VOL. VII 1991-1992

JOURNAL OF THE ALPHA BETA PHI
CHAPTER OF PHI ALPHA THETA

Perspectives in HISTORY

Perspectives in History is an annual publication of the Alpha Beta Phi Chapter of Phi Alpha Theta. Manuscripts are welcome from students and faculty.

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FOREWORD

Beginning with Volume VII, *Perspectives in History* will be published in one volume for the academic year. The interesting articles in this volume are for 1991-1992. The editors are grateful to Heather Wallace and Linda Bray Schafer for their assistance in the production of this issue. I would like to express my sincere gratitude to Dr. James Ramage for guidance, patience and hard work on this issue. Thank you Dr. Ramage , for your continued support of Alpha Beta Phi Chapter.

Trace A. Ice
Editor

Forgotten Aftermath: The Dead and Wounded at Perryville

by

Sarah E. Phillips

No useless coffin inclosed his breast;
Not in sheet or in shroud we wound him,
But he lay like a warrior taking his rest,
With his martial cloak around him.

Slowly and sadly we laid him down
From the field of his flame fresh and gory;
We carved not a line, we raised not a stone,
But left him alone with his glory.[1]

As the summer of 1862 came to its much anticipated close, the tension between the Union and Confederate forces in Kentucky reached immeasurable heights. The Army of the Ohio, Major General Don Carlos Buell commanding, and the Confederate Army of the Mississippi, led by General Braxton Bragg, campaigned their way through Kentucky during late summer and on into September and October. It was apparent that the two armies would eventually have to confront each other and conclude the Confederate invasion of Kentucky. At the battle of Chaplain Hills, more commonly known as the battle of Perryville, these two armies, despite severe drought, were forced to fight the bloodiest engagement in Kentucky. Neither the armies nor the surrounding areas of Perryville, Harrodsburg, and Danville were prepared for the drastic effects that would result from the battle. While the tactics of the battle have been widely studied, the efforts to help the vast numbers of dead, dying, and wounded men on both sides during and after the battle, men whose only hope was to wait for the compassion of others, has been overlooked.

The two armies had been on the march throughout September 1862, missing each other at hoped-for confrontations at Bardstown, Bowling Green, and Louisville. As Buell pursued Bragg's forces through Kentucky, general supplies for both armies, as well as water supplies throughout the land, began to run out as the fall drought continued. Buell reached Louisville on September 28, 1862, where he was able to replenish his supplies and rations.[2] As he began plans to leave Louisville, he ordered Surgeon Robert Murray, medical director for the Army of the Ohio, to leave behind a large quantity of medical supplies which he had previously ordered Murray to

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procure.[3] According to a report written after the battle by Surgeon George G. Shumard, the Army Medical Corps Director for the Danville District, Buell:

> directed that only one wagon should be furnished to each brigade for the transportation of medical and hospital stores. As each brigade consisted of four or five regiments of infantry, besides cavalry and artillery, one can well imagine that the supply thus conveyed was altogether insufficient to meet the wants of the sick.[4]

As a result of the hot, dry days on the march and the consequent lack of water throughout the countryside, both armies were ill fit for a major battle.

On October 7, the left wing of Bragg's force, led by William J. Hardee, occupied the town of Perryville in the hope of retaining control of the Chaplain River, a small branch of the Salt River, which ran through the middle of town. (Hardee was joined at midnight by half of the right wing under Leonidas Polk.) About two o'clock on that afternoon, Union forces, led by Major General Charles C. Gilbert, skirmished with Confederate troops over Doctor's Creek, a tributary of the Chaplain River, only gaining control of this stagnant water supply for the Union men in the early morning of October 8.[5] This served as the only water supply for the Union men for the next 24 hours until the Confederate army was forced to withdraw from Perryville, surrendering the Chaplain River to the Union, as well as the fresh water "Crawford's Spring" discovered behind the lines.[6] The skirmish over Doctor's Creek provoked both generals to call for all of their troops to reinforce the area for the battle which was to follow on the 8th.

The lack of water continued to be a problem as more and more men poured into the area. A private in the 21st Wisconsin Volunteers explained in a letter home, that once they arrived at the field on the morning of the 8th, "Some were detailed for water, but soon returned with empty canteens. 'It must be reserved for the wounded.'"[7] Those men that did eventually forage far enough away to find water would often give up a great deal of their water to the wounded they met coming off the battlefield.[8]

As the sun rose on the 8th, Daniel McCook's brigade had already been lightly engaged throughout much of the night trying to retain control of Doctor's Creek. This fighting ended around 6 o'clock a.m., not long after Alexander McCook's I Corps and Thomas Crittenden's II Corps began to march toward Perryville in order to move into flanking positions on either side of III Corps.[9] Crittenden was to move into position on the right and McCook was to be on the left.

Throughout the morning of October 8, both armies continued to shift their positions in the field. During this time, there was some exchange of artillery fire which Buell ordered stopped because he considered it a waste of ammunition. At this time, Sheridan pushed forward, finally breaking through the Confederate line and gaining ground for the Union. Skirmishing and light artillery fire continued as the Union forces maneuvered into position. Buell had hoped to wait until the 9th to attack because his three corps could not get into position due to the water problem.

During this preparatory deployment for a sought-after engagement on the 9th, the Confederates moved into attack at 2 o'clock on the afternoon of the 8th.[10]

As McCook's I Corps tried to move forward in a vain attempt to search for water, they were faced with a full Confederate attack that they fought to repulse throughout the day, suffering extreme losses in the effort. By three o'clock, the I Corps and units of the III Corps were both involved in the battle with the Confederates. At that time, neither army had any way of knowing the numerical strength of the force they faced.

Until this point in the afternoon, Buell, whose headquarters were at the Dorsey House, four miles west of Perryville, had been oblivious to the battle that had been raging most of the day. He was aware of some artillery fire but thought that this was the result of the artillery units firing into the woods. His inability to hear the thick of the fight was a result of a trick of nature known as an "acoustic shadow," which is a phenomenon that occasionally causes sound projected at close range to be inaudible as a result of the topography of an area, even though the same noise can easily be heard many miles away (a factor magnified by a strong wind out of the south).[11] By four o'clock, Buell was finally able to hear enough of the artillery to realize that a major battle was ensuing virtually under his nose. At this time, Gilbert, who had been with Buell at his headquarters, left to see how serious the situation was. He met with a messenger who was on his way to ask Buell for reinforcements. He gave this man directions regarding reinforcements and began to order other regiments into position. Between Buell and Gilbert, the I Corps was soon reinforced by the III Corps and able to hold back the Confederates.[12]

The battle continued into the evening. By dark, the Confederate line had been pushed back through Perryville but had gained two miles on their right. The Confederates now knew the strength that they were facing. Buell's force was almost 60,000 strong, while the Confederate forces numbered approximately 16,000 men. Buell at first thought that he was facing Bragg's full force, when in fact he had only faced the right and left wings, which consisted of three divisions, led by Benjamin Cheatham, Patton Anderson, and Simon Buckner, and two cavalry units, led by John Wharton and Joe Wheeler.[13]

On the night of October 8, as Buell met with his commanders, it does not seem that he realized how severe the battle of the day had actually been. During this meeting, he told his officers to be ready to attack the next morning. As dawn approached and Buell's force prepared for another day of battle, they found that the Confederates had fully retreated from the area, leaving all of their dead and most of their wounded behind, many of whom were left in Harrodsburg as they retreated through that town.[14]

Following the Confederate withdrawal, the Union army began its pursuit on the 11th, leaving the Perryville area virtually overrun with wounded and dying men. It is almost impossible to get an exact calculation of how many men on both sides were wounded or died in the battle. This is partly because of the number of men who died after the battle as a result of their wounds or men who may have begged their way to other areas, such as Cincinnati or Louisville, with no record of their journeys.

According to the *Official Records of the War of the Rebellion* 845 Union officers and enlisted men were killed and 2,851 officers and enlisted men were wounded.[15] Leonidas Polk's report, dated November 1862, states that the right wing of the Confederate army had 1,131 wounded men and 268 men killed and Cheatham's division had 1,504 men wounded and 242 men killed.[16] This attributes a total of 2,635 wounded and 510 deaths on the Confederate side as a result of the battle.

It is difficult to know how accurate these numbers actually are. In the *Medical and Surgical History of the War of the Rebellion*, Surgeon George G. Shumard estimated losses on both sides higher than those given in the *Official Records*. Regarding Confederate losses, he estimated that approximately 7000 men were wounded or killed.[17] In his figures he accounted for any men who were well enough to be taken with the army and for any men who were left with Southern sympathizers in Harrodsburg without the knowledge of the Union army. The Union wounded he approximated 2000 to be an accurate number.[18] Shumard did not give a figure for the number of Union men killed in the battle or those who died in the days immediately following the battle. It is difficult to know which of these sets of numbers is the most trustworthy, though it would seem that a figure of 4100 wounded and no less than 2800 killed on the Confederate side is a slight exaggeration. Nevertheless, thousands of wounded, dying, and dead men were obviously left in the vicinity of Perryville, Harrodsburg, and Danville as the armies withdrew. It was up to those involved in the area after the battle to try to mend what the armies had done.

As Buell began his pursuit of Bragg's force, the attempts to house and care for the vast numbers of wounded were begun. Many different groups and individuals contributed to the help that was provided to the wounded men. The most immediate response to the wounded was given by the Army Medical Corps. Despite the lack of supplies they had to try and administer the best care possible to the wounded men.

An accurate account of the conditions of the men during and after the battle, as seen by the Medical Corps, is given in the *Medical and Surgical History*. In an excerpt from a narrative of his services in the Medical Staff, Surgeon Shumard explained that,

> Perryville and Harrodsburg were already crowded with the wounded; besides these large numbers of sick and wounded were scattered about the country in houses, barns, stables, sheds, or wherever they could obtain shelter sufficient to protect them from the weather.[19]

While the battle was still being fought, Dr. Shumard was ordered to accompany Crittenden's Corps as medical director. The army began its pursuit of Bragg and passed through Danville on October 16. The remaining wounded were left in Danville, where Shumard stayed as the District Director.[20] By the time the army began this pursuit, the scant supplies that Buell had permitted to be transported with the army were almost completely exhausted. Upon his arrival in Danville, Shumard

found close to 1500 wounded men who were without shelter, most of them lying where they had fallen out of ranks as the army marched through town. According to Shumard, foraging parties were sent throughout the countryside in an effort to find any supplies which might prove useful to his attempts to aid the soldiers.

In an extract from a report regarding casualties, Dr. Shumard gave an account of the conditions that faced the Confederate soldiers. He estimated their number of dead and wounded at 7000, though he acknowledged that this can only be an estimate because the officers of Polk's and Hardee's forces did everything in their power to insure that the numbers of wounded were as concealed as possible.[21] A large number of the Rebels were taken off the field by their own comrades and buried in secret before the Union could survey the field to gather numbers of the dead.[22] Shumard stated that many, but not all of these trenches were found. After the Confederates retreated, a concentrated effort was made to bring in the wounded from both sides. Confederate soldiers were removed to proper hospitals with the same expediency as the Union soldiers. Many of the Confederate wounded were taken on horseback or in wagons with the army as it retreated through Harrodsburg. Approximately 1000 wounded Confederates in the vicinity of Perryville and 1700 in the area of Harrodsburg were officially accounted for.[23]

Another deficiency in the Medical Corps, which was not remedied prior to the army leaving Louisville, was its ambulance system. Surgeon J. G. Hatchitt stated that although the army was in Louisville for supplies, "all old ambulances were condemned by a board of survey, but new ones could not be procured."[24] This did not help the post-battle situation in any way.

In Hatchitt's description of the battle, he wrote that not only did he care for the Union wounded, but he personally directed that the Confederate wounded be collected after Sheridan's charge across Doctor's Creek, and taken to farmhouses in rear of the Union line which had been set up as hospitals.[25] These farmhouses were well supplied with hospital tents and had a moderate amount of supplies, but were faced with an extreme water shortage.

As Hatchitt rode out on October 10, he did so by way of the hospitals of Crittenden's corps. The first of these was at the Russell House, where about one hundred and fifty men were being cared for, many of whom were outside on the ground.[26] Dr. G. D. Beebe, the surgeon in charge, and a member of McCook's Medical Corps, had not received any supplies and was forced into amputating without the use of chloroform. Hatchitt proceeded to offer to move these men into Perryville and he soon procured a train of empty ambulances to aid in this endeavor. Water, again, was the most sought after commodity in the hospital of McCook's Corps. Many of the surgeons did not have enough water to wash the blood from their hands for two days after the battle.[27]

On October 12, Hatchitt was promoted to director of the Perryville District by Dr. Robert Murray, the medical director of the army. Hatchitt remained in the area until March 23, 1863, when the last of the wounded were well enough to go back to their regiment or be moved to Danville to fully recover there.[28] On some occasions,

Hatchitt had to oversee such tasks as chopping and gathering of firewood and foraging for water and other supplies to ensure that the wounded were properly cared for. Hatchitt made an effort during his months in Perryville to keep a record of those men, Union and Confederate, who were under his supervision at Perryville.[29] He admits, though, that a shortage of paper caused what few records he kept to be sketchy at best.

For the efforts of the medical corps to have any success, however moderate, the cooperation of the local citizens was vital. For 10 miles around the area of the battlefield, every house was a hospital and filled with wounded soldiers. The help that the citizens willingly gave was remarkable considering that some had lost their homes or parts of their belongings as a result of the battle. One such incident occurred as the battle raged and had a direct effect on some of the Union soldiers. The home of Squire P. Bottom was directly caught in the fight. During a fight between members of the 3rd Ohio and 15th Kentucky and a number of Confederates, the Union wounded began to crawl into Bottom's barn seeking shelter from any further injury. Unfortunately, a Confederate shell exploded directly among the hay bales and set the barn on fire, making it almost impossible for the wounded men to get out alive.[30] Despite his personal loss, Bottom and his eight slaves were on the battlefield on the 9th helping to systematically bury the Confederate dead.[31]

While many empty homes were simply taken over by the army after the battle for the sake of the wounded, many of the inhabited homes also took the wounded in, even though they had very little to offer them. At one home, 20 members of the 10th Ohio, including its major and two captains, were taken in and cared for.[32] At another home, men from the 92nd Ohio were taken in, despite the poverty in which the inhabitants lived.[33] The mother of the family was not sure how she would feed her own family in the winter, but she diligently continued to care for these men. Unfortunately, none of the wounded and sick who were taken into these private homes had any sort of regular medical attendance, having to rely on the aid of any doctors who might be passing while searching the area for more wounded.

In the town of Perryville, every acceptable building was used as a hospital; private homes, churches, and the local girl's school were included. The churches are not listed by name but, Alf Burnett, a war correspondent at the time, was at a church in Perryville where men from the 10th and 3rd Ohio were crowded in, one man per pew.[34] Another witness, Private Samuel J. Potts, of the 105th Ohio, who was wounded twice at Perryville, wrote in a letter to his family that, "In the hospital at the church where we wer after the battle there 200 wounded men and you might go all around the Church and in it and you would not hear a groan escape from those brave men's lips. . . ."[35]

The Seminary building was used as a hospital, as well as for storage once medical stores began to arrive from Louisville and Cincinnati.[36] The Court House in Danville was filled to capacity with wounded soldiers.[37] While this gave them shelter, it did not help to relieve their hunger. Because of a scarcity of fresh food, many of the soldiers survived on one meal a day, despite their injuries. Two other

prominent buildings used as hospitals were the Ewing Institute, a girl's school, and the Elmwood Inn, which was then a private residence and has since been turned into an inn.[38]

One difference between the situation at Perryville and the situation at Harrodsburg was that the wounded in Harrodsburg were predominantly Confederate. Because of the greater distance between Harrodsburg and the actual battlefield, the number of buildings used was not as high as it was in Perryville.

Harrodsburg tradition says that all of the churches in Harrodsburg were used as hospitals, except the then new Episcopal Church.[39] The men of the church's congregation reportedly guarded the new building to keep the wounded from being taken there, for fear that the new stained glass windows would be broken out for ventilation. It was at this church where Leonidas Polk and Chaplain C.T. Quintard held a prayer service for his men as well as for Southern sympathizers from Harrodsburg. This would not have been possible if the men of the congregation had allowed the wounded to be brought there.[40]

Another building which had a prominent role in the care of the wounded was the Harrodsburg Springs Hotel. This facility was built by Christopher C. Graham for use as a medicinal spa and then bought by the United States Government so that it could become the first Veteran's Hospital.[41] The veteran's hospital was moved to Washington, D.C., before the hotel was converted. After the battle, the main building and its surrounding smaller buildings were used extensively as hospitals. The ballroom of the main building was used as an operating room for Union and Confederate soldiers alike. Maria Daviess, a Southern sympathizer who lived in Harrodsburg at the time, wrote that by 10 o'clock on October 8, "the legs and arms, that had been amputated, rose like a pyramid to the floor of the second story gallery of the Spring's ballroom which was one of the chief hospitals."[42]

The Harrodsburg women were very willing to care for the men in their homes, just as the Perryville women were. As the wounded were distributed among the houses, one woman who already had twenty-three men in her home said to Ms. Daviess, "As long as there is an unoccupied plank in my floor, they can send on the wounded to me."[43] This sentiment truly expressed the willingness of the citizens to help, regardless of where their sympathies were based.

The tremendous effort put forth by the Medical Corps and the citizens of Perryville and the surrounding area would not have had an overwhelming effect if it had not been for the United States Sanitary Commission, the forerunner to the Red Cross. In Kentucky, the Sanitary Commission headquarters were located in Louisville, eighty-five miles from Perryville. As soon as the Sanitary Commission heard the news of the battle, medical supplies were sent out immediately and arrived overnight.[44] The medical purveyor of the Army Medical Corps was telegraphed of the conditions in the aftermath of the battle and requested immediate medical supplies. If it had not been for the Sanitary Commission, many more men would have died as a result.

When news of the battle reached Louisville, Dr. John Newberry, the head of the

Western Department of the Sanitary Commission, was absent from his headquarters. Dr. A. N. Read, a very qualified Sanitary Commission inspector, acting in his place, made all the immediate decisions concerning Perryville. When he heard the news, Read went to the Medical Director in Louisville, Dr. Head, and acquired "three Government wagons, and the promise of twenty-one ambulances, to be ready the day following."[45] Read had the three wagons loaded with supplies and started that evening to Perryville with his assistant Mr. Thomasson.

As their journey neared Perryville, the first hospital they encountered was found at Mackville. The hospital was a converted tavern, filled with close to one hundred and fifty wounded men, most of whom were from a Wisconsin regiment. "Twenty-five were on cots; some on straw; others on the floor, with blankets," according to Read.[46] As they continued their journey, almost every building passed was filled with wounded who were sorely in need of medical attention. Finally reaching Perryville sometime after dark, Thomasson gave his place in the buggy in which they rode in to a young man found lying wounded by the road, in too much pain to walk.[47] Once they arrived, they learned just how desperate the situation was; many men were in need of care, and they were among the first to bring aid to the area.

When they arrived Dr. Marks of the 10th Wisconsin, was in charge of the Perryville District, but was soon replaced by Dr. James Hatchitt. Marks found lodging for them for the night. The next morning he found two rooms for Read, in which he set up a small depot and began to give out medical and hospital stores. Soon after this, the expected and needed ambulances arrived with more supplies. In addition, Dr. Goddard and Dr. Fosdick came from Louisville and Dr. Davis, Dr. Walker, and Mr. Johnson came from Cincinnati to offer their services in the crisis.[48]

Surgeons were soon aware that supplies had arrived and were being given out. Not only were medical supplies in demand, but also items such as bedding, blankets, cooking utensils, and fresh food, since the armies had all but stripped the land clean as they marched through.[49] After the situation in Perryville was under control, Read and Thomasson obtained horses on the 15th of October and rode to the advance of the army at Crab Orchard.

Here they inspected the condition of the troops and found that the new regiments had suffered greatly because of long marches, exposure to weather, and poor diet.[50] Several of the regimental surgeons had no medicines at all and informed Read that they had been ordered not to carry any.[51] Some only had what they could carry on their persons.

When Read and Thomasson returned to Danville, where they had also set up a small depot, they found that the number of sick had increased and that many were still without shelter. Read convinced the owner of a local carriage-shop to clear out his shop and let them use it to house 200 more wounded men.[52] At Perryville, the situation improved as a result of the skill of the surgeons and the abundance of fresh supplies.

On October 23, Sanitary Commision supplies arrived at Harrodsburg and Read and Thomasson proceeded to set up a small depot just as they had in Perryville.

Doctors now had depots in all three towns in the vicinity of the battlefield. During this time, the army medical supplies, which had been requested from the medical purveyor in Louisville, still army medical supplies had not arrived. This left the medical staffs to rely very heavily on the Sanitary Commission supplies.[53] Before the crisis ended, supplies were sent from Cincinnati and Chicago, from their respective Sanitary Commission offices.

At Perryville and in the surrounding areas, Read had a chance to see the effect fresh supplies had on the morale of those who received them. In one particular instance, a Sanitary Commission agent with Wisconsin loyalties, began giving gifts to the Wisconsin men only. Alphonso Jones of the 10th Wisconsin, who saw the injustice, said, "I don't like it either; it made me feel bad to have things given to me, and not to the boy lying next to me; but I made it all right; I divided with him."[54] This expressed the sentiment felt by many of those who were lucky enough to receive fresh blankets, clothing, or gifts of food and medicine. The Sanitary Commission helped these men through a rough time and the men were well aware of how much they had been helped. The doctors of the Medical Corps also knew what a service the Sanitary Commission had provided. Dr. Shumard, in a letter to Dr. Newberry regarding the Sanitary Commission's work at Perryville, said, "I trust that the Commission will be able to continue in its good work, and that it may have, as it certainly deserves, the thanks of every friend of humanity."[55]

The diligent work of the citizens of the areas in and around Perryville, the persistent work of the Military Corps, and the invaluable aid given by the Sanitary Commission began to work together to turn the devastation of war away from Perryville. More and more men were moved from their temporary church pews and stable floors to army hospitals in Cincinnati, Louisville, Bardstown, and Lebanon, Kentucky, generally by putting the men in empty wagons that were headed for depots to pick up supplies.

Directly after the battle, those who could walk or be supported, were moved toward Louisville and other areas in the hope of finding treatment. Dr. Read stated that he passed men moving toward Louisville on the day he first arrived in Perryville and that he shared what provisions with them he could.[56] This number increased as time passed and more men were able to move in that direction.

On October 13, wagons carrying wounded from Perryville to Louisville passed through Bardstown, where the 17th Indiana was stationed. According to the diary of William Kemper, a hospital steward who was a member of the 17th, many of the wounded had not been given any medical care. "I dressed a large number of gunshot wounds for the suffering soldiers," he wrote. "The sight of so many maimed beings is indeed pitiable and it is a blessing to be able to relieve them."[57] Kemper continued dressing wounds for the men the next day, until the wagons passed completely through Bardstown.

On October 16, the *Louisville Democrat* printed an article about the arrival of the wounded from the battle of Perryville.[58] No mention was made prior to this about any wounded being in Louisville, though it is possible that some were there. Eleven

hospitals where the wounded were taken are listed, as well as their locations and the head surgeons' names. Later in the week the *Democrat* ran partial lists of the names of the men who were at the hospitals.[59]

Once in Louisville, the wounded remained until they were well enough to rejoin their regiment or until discharged as a result of a disability. Sam Potts, of the 105th Ohio, was in Louisville on the December 14, but was well enough to be on night guard duty, and was looking forward to rejoining his regiment.[60] Another private from the 105th Ohio who was wounded at Perryville was not so lucky. He was brought to Louisville after the battle and he died there on February 5, 1863.[61]

Despite the concerted efforts of the Army Medical Corps Staff, the local communities, and the aid of the United States Sanitary Commission, many men died without medical treatment, and many suffered needless hardships because of lacking medical supplies. The command given by Buell limiting the supplies taken by the Medical Corps drastically affected the physical conditions of the men, as well as the morale of the surgeons. Many held Buell responsible for the hardships which the soldiers had to endure. When Read went to Perryville to deliver Sanitary Commission supplies, he observed, "The spirit of the army is not what it should be. Through distrust of the commanding General, they are seriously demoralized."

It seems that the Medical Corps lost much of its trust in Buell as a result of his attitude toward carrying supplies on the march. It is possible that the situation would have been drastically improved, if Buell had allowed the supplies to be taken, but it is impossible to know. Perhaps lives would have been saved and the sufferings of the wounded lessened if the surgeons had had the medical supplies gathered for them in Louisville. Was Buell's desire to speed the march by leaving supply wagons behind as necessary as he thought? Considering that he only halfheartedly pursued Bragg out of Kentucky, never overcoming him and finally defeating him, it does not appear so. Regardless of what might have been, in the end it is Buell who cannot wash the blood from his hands, who cannot justify his actions or explain why so many who could have been saved had to die, or why the surgeons were left alone in a field of thousands.

Endnotes

1. Beatty, John. *Memoirs of a Volunteer, 1861-1863* (New York: W.W. Norton & Company, Inc., 1946), 139. This is mentioned in an entry concerning the battle of Perryville. Beatty says before it that the "lines of Wolfe recur to us." I could not find out what this author was referring to.

2. "The General's Tour Guide - The Battle of Perryville" *Blue and Gray Magazine* (October-November 1983), 25. Hereafter cited only as *Blue and Gray.*

3. Barnes, Joseph K. *Medical and Surgical History of the War of the Rebellion* (Washington: Government Printing Office, 1875), Volume 1, 252. This series was written under the direction of Barnes, the current Surgeon General. Information on the battle comes from three reports found in this text. This quote was taken from the second report by George G. Shumard. Hereafter cited only as *Medical and Surgical History.*

4. Ibid., 252.

5. Gilbert, Charles C. "On the Field of Perryville" *Battles and Leaders of the Civil War*, Volume 3 (New York: Thomas Yoseloff, Inc., 1956) 52. Also, similar information gained from Kurt Holman, manager of Perryville Battlefield. He screened my summary of the battle and corroborated information gained in the following sources regarding this summary. His notes were made onto an earlier draft of this paper, not gained through a personal interview. (Corrected draft in possession of author.)

6. Harmon, Geraldine Crain. *Chaplain Hills: History of Perryville, Ky., Boyle County* (Danville: Bluegrass Printing Company, 1971), 97.

7. Holmes, Mead. ed. *A Soldier of the Cumberland: Mead Holmes, Jr.* (Boston: American Tract Society, 1864), 93.

8. Ibid., 93.

9. *Blue and Gray*, 28.

10. Gilbert, 53.

11. *Blue and Gray*, 27.

12. Gilbert, 57-58.

13. *Blue and Gray*, 22.

14. Gilbert, 59.

15. *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series I, Vol. XVI, Part 1 (Washington, 1886), 1036.

16. Ibid., 1112.

17. *Medical and Surgical History*, 252.

18. Ibid., 252.

19. Ibid.

20. Ibid.

21. Ibid., 251.

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24. Ibid., 254.

25. Ibid.

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31. Ibid., 16.

32. Newberry, John Strong. *The U.S. Sanitary Commission in the Valley of the Mississippi, During the War of the Rebellion, 1861-1866* (Cleveland: Fairbanks, Benedict & Co., 1871), 56.

33. Ibid., 57.

34. Burnett, 14.

35. Potts, Samuel J., Letter to "Mother," 14 December 1862. Samuel J. Potts Papers, Ohio Historical Society, 3.

36. Newberry, 58.

37. Ibid.

38. *Blue and Gray*, 42-43.

39. Keightley, Frances. Personal Interview, 24 November 1990. Also gathered the same information from a letter of correspondence from Mrs. Condit B. Van Arsdall, 18 November 1990.

40. Hafendorfer, Kenneth A. *Perryville: Battle for Kentucky* (Owensboro: McDowell Publication, 1981), 377.

41. Daviess, Maria T. *History of Mercer and Boyle Counties* (Harrodsburg: Harrodsburg Herald Publications, 1924), 106.

42. Ibid.

43. Ibid., 107.

44. Newberry, 55.

45. Ibid., 56.

46. Ibid.

47. Ibid.

48. Ibid., 58.

49. Ibid., 57.

50. Ibid, 59.

51. Ibid.

52. Ibid., 59-60.

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54. Ibid., 62.

55. Ibid.

56. Ibid., 57.

57. Kemper, William H. "October 13 and 14 1862" Volume One of General W. H. Kemper, M.D., *Transcript of My Army Diary*, The Ohio Historical Society.

58. Louisville *Democrat*, Thursday, October 16, 1862.

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Mass Media and a Nation at War: A Historical Study of War Coverage in the United States News Media

by
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Since the Civil War, warfare has evolved from men fighting with rifles to the deployment of state-of-the-art missiles and laser-guided weapons. Carpet bombing and fire bombing that were used in Dresden during the Second World War, for instance, are a far cry from the surgical strikes that are available today as demonstrated during Operation Desert Storm. Missiles launched from hundreds of miles away can strike their target with pinpoint accuracy. Using the same technology, the media has also advanced in its forms of coverage during each war, from fuzzy black and white films during the First World War, that were often weeks old, to live via-satellite firsthand coverage of Operation Desert Shield. In every war, the media was asked to provide the best coverage that the technology of the era could provide. Each change has created new issues to be resolved.

This paper traces the evolution of war coverage in the United States news media in relation to government censorship and considers the effect of the media on the war, the nation and the public. Issues to be addressed include news coverage in the Civil War, the Spanish-American War, World War I, World War II, the Vietnam War and the Persian Gulf War; the extent and effect of government censorship of the media; and the effects of the visual coverage of war on public opinion.

The Civil War went down in history as one of the bloodiest wars ever. As a nation split in half, brothers often fought on opposing sides. This was also the first time that a nation could be kept abreast of war news by the mass media. Most of the coverage was in the form of written stories for newspapers and magazines, along with the few pictures that were available. The media did not rely on these pictures though, for they were often fuzzy due to the printing process. Instead of visual information, the press tried to keep its readers informed of the war through controversial stories and views. Newspapers usually recorded only the outcome of battles and the lists of the dead for they did not want to offend their readers, while magazines often gave graphic eyewitness accounts of soldier's stories. The public held great interest in this type of eyewitness journalism.

The media of the Civil War did not straddle fences. They picked their viewpoints, left or right, and allowed their readers to cater to them, whereas modern magazines and newspapers cater to their readers. This might seem dangerous for the magazine and newspaper industries and often it was. Many magazines folded with this type of coverage.

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In the North, magazines lost their Southern market virtually overnight. *Harper's* and *Godey's Lady's Book* were hit very hard as they suddenly lost their southern market. It was even worse in the South as ink, paper, and machinery supplies were scarce. Cut off from the North, many magazines did not have the means to continue printing. The Confederate government also imposed outrageous postage rates that crippled many magazines and newspapers. In spite of all this, a few periodicals survived and even a few started operation. The ones that did survive were able to do so because they played a most important part in the coverage of the war. *The Liberator*, an abolitionist magazine was one of the most important periodicals of the time. Located in Boston, the office was far away from the Southern states. On the other hand, mobs often attacked abolitionist magazines that were located in the border states. *The Cincinnati Philanthropist* was raided twice by a mob in 1837 while other periodicals were raided and their presses destroyed.

Southern magazines debated over issues with less enthusiasm than their Northern counterparts. Headlines such as "The Everlasting Nigger-Question" ran on the front page of Southern magazines. These types of issues attempted to put pressure on the President to free the slaves.

Magazines also had a great deal to do with keeping the war alive. the *Northern Continental Magazine* printed a poem that declared "that Southern ladies used the bones of dead Yankees to decorate their homes,"[1] adding fuel to this widely spread myth. The South also played the game with quotes like the following from *Southern Monthly*: "They are a race (Yankees) too loathsome, too hateful, for us ever, under any circumstances, to be identified with them as one people."[2] Magazines on both sides included accounts of battles and illustrative woodcuts along with a few pictures.

During the Civil War the government did not censor the media. But when a reporter was held and arrested as a spy for sending sensitive information by telegraph, President Abraham Lincoln had to intervene. He solved the problem by starting accreditation for the press. This was the beginning of government intervention with the wartime media. As the technology of the day was slow, newspapers and magazines were only able to print old information about battles or troop movements. As all information was printed after any action had taken place, the press did not affect the actual outcomes of battles. The media provided a forum for "fire-eaters" in the South and abolitionists in the North; both sides used emotions to an extreme level.

With the rise of modern technology, the media's power to affect the nation increased. The media's power to ready a nation for war was demonstrated again during the Spanish-American War. When Cuba revolted against Spain in 1895, America's press gave the rebellion large amounts of coverage. The war lasted for over a year until the Spanish government decided that harsher tactics must be employed. These tactics, started in February of 1896, called for more troops to be deployed in Cuba to insulate the insurrectionists.[3] Valeriano Weyler was appointed as the Captain-General of Cuba by the Spanish government and he installed new,

harsh measures to stop the rebellion. "Entrenchments, barbed wire fences, and, at narrow parts of the island, lines of blockhouses" were used to stop rebel forces.[4] The policy of *reconcentrado* was also started by Weyler. This entailed the "herding of women, children and the elderly into detention camps and controlled cities."[5] The result of these camps were disease, starvation, and death for thousands of the Cubans.

The terrible situation in Cuba caused great pressure on the American government. This pressure was intensified by America's press and their new practice of "yellow journalism." Yellow journalism is the practice of sensationalizing news stories in hopes of reaching new readers to increase circulation. Sensationalism is the act of "dressing up" a story so that it would become more interesting to readers. This included publishing graphic stories and controversial issues. New technology allowed publishers to create screaming headlines, pictures and the use of color to catch the public eye.

One of the most successful papers of the time was Joseph Pulitzer's the *New York World.* It was very successful in part due to yellow journalism as well as well written stories. William Randolph Hearst watched the success of the *New York World* and planned a paper that could compete with it. Hearst turned the unsuccessful *San Francisco Examiner* around and used its profits to purchase the *New York Morning Journal* in 1895. His next move was to hire most of the staff and artists from Joseph Pulitzer's highly successful paper the *Sunday World.* This was the start of the war between Pulitzer and Hearst. Within a year, circulation of the *Morning Journal* reached that of the *New York World.*

Competition was fierce and it caused the papers to print the most controversial stories they could. Papers reported information that was often distorted. For instance, it was reported that 400,000 Cubans had died due to policies implemented by the Spanish government. This figure was grossly inflated as only about 100,000 died in three years.[6]

Several papers even went so far as to fabricate stories and pictures of the Spanish atrocities. For instance, Hearst sent reporter Richard Harding Davis and artist Frederic Remington to Cuba. Remington wired that there was no war and that he would be coming home. Hearst replied: "Please remain. You furnish the pictures and I'll furnish the war."[7] In 1897, after a year of open advocacy for war, the *Journal* "built" a story about Evangelina Cisneros. She had been placed in prison for twenty years, until she was rescued by *Journal* reporter Karl Decker, as she was the niece of the Cuban revolutionary president. The *Journal* wrote 375 columns concerning her arrival at the White House and her meeting with President William McKinley. It was later discovered by the *World* that Miss Cisneros' imprisonment and treatment were wildly reported and written out of context.[8] The *Morning Journal* was perhaps the most influential factor causing the nation to go to war. It has even been tagged "Hearst's war."[9]

The *Journal*'s most significant contribution to the Spanish-American War was publication in 1898 of a letter from the Spanish Minister to the United States, Dupuy

de Lome. The letter, although stolen, "referred to President McKinley as 'weak and catering to the rabble, and besides, a low politician."[10] Theodore Roosevelt said that the President had a "backbone of a chocolate eclair," but to have it said by the Spanish Minister was a different matter. Even though this was a private letter, it caused a large public outrage. Six days after the letter was published, the American battleship *Maine* blew up in the port of Havana.

It is now generally accepted that the *Maine* probably had an accidental internal explosion, but newspapers at the time reported that it was caused by a Spanish mine. With the pressure that the American press had placed on the government for intervention during the previous three years and the sinking of the *Maine*, war was declared on April 20, 1898. American forces were not prepared for this war but luck was on their side as they defeated the entire Spanish fleet without losing a single American life from battle wounds. The United States freed Cuba and annexed Puerto Rico, Guam and the Philippines.

In the case of the Spanish-American War, it is clear that the press contributed to government intervention. Yellow journalism succeeded and by 1900, one-third of the nation's newspapers practiced it. If it had not been for the combination of the printing of the Spanish Minister's letter and the sinking of the *Maine*, McKinley might have been able to find a diplomatic solution to the Spanish control of Cuba.

World War I is considered by some the "last magnificent war." Deaths on both sides reached levels that staggered the imagination. This "war to end all wars" inspired wartime laws that levied fines that reached up to $10,000 as well as up the 20 years in prison. These fines could be given to anyone for saying anything that was "disloyal, profane, scurrilous, or abusive" about any aspect of the government or the war effort."[11] These laws were the Espionage Act enacted in 1917 and the Sedition Act passed in 1918. The Espionage Act dealt not only with spying but also with "dissent and opposition to the war."[12] The Espionage Act carried a fine of not more that $10,000 or not longer than 20 years in jail. The Sedition Act concerned attempts to obstruct recruiting. It also made it a crime to write, print or even utter anything that was disloyal or profane concerning the United States. Under this law the Post Office was given the power to censor newspapers, pamphlets and books. Over 2,000 people were tried under these laws with almost 900 convictions.[13]

The government also used propaganda to stimulate support for the war. War exhibits were opened in many cities. Volunteer artists produced 1,438 posters and drawings. Films justifying the war effort were shown in every community and in every part of the world. The American government raised over $2,388,098.94 from the use of these items. This figure alone shows the public's feelings about the war. Although the general sentiment was positive, censorship laws were imposed on the press for the first time.

The censorship laws were enacted to protect military secrets. The law was aimed at keeping certain information from mass media. It was not aimed at censorship of news although it did give the government certain rights to censor some public information. Several things were covered under this law: any advance information

of troop movements; information dealing with troop numbers or location of bases; information dealing with the arrival or departure of seagoing vessels; and time of departure and destination for merchant ships as well as their cargo; any indication of position or number of their anti-aircraft defenses as well as harbor defenses were prohibited. Any type of aircraft tests as well as the number of planes and ships that were being ordered or being built were concealed. Train schedules as well as any type of transportation of munitions were covered. Photographs of any of the above could not be published.

These restrictions were quite complicated and the government did not have, or give, any branch the actual power to enforce them. The press was to adhere to them through "patriotic adherence to the voluntary agreement."[14] Though this law was voluntary, it worked quite well—so well in fact that other nations that had "iron-clad rules, rigid suppressions, and drastic prohibitions carrying severe penalties" were amazed at just how well it worked.[15] With patriotism running high, most papers regulated themselves without any major fights, though many found it hard to publish and make a profit during the wartime era.

World War II was responsible for over 292,000 United States battle deaths, 115,000 other deaths, and 670,000 wounded. The war caused more deaths and injuries than all previous wars combined. Information was also handled differently from the beginning. Two days after the bombing of Pearl Harbor, President Franklin D. Roosevelt met with his advisors to discuss what to tell the American public about United States losses. Concerning information, the key question was: "Will the enemy profit from it?" This started a format that was to be followed for the rest of the war: "if the Japanese did not know, the U.S. was not going to tell them."[16] The President's first "fireside chat" reflected this, as he told the people that he did not yet have all the information to "state the exact damage." The Secretary of the Navy even led reporters to believe that five of the ships sunk were at sea hunting the enemy. In fact, the Japanese people knew the amount of damage before most Americans knew even the general details, and the Navy withheld the names of the sunken and/or damaged ships until the end of the war. Ships that were sunk at sea, such as the carrier *Langley* or the *Yorktown*, were not announced until three or four months later.

Information was often suppressed entirely such as the stories concerning the only Americans that were killed on the mainland by the enemy. These deaths occurred when a minister's wife and five children discovered a Japanese "balloon-bomb" just as the timer on the bomb detonated. All six died. Nine thousand and three hundred of these bombs were launched from the Japanese mainland and about 300 reached American soil. Similarly, it was not published when Isoroku Yamamato's plane was shot down during the battle of Midway.[17]

During the war, the government exercised the power to withhold information from the public in several ways. Most information that was released was usually several months old. The government also censored stories that might place the armed services in a bad light with the public. "Allied atrocities never were reported,

and one of World War II's contributions to the art of warfare—the mass bombing of cities—was not adequately covered, either."[18] In fact, it was not until the 1945 fire bombings of Dresden that Allied commanders admitted to the "deliberate terror bombings of German population centers as a ruthless expedient of hastening Hitler's doom,"[19] although these type of bombings had been going on since 1942. The government also had the right to censor all mail that entered or left the country, to read every cable, and to screen every phone call.

With this type of information, and sometimes misinformation reaching the public, a code was instituted for publishers and broadcasters. Though newspapers were still the dominant force in news coverage with over 700 reporters overseas to cover the war, World War II was the event that caused radio to come of age in the news game. CBS used one-third of its air time for war news, while NBC devoted about 20 percent to war news. Both publishers and broadcasters were asked not to report subjects such as troop movements, production figures, battle casualties, and ship landings. This was a strictly voluntary code, for there was no prior censorship concerning the publishing of text or copy and there was not even a penalty for violating the codes.[20] As this was a popular war with the public, the journalists reflected this and gave full cooperation to the American government. The growing role that the broadcast media played during World War II would play a major part in the way that censorship, information, and news stories would be handled in wars yet to come.

The Korean War lasted only three years, and in fact it was never even formally declared a war. Public opinion was never high and American forces were never allowed to fully engage the enemy with the same force it had used in World War II. This meant that the superior manpower, weapons, and production power of the United States did not come into play. The nation was still exhausted from the strain that the last war had placed on its people and resources. Many men had been home only a few years when they were called to again serve their country. When peace was finally declared, there were no celebrations but only relief that the "'sour little war' was finally over."[21] Americans were not comfortable with the war ending as a draw instead of a victory. Overall, the war was held in a negative light by the nation and the soldiers that served in Korea. This negative view was also echoed by the press.

In the battlefield in the Far East, executions by the South Korean army were commonplace. Many North Korean prisoners of war were killed in Seoul prisons and it was claimed that "hundreds of thousands" of people were killed during the brief occupation of parts of North Korea by the South Korean forces. Eventually, these types of stories began to filter into the Western press. The *New York Times* carried stories concerning the "execution of 'collaborators' in Seoul," the *London Times* published two articles that were critical of Syngman Rhee, the South Korean leader. The story stated that "Rhee's defence of 'the local brand of democracy' was no less vicious than the atrocities committed in the name of communism. The only difference was that ROK (South Korea police units) terror

enjoyed the protection of the UN flag."[22] The Western governments were not pleased with these stories that cast South Korea in a dark shadow. The United States government ordered the United States embassy in Seoul to "urge discretion on the ROK since such press reports were highly damaging to the world position of the U.S. and UN cause."[23] The government has been accused of intervening when the magazine, the *Picture Post* was preparing to print a photograph showing the atrocities of the ROK. The editor was forced to resign his position, but he stole a copy of the picture and published it in the *Daily Worker*. This caused a major public outrage and the United Nations had to adjust its position concerning the crimes for which the South Korean government was responsible. Stories such as these reflected in the opinion of the public during the war. The government did not pass any censorship laws during the Korean War, but it was clear that the United States attempted to keep certain types of stories from being released and used by the press.

The next war was the longest in United States history. Except for the American Revolution, previous wars lasted for less than four years each; but the Vietnam War ran for about ten years, depending on your point of view as to the exact start of American intervention, for war was never officially declared. This war was characterized by demonstrations sponsored by anti-war protesters that often ended in acts of violence by protesters or police or both. Many claim that these demonstrations were encouraged by the media's negative coverage of the war. The media chose to reflect on the negative aspects, such as the death of young soldiers as well as of the Vietnamese nationals. Despite the fact that United States forces won every major battle, public opinion still was for a complete withdrawal from the country. Never has the American public been so against a war.

Instead of focusing on the victory, the media chose to focus on "bloody action battle photos." The first photos that started the anti-war demonstrations were taken in 1965 when the American troops met the North Vietnamese on the battlefield for the first time. Three hundred American casualties were reported as opposed to the 1,500 "reported" North Vietnamese Army casualties, a "5-to-1" kill ratio. This type of coverage had anti-war campaigns erupting across the nation within a few days. "All of the ingredients that were to tear America apart for the next 10 years were suddenly present."[24] Demonstrations occurred at college campuses around the nation as well as within Congress and even within the realms of the clergy. Martin Luther King called it "A White Man's War" and urged all blacks not to participate. American television networks completed a new trans-Pacific cable system that ran from Vietnam to Hawaii. Protest demonstrations escalated when this cable system brought television pictures of bleeding and dying men home to America on a nightly basis. Vietnam was coined "the armchair" war.

Importantly, Vietnam media coverage lacked any major type of government censorship. The images and stories that the free press reported are linked to the anti-war violence that had infected America. In what might be one of the most famous photographs of the war, the press failed to give any background concerning the circumstances as to what was happening and why. The picture is the film that shows

General Nguyen Ngoc Loan, chief of South Vietnam's national police force, walk up to a captured prisoner, draw his pistol, place it to the prisoner's head, and pull the trigger. Although this type of behavior should not be condoned, the media should have given all of the background information. It seems that this Viet-Cong prisoner was a terrorist that was assigned to kill General Loan. The General was not home so the man had killed Loan's wife and three children. The terrorist was witnessed leaving the house and was arrested later.[25] The photograph of this scene raised many doubts about American involvement. Although the photo is graphic and seems to show unprovoked violence, and even though the shooting was atrocious, I think that it should have been accompanied with the rest of the story. The media also reported stories of the senseless rape, destruction and deaths of the South Vietnamese nationals caused by American infantrymen. These stories were first brought to life through the North Vietnamese Army and were used as propaganda tools to cause internal strife in the United States. Although not all of the stories were true, the American media gave them extensive coverage. The results were exactly what the North Vietnamese wanted—more demonstrations and a nation in turmoil.

If the media had downplayed some of the stories coming out of the war, would this have led to less demonstrations? Was it necessary to show graphic pictures of wounded or dead soldiers? If the press was censored, would public opinion have changed about the war? A self-regulating censorship law had worked befsore, why not now? Could it be that as technology advanced, the temptation to produce graphic stories and pictures became too much to control? If not for the media coverage of Vietnam, would riots at Kent State University and other campuses have occurred? Did the media give away any of the American plans of attack by releasing important information? These have been major questions asked about the Vietnam War.

With every new development in the field of communication technology, the media's ability to provide accurate coverage has increased considerably. With each new advance, the government must find new ways to deal with the problems presented. Trying to fight a war with a country that reads newspapers and watches television can be costly. The government must also fight the war on the home front, battling public opinion, that is keeping the public's support. To be able to accomplish all of this, the government has placed restrictions on the media to counter the advantage that the media has gained through technological advancement. Some feel that the government is, in fact, censoring the press. But the media has a huge and definite effect on a nation at war. This effect can be dangerous since it can give away information that could turn the outcome of a battle or turn a nation against itself, as seen during the Vietnam War.

In the nation's most recent war, in the Persian Gulf, the news media claimed that their First Amendment rights were violated. However, I do not think that the government's control constitutes infringement on the First Amendment, for the media was allowed enough freedom. The First Amendment does not guarantee the absolute freedom of speech and press. It means freedom from restraints and from

censorship, although not exclusively. When the Bill of Rights was ratified, the phrase, "liberty of the press," simply meant "freedom from any censorship of the press and from all such restraints upon publications as had been practiced by monarchical or despotic governments in order to stifle the efforts of patriots toward enlightening their fellow subjects upon their rights and as to the duties of their rulers."[26] Americans were free to publish without the need of a license issued by the government, such as was applied by the English government during the early colonial days. The "liberty of the press" was initially only a right to publish without a license and without previous restraints placed on publications as practiced by other governments. The First Amendment does not guarantee freedom from censorship; it protects the press from improper restraints, but it does not give the press an absolute freedom to publish. As with any form of freedom there are limitations. For example, a person who is licensed to operate a car may drive to any location that he chooses, but he is subject to all laws that regard the operation of a car, such as speed limits and other restrictions. If any of these are broken, he may be subject to fines; his right to drive a car may be taken away; or he may even face a jail term. The right to freedom of speech and press has the same type of limitation, though only in very "exceptional cases, as the barriers to prior restraint (censorship) must remain high."[27]

Any type of censorship or prior restraint must pass examination by the United States Supreme Court, and to do this, the act of censorship must "take place under procedural safeguards designed to obviate the dangers of a censorship system."[28] These safeguards are "(1) the burden of proving, through judicial proceedings, that the material is unprotected, fall on the censor; (2) any restraint imposed before judicial review can be imposed for only a set and brief time period, and only if it preserves normality; and (3) a prompt final judicial ruling must be impending."[29]

These safeguards have been met several times in United States history, giving the government the power to censor both speech and the press. Significantly, these occasions were the times when the nation was at war. The "Supreme Court has unanimously recognized that the government's power to enact statutes the effect of which is to curtail free speech is greater in time of war than in time of peace because war opens dangers that do not exist at other times. When a nation is at war, many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight, and no court could regard them as protected by any constitutional right."[30] As one legal expert wrote, "Freedom of speech may, by act of Congress, be curtailed or denied so that the morale of the people and the spirit of the Army may not be broken by seditious utterances; and freedom of the press may be curtailed to preserve military plans and movements from the knowledge of the enemy.[31]

Freedom of speech, however, is weighted on a different scale than is freedom of the press. For a person's freedom of speech to be affected, the government must prove that the spoken word has brought about a "clear and present danger" to the war effort.[32] The Espionage Act of 1917 made it a crime to say anything that incited

resistance, abused the government of the United States, or affected the production of items needed for the war. The law was "held not to violate the right of free speech" by the Supreme Court.[33] The interpretation of the Espionage Act has changed since World War I, as anything that might fall under the Espionage Act today is simply considered free speech and is protected by the First Amendment, although the Espionage Act has never been repealed.

On the other hand, the government can censor the press during wartime without infringing on the First Amendment. During the Panama and Granada invasions, the American mass media were controlled by the United States Army. The press was completely shut out of Grenada, thus all information came from government sources. This was a very effective way to control and shape the image of war. In the Panama invasion, all reporters were confined in "press pools." All reporters were tightly controlled, seeing only what the government allowed. The reporters that formed these press pools were encouraged to share their information with other reporters outside the press pool. Thus, all information that was released from Panama was controlled by the government. In the Panama Invasion, information control was a great success. In fact, most Americans have only a vague memory of the event. Most do not know that 23 soldiers were killed and 265 wounded in a single day. No one knows how many Panamanian civilians were killed in the crossfire.[34]

Although it does not violate the First Amendment to censor the press, how much should the media be allowed to cover in a war? Is there a middle ground between censorship and the complete control of the mass media in dictatorial systems? The answer is yes; the recent Persian Gulf war is a shining example of the middle ground. Though small when compared to World War II or Vietnam, the Persian Gulf War is significant in that modern technology presented a new problem. Vietnam was called the "armchair war," as news of battles were broadcast on the nightly news. Operation Desert Storm has been coined the "live war," for instead of waiting for news from official government releases, the nation only had to turn on the television for the latest turn of events.

The Cable News Network (CNN) had live coverage at the onset of the American bombing of Baghdad. CNN reporters Bernard Shaw, John Holliman and Peter Arnett went live as soon as they heard the explosions of the air raid in the distance. Although no official release concerning the war had yet been given, CNN viewers knew that the war in the Middle East had begun. CNN coverage was the only coverage for the first fifteen minutes, as the "big three"—ABC, NBC and CBS—did not immediately respond to the story. CNN proved that it was a newsforce not to be taken lightly. CBS never made contact with their people in Baghdad. Although NBC and ABC made contact, their phone lines were cut after only a few minutes of "on" air time. CNN stayed on the air for 16 hours. They managed this because of much foresight and planning, and the only reason that they lost contact with Shaw, Holliman, and Arnett was that the Iraqi military shut them down for "security reasons." Months before the war started, CNN lobbied with the Iraqi government for permission to use a "four-wire" phone line. This is a very reliable

line that does not use any type of operators or switching stations and works even if local lines are out. This "four-wire" line cost CNN $16,000 per month to maintain as well as the added expense of a satellite relay from Jordan to CNN's headquarters in Atlanta. This satellite was used to beam transmissions directly to Atlanta once the "four-wire" line reached Jordan.[35]

With the technology available, information could be sent anywhere, at any time, and within seconds. The government wanted control over the press as it waged the war. The Bush administration realized that Americans respond negatively to watching American troops die on television. The media wanted to show the "live" war to the American people as it happened, showing the many faces of destruction, injury, and death. During the Persian Gulf War, the press pools were once again organized. Journalists felt that the press pools gave the government too much power and control to censor the news media, although the Pentagon claimed that the press pools were used only for the protection of United States journalists. All reporters were placed in small groups that contained between six and 10 reporters. These groups were then escorted to the battle zones under the guidance of military escorts. The escorts were responsible for arranging transportation, escorting the journalists to approved areas, helping them understand miliatry jargon, and, of course, insuring their safety.[36] All information that the press pool journalists reported had to be cleared with the military escort. The escort had the power to censor any information that he felt would "be of help" to the enemy. This put extreme limitations on what the journalists could report. After a story was cleared by the military escort, it could then be given to journalists' dispatch for publishing. Reporters were also encouraged to share their stories with colleagues outside the pool.[37]

What exactly does "be of help to the enemy" mean? All pictures that showed soldiers' coffins arriving at Dover Air Force Base were banned.[38] When a French television crew "jumped" the press pools and filmed footage of an American soldier wounded during the fighting at Khafji, it was forced to give up the film at gunpoint by a force of Marines.[39] During the first days of United States air raids into Iraq, a reporter for the *Detroit Free Press* wrote that the pilots were "giddy" after their first sorties. Military escorts balked, and changed the word to "proud." Eventually "pumped up" was agreed upon by the journalist and the officers.[40] As a rule wounded or dead American soldiers could not be written about or photographed. Photos or tapes not cleared by the press pool escorts were confiscated and destroyed. Only the good emotions and images of war could be photographed and cleared by the escorts. For example, photographs of happiness or soldiers weeping for fallen companions were often cleared.[41]

Screaming "Censorship!" the four major news networks, ABC, CBS, NBC, and CNN, sent letters of protest to Secretary of Defense Richard Cheney. They charged that the rules "go far beyond what is required to protect troop safety and mission security. . . and raise the specter of government censorship of a free press."[42] The *Washington Post*, the *Chicago Tribune*, the *Philadelphia Inquirer*, *Time*, the *New York Times*, and the Associated Press sent letters of protest to the Secretary of

Defense.[43] The magazines *Village Voice* and *Nation* filed lawsuits that charged the Pentagon with violating their First Amendment rights.[44] Despite this type of pressure, the government upheld its decision to enforce press pools. Anyone caught outside of a press pool was sent back to Dhahran as soon as possible. This is quite different from World War II, Korea and Vietnam, when journalists could make their own arrangements to rove war zones at their own risk.

The press pools and numerous military briefings given by the government had an unexpected effect. While gathering and transmitting as much information as possible under strict military supervision, the press ran into an unseen and unexpected wall. The writing on this wall revealed something that had yet to be seen in American history. The wall was the American public, and the American public had lost their belief in the integrity of the press. This loss of wartime integrity was the first for the American press and was caused by three main contributing factors: the American government's control over the press, the length of the war, and the press itself with their never-ending quest for news. The greatest factor was the government.

The government controlled the press and, with it, public opinion. The government kept the media informed in several ways. The press pools were used to show reporters selected stories and information, while the military escorts censored any information that they felt would be of harm to the American cause. Besides the press pools, the government held at least two daily news briefings. These were fact-filled reports that often reported only numbers and basic outlines concerning the daily military operations. The key to making these briefings successful were the military spokesmen. These officials won the public's trust, and with their always cautious estimates on the war's progress, they "lowballed the amount of damage to the enemy to avoid overoptimism" that might form in the public's mind.[45] Thus the military controlled the images of war, a very important lesson from the Vietnam war. Concerning the military's image control, Jon Katz, a writer for *Rolling Stone* and former CBS news producer, said: "It's obvious the government has been planning for a rematch since Vietnam," and "They were brilliantly successful."[46]

Another factor affecting the negative image of the press among Americans was the short length of the war and the small amount of resistance given by Iraqi forces. If either of these two factors had changed, public opinion might have very quickly declined into an anti-war stance. If the war had lasted longer, public support would probably have declined as it did during the Korean and Vietnam wars. With the apparent ease of American victories, little attention was given to the number of American soldiers wounded or killed in action, and the government made certain that it received little attention. While the American public was basking in the good news concerning the war, just one large battle that resulted in large numbers of American deaths might have changed public opinion overnight. But this did not occur. With support for the war at an all-time high, the public responded by expressing their concerns about the loyalty of the press when they reported "bad news." Many felt that the press was trying to report too much information and thus

undermine the war effort and that it was not sensitive to the need for secrecy.[47]

The public showed their distrust for the press in many ways. CNN received 55,000 letters from viewers concerning coverage shortly after the war started. Sixty percent of the letters were negative. Demonstrators gathered outside CNN headquarters in Atlanta to protest a story filed by Peter Arnett from Baghdad.[48] Pulitzer Prize-winning Arnett was the only major Western reporter allowed to report from Iraq. Though he was allowed to file reports from inside the city of Baghdad, the Iraqi government told him what to report and where he and his three-man video crew could film. He was "virtually a journalistic prisoner of war," and allowed to interview no one without consent of the government.[49] His reports aired on CNN raised an angry response from the nation as the videos were clearly "staged" propaganda films aimed at destroying public sentiment for the war. These films raised many questions concerning the dangers of showing Iraqi propaganda films to the American public and other countries.

And, at times reporters appeared to be totally incompetent and unaware of the situations surrounding them. For example, at a military press briefing that began with the colonel in charge stating that he could not answer questions concerning sensitive information, the following questions were asked: First question, "What date are we going to start the ground attack?"; Second question, "Where would you say our forces are most vulnerable to attack, and how could the Iraqis best exploit those weaknesses?"; and the final question, "Are we planning an amphibious invasion of Kuwait, and if so, where exactly would that be?"[50] It is clear that those kind of questions could not be answered, especially when waging war on a country that watched American television and read American newspapers and magazines.

At the start of the war the four television networks expanded their coverage and dropped their regular programs. CBS, NBC, and ABC each lost up to $2 million in advertising revenue during the first 42 hours of the war, not to mention the cost of covering the stories by themselves. CNN spent about $1.5 million every day that it covered the war in the Gulf.[51] With that amount of money being spent, the frenzy of finding news to fill the open air time became urgent. As a result, every "incoming" Scud launched at Dhahran as well as anything else that the networks deemed "newsworthy" was televised. Such live and unedited coverages often carried mistaken information that could be dangerous to citizens of Dhahran. For instance, CNN reporter Charles Jaco, while reporting an incoming Scud, yelled, "It's gas!" and "reached for his gas mask." Later, he apologized, claiming that "I've run for it too many times."[52] The modern technology that had the power to relay news around the world in seconds and had government officials worried about the effects it would have on the war was used mostly just to fill air time.

This dire need for information resulted in the media's reporting of false, inaccurate information and made the media open to government control. The military as well as the CIA took full advantage of the situation and used the media to deceive the Iraqi military on several occasions. Frustrated by their lack of access to the battleground, press members jumped at the invitation to cover rehearsals for

an amphibious landing off the Kuwaiti coast. As the practices continued, the media coverage grew and so did the anticipation of the impending landing. The landing never came, however, for it was a diversionary tactic that was used to divert the Iraqis. The media was also used to hide troop buildups before the allied invasion into Kuwait. Members of the press were frequently taken to see troops near the Kuwaiti border, where the expected invasion would be launched. The press reported on the troops near the border, while the real invasion and troop buildup to the west went unnoticed.[53]

The press coverage helped to complete the illusion of troop buildup as General Norman Schwarzkopf pointed out later at a press converence. He also thanked the press for their work at the beginning of the war when the media reported an inflated figure concerning the amount of buildup of allied forces in Saudi Arabia. Schwarzkopf felt that the inflated figure acted as a deterrent to the Iraqi military, who might have attacked the allied troops that were still assembling.

The CIA also made use of the vulnerable press. In hopes of luring defectors from the Iraqi army, the CIA planted a story that 60 Iraqi tanks defected to allied forces in one day's time. The press, hungry for information, ran the story without checking the facts.

The Persian Gulf War was the first time that the American mass media was fully controlled by the United States government. Although many forms of censorship have surfaced in past wars, media restrictions were used to an unprecedented extent.

The Civil War and the Spanish-American War revealed the power of the print media in shaping public opinion. World War I was the first war in which the press was censored by the government. As the government controlled negative stories, public opinion developed in favor of the war. World War I thus taught that a controlled press could keep public sentiment positive, allowing the government not to be forced into making decisions based on public emotion. During World War II and the Korean War, the government exercised its power to withhold information. Delayed release of information helped maintain support for World War II, which was an already popular war among the public and the media, while censorship of negative stories prevented the public disapproval of the Korean War from becoming worse. In spite of its experience during the past wars, the government did not pose any forms of censorship when the United States entered the Vietnam War and the news media, equipped with television, were free to report to the public what they saw. The Vietnam War gave the government two very valuable insights regarding war coverage by the news media. It taught the government that television was a much stronger force than the print media and that the two, when used together, could cripple a nation. Secondly, the Vietnam War reminded the government of the power of the media and taught that the media was not always on the government's side. World Wars I and II passed with public support in good position. Even during the unpopular Korean War, the media and the public had not turned on the government as they did during the ten years of Vietnam.

The government had been waiting for a rematch ever since the day the last troops

were evacuated from the roof of the United States embassy in Saigon. After two successful test runs in Panama and Grenada, the government was ready to take on the massive machine called the broadcast mass media when the war in the Gulf began. The government took heed of the propaganda lessons of World War I. By giving at least two daily news briefings, the government made itself seem very open with the press as well as with the nation. One of the first images of war that many people recall seeing is the film of the "smart bomb" striking a door of a selected target. This image gave the government the ability to show the public just how accurate the missiles were and that civilian lives were being spared as much as possible in this sanitized war. The government was using propaganda to maintain the pro-war stance of the public. Past experiences taught the government just how strong the effect of images could be; so, the government let the images speak for themselves this time. No matter what the press would later report, the image of the "smart bomb" striking the door of its target would never be erased from the minds of the citizens.

The types of coverage allowed were limited. For example, there was no live battle footage or stories or reports from the front such as Ernie Pyle gave during World War II. The media was, on the other hand, allowed to devote as much airtime and news space as they wanted to the war, either positive or negative, as no restrictions were applied concerning a person's opinion about the war or the way that it was being covered.

The Persian Gulf was a perfect example of how a mass media should be allowed to cover a war—controlled at the area surrounding the battle but free to publish its own opinions and ideas about the war afterward. With every new development in the field of telecommunications, the media's abilty to provide accurate coverage has increased considerably. With every new advance, the government must find new ways to deal with new problems. Attempting to fight a war with a country that reads American papers and watches American television can be costly. The government must also fight the war on the home front, battling public opinion, that is, keeping the public's support. To be able to accomplish all of this, the government has placed restrictions on the media to counter the advantage that the media has gained through technology. The media is a powerful weapon, and it should be handled carefully and responsibly, for it has a tremendous impact on a democratic nation at war.

Endnotes

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Hollywood and the Home Front in World War Two

by
Michael C. C. Adams

World War Two was a media war. While we usually think of the media domination of our culture as beginning with television, it actually began earlier, at least in the 1930s. By 1940, for example, radio was a billion-dollar industry and 28,000,000 families owned sets. Radio commercials played a large role in shaping the homefront perception of World War Two. The print media, to meet the challenge of radio's snappy format and easily-digested messages, responded with *Reader's Digest*, whose circulation jumped in the 1930s from a quarter of a million to seven million. Also, comic books came into their own, with a circulation of 12,000,000 by 1942. One third of these were sold to people over eighteen, and they were the favorite reading of the private soldier.

But the most important popular entertainer and informer was cinema. Movie attendance, standing at around 60,000,000 per week in the Depression, reached an all-time peak of 90,000,000 in the war. Hollywood made over 300 feature films during the war years. Cinemas were open around the clock. Even candy shortages could not dent movie attendence. Theaters put jars of dills and pickled eggs in the lobbies and went right on selling tickets. Film, more than any other vehicle, molded Americans' perception of the war. The power of film was recognized by the government, which gave deferred draft status to those working in the industry. Senior officials unabashedly called on Hollywood for special help in supporting the war effort. Thus, when there was a lack of volunteers for the dangerous position of rear gunner on bomber planes, General H. H. Arnold called up Jack Warner, who obliged with the 1942 movie *Rear Gunner*, starring James Stewart. Apparently, recruiting improved.

To understand film's power in molding the public's perception of the war, we must first understand that most Americans had no first-hand knowledge of the fighting. The United States, unlike the other major belligerents, was not a battleground. Further, only a minority of Americans served in uniform and a majority of those did not go overseas. Only eight percent of married men wore uniforms and only 27 percent of America's armed forces saw combat. So the bulk of people had to learn about the nature of battle second-hand. They could read reports from the front or listen to them on radio. But these were highly edited or censored, using the same guidelines as those in force in Hollywood. So that they

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were usually no more realistic than the movies, and they lacked the films' visual impact.

Hollywood overwhelmingly supported the war: not a single critical film was made during the period. The ground was prepared before American entry into the conflict. In the 15 or so years after World War One, Hollywood made a number of films denouncing war, most notably *All Quiet on the Western Front* (1930) and *A Farewell to Arms* (1932). But even in this period of art inspired by the so-called Lost Generation, the movie industry still catered to the public desire for action adventure films. *Wings*, made in 1927, glamorized air war on the western front. Thirties movies like *Beau Geste* (1939) and *The Charge of the Light Brigade* (1936) glorified the excitement of war and justified western global domination.

The Spanish Civil War of 1936 - 1939 was tricky to deal with because American opinion was divided. Liberals supported the Republican cause, but it was contaminated by Soviet participation and too enthusiastic republican sentiments could bring on a script writer or director the charge of being "commie." American Catholics and conservative business interests tended to support Franco's nationalist position, but it too was tarnished as it was aided by the Nazis and Fascists. Hollywood played it safe by not naming sides in films about the war. As late as *For Whom the Bell Tolls* in 1943 it is difficult to tell that American Robert Jordan is fighting on the same side as Spanish and Russian communists.

Once World War Two began in Europe, support for America's British cousin was easier than for the Spanish. Hostility to the peacetime draft, introduced for the first time in 1940, was allayed by lighthearted treatments such as *Buck Privates*, starring America's most popular comedy team, Abbott and Costello, together with Bob Hope's *Caught in the Draft*, both made in 1941. The need for peace-loving Americans to put aside their scruples and join the fight was stated by Gary Cooper in the role of *Sergeant York* (1941), a Great War pacifist turned marksman, and Humphrey Bogart as Rick, the cafe owner with the heart of a resistance fighter in *Casablanca* (1942). But the film which most powerfully stated Hollywood's support for the European war against Nazism was *Mrs. Miniver* (1942), starring Greer Garson as a supposedly typical British middle-class housewife.

The film is important in at least two ways. First, it stated Hollywood's philosophy that this was a people's war, embracing the whole population, from the soldier, to the factory worker, to the schoolchild. If you could not serve, then buying a war bond or turning out another gun was just as important. In this war, said the film, the homefront was a battlefront. Second, Garson's beautiful, poised suburban woman, who keeps the rose show going despite the German bombers, became the model for American middle class women whose major role in the war was to do volunteer work and to make sure that life in America carried on pretty much as usual. We should remember that, despite the fame of Rosie the Riveter (there was a film of the name in 1944), this was a blue-collar image and that most middle class American women did not hold a paying job during the war: seven of eight women at home when Pearl Harbor was attacked were still home in 1944.

Indeed, Hollywood had a great deal to do with reminding women that, though they might work, they must still remain beautiful, and that their place in the workforce was considered a temporary necessity: when the war was over, they would be expected to return home. Though *So Proudly We Hail* (1943)* was intended to be a tribute to the women in uniform who served in the defense of the Philippines against the Japanese, it ends with Claudette Colbert, a nurse, returning to tend the home fires. Homefront films such as *Since You Went Away* (1944) and *I'll Be Seeing You* (1944)* peddled a similar message of women's role being to keep traditional values alive in the domestic setting.

Feature films depicting combat for the homefront audience shared certain traits (for example, films about the air war, which will be mentioned later). All showed American troops as heroic, committed, civilized. Atrocities were inflicted only by the enemy. Our men received clean wounds and, if necessary, died quickly. The one exception to this rule was the treatment of minorities — Filipinos, blacks, Mexican Americans — who might die by torture or grotesque wounding. It is appropriate to note here that Hollywood dealt very poorly with minorities, but then so did the society.

Combat films showed the squad or platoon as an American melting pot, with representative types such as a Brooklyn Irishman, a Texas sharecropper, a Chicago Italian, an Indiana farmboy, and even a teacher or intellectual who learns to put action above thought. The group often includes a black but, as the armed forces were segregated, he has to be there because of an emergency, either a Japanese invasion in *Bataan* (1943) or a shipwreck in *Lifeboat* (1944). The implication is that his equality is temporary, a product of the war situation, and not a permanent advance, just as women's gains in the workforce were depicted as for the duration only. Combat is shown as making men out of boys and seasoned veterans out of raw recruits. One of the great Hollywood myths was that men became stronger the more war they experienced. In fact, men exposed to prolonged combat inevitably broke down: for men in action consistently for 38 days, the rate was 98 percent.

Despite their similarities, films dealing with the European and Pacific theaters differed significantly. Films about Europe were very careful to avoid the discredited World War One propaganda device of showing all Germans as sadistic huns. Nazis could be shown as sinister, as in Steinbeck's film about the resistance movement, *The Moon is Down* (1943), or even as absurd in Charlie Chaplin's *The Great Dictator* (1940), but there were also good Germans (and Italians). There were no good Japanese, who were caricatured as sub-human tail-less monkeys, devious, vicious, filled with animal cunning. Hollywood persistently advocated their extermination and thus prepared the public for the ferocious, "take no prisoners" tenor of war in the Asian theater. Of typical Pacific war films, including *Guadalcanal Diary* (1943) and *Wake Island* (1942), perhaps *Bataan* most nearly contains all the elements of the genre: there can be no better example of Hollywood's belief in Oriental cunning than Sergeant Robert Taylor's observation that the Japanese even have maps showing the best trees in which to post snipers. Needless to say, the plight

of Japanese-Americans, relocated from the west coast into concentration camps, elicited little sympathy from the film makers. Rather, the removals were justified as protecting America from the kind of subversion and disloyalty depicted in the 1942 movie *Little Tokyo USA**.

Though there was not a single case of sabotage by a Japanese in the United States, and though Axis spying was a minor factor in the country, numerous films suggested that America was infiltrated by whole networks of foreign agents. They were battled by Ronald Reagan in *Murder in the Air* (1940) and by Basil Rathbone in *Sherlock Holmes and the Secret Weapon* (1943). Though spy films may have had a point in keeping the homefront on its toes, they had a poisonous side effect in convincing people that they were beset by legions of shadowy foes from the evil empire overseas. The paranoid mindset would fuel the Communist witchhunts of the postwar era. The siege mentality was also encouraged by a Frank Capra documentary, *Prelude to War* (1943), the first in a series called *Why We Fight*, made for the military but also placed on general release. In *Prelude*, Capra suggested a world divided literally between free, peace-loving nations and a united monolith of slave nations. When, after the war, the Russians and Chinese communists replaced the Axis as our major world opponents, it was easy to stereotype them as one great evil empire bent on world conquest, because the mindset for such a synopsis was already in place.

This brings us to evaluate the impact of films made during the war. In the short run, movies kept up morale, sold war bonds, made the war intelligible to the person on the street. The long-term effects may have been less positive. Hollywood made us believe that certain acts, when carried out by an enemy are evil but when carried out by ourselves are righteous. Take bombing as an example. A good documentary like *The Memphis Belle* (1943) tried to treat the air war with some degree of dispassionate accuracy but feature films were not similarly restrained. Nazi bombings of civilians, always depicted in movies as a deliberate evil, were used to justify our enormous airborne retribution. Thus, Ronald Reagan becomes *A Yank in the RAF* (1941) after witnessing the death of an English schoolgirl. But, and this is crucial, the impression is created that, even in revenge, we remain morally superior to the Nazis. Reagan's bombs only hit "military" targets; the illusion is left that you can avoid hitting non-combatants if you want to. Actually, precision bombing was very difficult and was increasingly abandoned for area bombing by the allies. More German women were killed by bombs in World War Two than civilian men but the myth was created that our bombs only hit soldiers. This myth almost certainly fed the illusion in the Gulf War that we "smart-bombed" the enemy with pinpoint accuracy, whereas in fact it is estimated that over 80 percent of bombs released in the Gulf missed their target.

With the Japanese theater, no such illusion was necessary, because film portrayed an enemy so despicable that extermination by indiscriminate air attack was justified. Films like *The Flying Tigers* (1942) and *Thirty Seconds Over Tokyo* (1944) saw the air war entirely through the eyes of Allied flyers; the enemy is a

dehumanized target. In *The Purple Heart* (1944), the execution by the Japanese of flyers who took part in the Doolittle raid is dramatized, but we do not see the reason for the executions: the deaths of Japanese civilians caused by the raid, something that we called a war crime when done by the enemy. Whatever position one takes on the necessity for the dropping of the atom bombs, one thing often forgotten is this: at the time, there was almost no debate at the highest political levels about the morality of the action. We had been conditioned by our propaganda to believe that the use of any air weapon against the Japanese was justified.

Equally troubling about the film of the period is its glamorization of war, particularly the experience of combat. Despite the appearance in 1946 of such films as the documentary *Let There Be Light* and the drama *The Best Years of Our Lives*, about the adjustment problems faced by returning veterans, Hollywood had fostered a lasting impression that fighting made boys into seasoned men in a setting that was just a little bit rougher than a college football game. World War Two films inspired some Vietnam generation youth to seek fulfillment through combat. "I went to kill a commie for Jesus Christ and John Wayne" said a Vietnam veteran. One of the reasons that people clamor about the return of MIAs (those listed as missing in action) is that the popular media have never been truly honest about what happens to a body hit by a mortar round or a burst of flak: it disintegrates totally.

Most crucially, war films about the Pacific fighting were dishonest about the *mutual* ferocity which inevitably marks a war characterized by racial antagonisms. Men who fought in Vietnam were shocked by the savagery of which they were capable when dealing with an Asian people. Film had failed to warn them that this would be the case. There are still many people who mistakenly believe that Vietnam was an aberration from, rather than a sequel to, the Pacific war.

Finally, if Hollywood seemed to make combat appear to be an adventure, full of thrills, it made the war overall seem to be fun. Of the 300-odd feature films produced during the war, about 40 percent were musicals, such as the George M. Cohan story, *Yankee Doodle Dandy* (1943), and including military pieces like Irving Berlin's *This Is the Army* (1943) or Danny Kaye in *Up in Arms* (1944). The war was in some way reduced to the level of a Disney cartoon: Daffy Duck got drafted, Donald Duck told filmgoers how saving would beat the Axis, and Bugs Bunny sold war bonds. For many Americans, the war era was more prosperous, more secure, less threatening than the Depression. It was fun and Hollywood painted it that way.

The legacy for the Gulf is again, perhaps, clear. This most recent war, which was so frequently related back to World War Two, was approached in many ways as a media event, a television mini-series, in which having a parade often seemed to be a paramount concern. And, of course, the Gulf War spawned a number of spectacular musical events. The model was the entertainment business of World War Two, which also had a tendency to desensitize us to the mass suffering inevitable in modern, industrialized warfare. Some wars are necessary. Surely, the war against Hitler was one of them. But this does not make them "good" in a larger human sense. By suggesting that war is a good time, a colorful, foot-tapping break from the humdrum, Hollywood may have done us a lasting disservice.

Suggestions for Further Study

All films mentioned in the text, except those marked by an asterisk (*), are readily obtainable in VHS format. Many can be purchased cheaply at discount stores.

There are many general histories of film. Basic works available in paperback include: David A. Cook, *A History of Narrative Film*, 2d. ed. (New York, 1990); Douglas Gomery, *Movie History: A Survey* (Belmont, California, 1991); and Garth Jowett, *Film, the Democratic Art: A Social History of American Film* (Boston, 1976).

The general history of war films is covered in Clyde Jeavons, *A Pictorial History of War Films* (Secaucus, New Jersey, 1974), and Lawrence H. Suid, *Guts and Glory: Great American War Movies* (Reading, Massachusetts, 1978).

I recommend Bernard F. Dick, *The Star-Spangled Screen: The American World War II Film* (Lexington, 1985), as the best general study of film in the conflict. Colin Shindler's *Hollywood Goes to War: Films and American Society 1939-1952* (Boston, 1979), is opinionated but thought provoking. Jeanine Basinger, in *The World War II Combat Film: Anatomy of a Genre* (New York, 1986), analyzes the development of the combat movie as a specific art form with its own conventions.

The Right Most Valued by Free Men: Origins and Historical Development of the Citizen's Right to Keep and Bear Arms

by
John Prescott Kappas

The best we can hope for concerning the people
at large is that they be properly armed.
- Alexander Hamilton -

On a chilly morning in April 1775, armed citizens of the Massachusetts militia quietly assembled near the town of Lexington. Their presence was intended to thwart the advance of an unlikely enemy. Twelve hours earlier, General Thomas Gage, British military governor of Massachusetts, dispatched several hundred troops from the royal garrison in Boston with orders to seize patriot munition supplies stored at Concord.[1] British officials feared such material might pose a substantial threat to their hegemony over the colony. Recent events in both America and England were contributing to an increasingly hostile relationship between government and citizenry. Parliament had just passed a series of repressive measures known as the Intolerable Acts, and the British army, once viewed by colonists as a protective force, was quickly developing into an unpopular instrument of tyrannical rule.[2] In such a climate, the mere presence of American citizens stockpiling weapons was enough to suggest potential rebellion while sending a shiver down the spine of any minor bureaucrat employed by the Crown. A move by British authorities to seize the supplies at Concord, although in violation of English common law, was seen as an expedient necessity by General Gage.[3]

In issuing his orders, however, Gage did not consider the steadfast resolve of the colonists. Deep within the psyche of these early Americans was a strong appreciation for the basic rights of man. One such right, the right of the citizen to keep and bear arms, would prove to be the monkey wrench in the works of Gage's plan. After his forces seized a portion of the supplies, patriot resistance did not collapse as Gage had hoped. Instead, the British columns were effectively harassed by musket-bearing colonials during their entire march back to Boston.[4] A well-armed citizenry

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had dealt a decisive blow to a major world power and set the stage for the birth of the American Republic.

These now famous battles of Lexington and Concord illustrate the great importance of private arms ownership to the American experience. For more than two hundred years, the individual's right to bear arms has shaped America's societal development and guaranteed the freedom of her citizens. Yet, the origin of the right predates the American Revolution by over 2,000 years. Its character and essence are firmly rooted in the early foundations of Western Civilization. The Greek philosopher Aristotle expressed the predominant Hellenic view that individuals have an inherent right to bear arms in defense of themselves and the state.[5] Reflecting upon conditions in ancient Greece, Aristotle argued that domestic imbalances existed when governments attempted to comprehensively disarm specific segments of society. These "disarmed classes" would inevitably develop a dependency upon the state's military establishment for security and protection. Although seemingly benevolent at first, such a dependency made it much easier for an unscrupulous leader to manipulate and eventually control the population. Aristotle theorized that such a situation could be avoided if the whole body of the people were armed.[6] Individual arms allowed the citizens to be self-reliant and thus less susceptible to government oppression.

Aristotle's argument demonstrated an unwavering confidence in the power of the citizenry to check arbitrary government action. Unlike Plato and other advocates of benign totalitarianism, Aristotle saw government as an essentially expansive organism that would grow beyond its natural boundaries if permitted.[7] The citizenry must therefore possess the means to physically halt this growth. Universal arms bearing was the most effective method for maintaining a balance between citizenry and government.

Aristotle's premise that arms ownership is the prime manifestation of societal freedom rested on his comparative analysis of slaves and freemen. In Greek society, slaves were denied access to arms. This condition existed in almost every society where slavery was an institution. Governmental policies strictly prohibited any indentured individual from possessing instruments capable of causing violence. Aristotle reasoned that edicts restricting non-slaves from possessing arms made those individuals de facto slaves. His analogy cast the government in the role of master and the people it disarmed in the role of slaves. In much the same way that slaves were denied the means to oppose their masters, disarmed citizens of an oppressive state lacked the ability to oppose their government.

The history of the early Greek city-states corroborated much of Aristotle's theory. At times when arms ownership was restricted to a particular class, as in Athens during the tyranny of Peisistralus, the citizens were forced to abide by the unlawful, and sometimes harsh, dictates of the oligarchy.[8] Aristotle cited this particular historical episode as reason enough for an armed citizenry capable of controlling its own destiny. Only through possessing private arms could citizens check, and eventually destroy, the power of an unpopular leader.

The development of arms bearing as a fundamental right continued under the Romans. The sixth Roman king, Servius Tullius, mandated that all citizens must possess arms for collective and self-defense.[9] He intended such arms possession to exist as both a right and a duty. Roman citizens had the "right" to possess arms yet with that right came the "duty" of societal defense.

During the years of the Roman Republic, private arms ownership was increasingly viewed as an important aspect of republican government. Not only did an armed citizenry serve as the most effective means of national defense, it also developed into an ever watchful regulator of tyrannical excesses. Marcus Tullius Cicero, Roman orator and statesman, characterized the existence of private arms as the quintessential example of the people having direct control over the sinews of power.[10] He further argued that the right was not subject to written laws but inherent in the laws of nature:

> . . . a law, not written down but inborn in our hearts; a law which comes to us not by training or custom or reading but by derivation and absorption and adoption from nature itself. . . . [11]

This is perhaps one of the first recorded acknowledgements of the right to bear arms existing as a natural right wholly apart from the framework of artificial dictates. In espousing this concept, Cicero hoped to convince his fellow Romans to be wary of attempts to restrict the right.

Cicero and other influential republicans also extolled the virtues of the legendary citizen-soldier Cincinnatus.[12] This ancient progenitor of our 18th century minuteman was a farmer by profession and a soldier by necessity. Always ready to defend the Republic at a moment's notice, the image of this privately armed citizen rushing off to fight foreign invaders was a rallying point for Roman republicans. To them as well as most other Romans, Cincinnatus typified the virtues of the agrarian republic.

The latter years of the Republic witnessed a decline in citizen recognition of arms bearing as an essential right and duty. Rome began relying heavily on mercenaries to fight her wars of conquest.[13] When Caesar crossed the Rubicon in 49 B.C., the tradition of the citizen-soldier had all but faded, replaced by a professional standing army with little accountability to the people.[14] The Republic, once typified by free citizens bearing arms, gave way to an imperial dictatorship which relied on state terror for social control. The people's willingness to accept this repression was directly attributable to their increased dependence on the central government for services they formerly provided themselves. Necessities such as national defense ceased to be of concern to the average citizen and instead became delegated responsibilities for foreign mercenaries. This salutary neglect of the right to private arms possession was a key factor in forcing Rome's final demise. When the last barbarians sacked the city in 476 A.D., no one opposed them but a disarmed population interested only in appeasement. The citizen-soldier tradition upon

which Rome was built had become nothing more than an abstract memory.

The fall of Rome sparked the development of early feudalism in Western Europe.[15] During this period private arms ownership ceased to be an important principle. Instead, a warrior class of knights, trained to uphold the new social system, developed. The average individual lived as a serf on large estates protected by these knights. Although at first glance such a system of security might appear appropriate, the negative implications of a disarmed citizenry were apparent. The lord of the estate exercised absolute control over his serfs. His ability to do so rested on his knights' near monopoly of weapons and battle implements. Such a monopoly made it very easy for the lord to dictate policy to a docile and defenseless serf population that relied exclusively on the lord and his knights for survival. In exchange for knightly protection, the serfs sacrificed the natural right to provide their own means of self-defense and indirectly contributed to their dependent, slave-like status.

These early manifestations of the feudal system were mostly limited to kingdoms on the continent. In Anglo-Saxon England, all freemen were encouraged to bear private arms in defense of themselves and the state.[16] King Alfred organized the fyrd or "citizen militia" in the ninth century with hopes of creating a formidable deterrent to foreign invasion.[17] This was soon followed by King Cnut's mandate that bearing arms was a duty as well as a right. Under Cnut's law, any man who did not bear arms was assessed a fine which could be followed by harsher punishment in the event of future non-compliance.[18] The reliance of Anglo-Saxon society on the armed citizen typified its belief that true power rested squarely with the citizenry.

After the Norman conquest of 1066, certain aspects of continental feudalism were introduced to England. Yet, curiously enough, the new conquerers continued to recognize the right of private arms ownership. In 1181 King Henry II issued the Assize of Arms. This lengthy proclamation provided that all freemen may keep their own arms regardless of dictates from the nobility that might seek the citizenry's unilateral disarmament.[19] The Assize of Arms was clearly an attempt to prevent the nobility from developing a singular monopoly on arms. It also further codified the legal premise that arms bearing was the duty, as well as the right, of every freeman.

Within a few short years of its issue, however, the Assize of Arms fell on hard times. Henry's successor, King John, attempted to disarm the very populace the Assize of Arms was supposed to protect. This unorthodox move was quickly met by strong opposition from the nobility who forced King John to sign an agreement in 1215 that limited the King's power. This "Magna Carta" recognized the right of the nobility to correct illegal acts of the King by force.[20] Although ultimately aimed at preserving the power of feudal lords, the Magna Carta was the first pronounced articulation of the natural right of the governed to revolt. It would later be applied to the citizenry at large during the formative years of the American Republic.

Another enactment that lended further legal support to the concept of universal arms bearing was the Statute of Winchester (1285). This document echoed the character of these earlier acts by extending the right of arms ownership to every man,

not just freemen.[21] The Act required that ". . . every man between 15-60 shall be assessed and sworn to armour according to the quality of their land and goods. . . ."[22] By enacting such a statute, the power base in England was further decentralized and distributed among the whole population. The king still maintained considerable control, yet compared to continental Europe, the English monarch's power was noticeably limited by the armed citizenry.

Most other European nations of this period paid scant attention to the peoples' right to bear arms. Feudal lords and monarchs kept their populations practically disarmed and effectively enslaved. However, the early years of the Renaissance witnessed an increased appreciation for the right among certain continental philosophers. Niccolo Machiavelli is perhaps the most famous of the Renaissance advocates of an armed citizenry. Writing at a time when Italy was divided into many separate states, Machiavelli advocated the establishment of popular militias which would encompass the full military power of their respective state.[23] Such systems would deter a state's rulers from employing mercenaries to oppress the citizenry since the state's power would be subject to direct citizen control.

Machiavelli developed this thesis by analyzing conditions of his native land. The Florentine philosopher was all too familiar with government power run amok. Several times during his lifetime, Machiavelli experienced the ill effects of an unarmed people's oppression by their ruler's professional standing army. The events helped shape his view that a citizen army comprised of part-time soldiers could thwart future advances of monarchical despotism by ensuring that the people, not the government, controlled a monopoly on the instruments of violence.[24]

Throughout most of his writings, Machiavelli made consistent references to the Roman Republic and the 16th century Swiss. Extolling both as successful examples of armed citizenries, Machiavelli argued that their experiences should lead other nations to adopt similar systems: "When states are strongly armed, as Rome was and the Swiss are, the more difficult it is to overcome them. . . ."[25] Notice Machiavelli's use of the word "state." Contrary to the beliefs of his contemporaries, Machiavelli defined the ideal "state" as being synonymous with the "people." To Machiavelli, an "armed state" meant an "armed people." An armed state's purpose would include a duty to maintain a defense against foreign enemies as well as domestic tyrants.

In *The Prince*, Machiavelli elaborated on this concept through a series of "political advice" comments directed toward the princes of his day. In one such statement, Machiavelli warns potential leaders: "There never was a new prince who disarmed his subjects; on the contrary, when he found them without weapons, he always armed them."[26] Machiavelli's position regarding arms ownership was clearly one of realism buttressed by the evidence of history. He advanced the notion of a republican state in which power is directly wielded by the people. Although an outsider among 16th century political theorists of continental Europe, his treatises clearly reflected the future beliefs of most eighteenth century classical republicans.

Despite its outward appeal, Machiavelli's persuasiveness failed to prevent the

English from experiencing one of the most notorious attempts at disarmament in their history. During the early 1660s, Charles II attempted to disarm all commoners through the enactment of anti-firearms legislation.[27] The stated purpose of these acts was to preserve wildlife in the English countryside by curbing hunting excesses.[28] Yet the underlying reason was to remove the means by which the citizenry could revolt against the oppressive monarchy. The legislation authorized house to house searches and wholesale arrests of violators. Much of the discretion for enforcement was left to the king's lieutenants who carried out the policing aspects of the Acts with great zeal.[29]

Charles' successor, James II, continued the anti-gun policy of his predecessor but changed the primary objective to the disarmament of England's Protestant majority.[30] This outwardly antagonistic move by a Catholic monarch quickly caused the collapse of James' reign and the succession of William and Mary to the throne of England. Popularly known as the Glorious Revolution of 1688, this event led to the drafting of the English Bill of Rights. This document declared the existence of thirteen inalienable rights including the right of Protestant subjects to bear arms for their defense.[31] The discussions in Parliament that led to the final passage of the bill indicate that the drafting members intended to recognize an individual right to bear arms in defense of oneself and the state and a right to revolt against an oppressive central government.[32] Such formal recognition of the right would ensure its continued importance in subsequent British history.

Following the Glorious Revolution, members of England's Whig party were among the most vociferous advocates of an armed citizenry. Comprised mostly of republicans, English Whigs viewed citizen militias consisting of whole populations armed with their own weapons as indispensable characteristics of free republican societies.[33] Standing armies were alternately seen as supporters and ultimate purveyors of monarchical despotism. Their ranks normally swelled with neer-do-wells recruited from the lower rungs of society's social ladder.[34] The devotion these "professionals" had to societal welfare was almost nonexistent. Whigs feared that such armies could easily be used by an unscrupulous leader to enslave the very citizenry they were enlisted to protect.[35]

This potential for tyranny was the inspiration for the Whig vision of society. Those individuals who owned property would fulfill the responsibility of collective defense by maintaining popular militias.[36] These militias would not be under the control of any central body. Instead, the citizens would maintain their own arms and organization with little intervention from the government. If a threat to society arose, the citizens would briefly take up arms to meet and hopefully destroy the threat. Liberty and republican order would be preserved by those citizens with the greatest investment in society.[37]

Philosophical justification for an armed citizenry was echoed by many of England's foremost political theorists. One such commentator, a Scottish Whig, Andrew Fletcher, argued that the political objective of an armed populace was to prevent tyranny.[38] *In A Discourse of Government with Relation to Militias*, Fletcher

praised the citizen militia as the perfect instrument with which the people could exercise direct control over their own destiny. He further defined the term "well regulated militia" as a militia not subject to central government control and existing within the entire body of the population.[39] Contrary to modern attempts at revision, "well regulated" implied that the citizenry would maintain proficiency in arms and organization without the interference of government. Only in such a way could the militia regulate arbitrary government expansion. Any militia hindered by government infringement could not effectively serve as an opposing force to that government and thus was not "well regulated."

The famous jurist, William Blackstone, further reinforced Whig doctrine by noting the common law justification for arms ownership. In *Commentaries*, Blackstone stated that an inalienable right of citizens is arms possession. The rationale behind the right is "a natural right of resistance and self-preservation, when the sanctions of society and laws are found insufficient to restrain the violence of oppression."[40] Blackstone implied that governments may not always follow the guidelines established by law. If the threshold of their legitimate authority is breached, it is the duty of the armed citizenry to restrain the resulting government action. Blackstone's reliance on centuries of English common law allowed him to formulate this very accurate summation of jurisprudence.

Early Americans were very sympathetic to the prevailing Whig notions of the 18th century. The theories supporting the right of the citizen to bear arms were especially popular among the colonials. In the hostile and unstable environment of the frontier, bearing arms was a necessity as well as a recognized right. The Whig idea of an armed citizenry serving as a community's primary defense establishment was a very acceptable concept to the independent farmers of the New World. Most felt such a system would prevent the development of a standing army.

For the first 170 years of colonization, popular militias maintained the only military presence in America. Serving effectively as bulwarks against Indian aggression, privately armed citizens corroborated the practical advantage of Whig ideology.[41] The French and Indian War (1754-63), however, witnessed the permanent transfer of a large British force to the colonies. Ostensibly positioned to protect the frontier, the British regulars soon became unpopular police agents charged with enforcing numerous revenue bills passed by Parliament.[42] Colonials were incensed by the arbitrariness of the situation. The power of their own citizen militias had been subjugated by an occupying force which they had very little control over. Whig republicanism, with its emphasis on local autonomy, was slowly being replaced by parliamentary despotism. Sons of Liberty leader Samuel Adams wrote: "it is always dangerous to the liberties of the people to have an army stationed among them, over which they have no control."[43] Adams went on to praise the existence of citizen militias which he argued were the ultimate guardians of a free people's rights.

Other spokesmen for the colonial cause were careful to differentiate between a "well regulated militia" or one free from government control and composed of all

the people, and a "select militia" which simply formed a small part of a much larger standing army. Patrick Henry defined a well regulated militia as one "composed of gentlemen and yeomen" from the whole population.[44] George Mason, a future contributor to the constitution, described a well regulated militia as consisting of privately armed citizens organized into independent companies prepared to resist the standing army of a despot.[45] Such precise definitions were necessary to distinguish the traditional militias from certain "royal militias" that had recently been assimilated by the British army. These select militias ceased to be militias in the strict sense and instead became puppets of the British authorities whose continued attempts at manipulation eventually led to the War for Independence.[46]

The character of the ensuing eight-year struggle was shaped by the tremendous number of arms in the population. Although contemporary historians are quick to discount the importance of local militias in the war's traditionally fought battles, the fact remains that the small rural skirmishes that made up a large part of the conflict's total action were controlled, and successfully manipulated, by colonial militiamen bearing their private arms.[47] The vital role these early guerrilla fighters played in the war effort was so well recognized by colonial legislatures that many passed statutory and constitutional declarations forever protecting the right of citizens to be armed.[48] These and other explicit state guarantees of the right to bear arms would soon form the driving force behind the right's inclusion in the United States Constitution.

After the initial failure of the Articles of Confederation to solidify a viable union, the push for the creation of a federal constitution, with increased power delegated to the central government, led to concern over suitable protection of individual rights. State ratifying conventions refused to approve the new document unless a bill of rights was added that would guarantee the sanctity of certain individual rights.[49] Two groups, the Federalists and the anti-Federalists, debated the necessity of including such a document in the Constitution. The Federalists argued that an armed citizenry would render a Bill of Rights unnecessary.[50] The population, armed with its own weapons, could easily repel any government assault on individual liberties. In *Federalist Paper No. 28*, Alexander Hamilton articulated this popular notion: "If the representatives of the people betray their constituents, there is then no recourse left but in the exertion of that original right of self-defense (from) government."[51] James Madison reiterated this view in *Federalist Paper No. 46*. Madison predicted that the whole body of freemen could easily defeat a government attack on the people: "(A standing army) would be opposed by a militia amounting to near half a million citizens with arms in their hands."[52] The Federalists believed strongly in the ability of a well regulated militia to check the tyrannical excesses of an abusive central government.

The Anti-federalists, however, feared that Congress could destroy the effectiveness of a well regulated militia by creating a select militia which would be ultimately accountable to federal military authorities.[53] A bill of rights would be needed to protect all rights, including the right of the citizenry to be armed. One of the

foremost Anti-federalists, Richard Henry Lee, persuasively argued for incorporation of a bill of rights by raising the specter of a select militia: "Should one fifth or one eighth part of the men capable of bearing arms, be made a select militia. . .and all others put upon a plan that will render them of no importance, the former will answer all the purposes of an army, while the latter will be defenseless."[54] Lee advocated the continuance of the citizen-soldier tradition to prevent Congress from creating such a select militia. Only when the yeomanry exclusively constitute the militia can liberty be preserved. Select corps of men, commanded by government authorities, have no attachment to the community and thus are convenient tools of a despot.

The significance both political factions attached to an armed citizenry illustrated the unquestioned importance of private arms ownership to Constitutional framers. Although disagreeing on many other substantive issues, Federalists and Anti-federalists adamantly shared a commitment to individual arms possession. State ratifying conventions similarly expressed support for an armed citizenry and conditioned their subsequent approval of the Constitution on the inclusion of a Bill of Rights designed to guarantee the continuance of an armed populace.[55]

In 1789, James Madison submitted the first in a series of amendment drafts. The article that would later become the Second amendment experienced several mechanical revisions in the House and Senate before assuming its final form. Representatives wished to recognize an absolute right of every citizen to bear arms. Phrases hinting at a conditional right, such as "for the common defense," were quickly deleted from the text.[56] The developing statement soon took the final form most are familiar with today: "A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms,shall not be infringed."[57] To fully appreciate the meaning and intent of this Constitutional subsection, one must examine the historical framework in which the amendment was conceived.

As indicated earlier, the term "well regulated militia" referred to a militia composed of the whole population, proficient in the use of private arms and free from central government control.[58] The framers were careful to emphasize this definition during numerous discussions concerning the Second amendment. Their intention was to guarantee the citizenry unlimited access to arms so that the peoples' natural right to revolt against tyranny could be effectively preserved. The armed citizenry served as an extra-governmental regulator of arbitrary power, and thus its insulation from government control was imperative. Well regulated militia distinguished the popular militia (eg. the general population) from a select militia (eg. modern National Guard units). Select militias subservient to governmental authority fell outside the scope of Second amendment protection.[59] Their justification existed in Article I, 8 which gave Congress the power to organize select militias.[60] As George Mason rhetorically asked: "Who are the Militia? They consist now of the whole people, except a few public officers."[61]

The term "people" referred to citizens of the national community and thus

implied an individualist orientation.[62] The Second amendment safeguarded an individual right of each citizen to be armed just as the First amendment protected the right of each citizen to speak freely. The framers were consistent on this point by using the term "people" in Constitutional clauses (eg. 1st, 4th, 9th, and 10th amendments) where an individual right was mentioned.[63] If the framers intended to guarantee a collective right in the Second Amendment, they would have deleted "people" from the amendment's text and included an organizational term such as "militia" or "state" in its place.[64]

The term "arms" referred to any personal weapon that could be used for defensive or offensive purposes.[65] The framers were careful not to narrow the scope of the Second amendment by limiting its protection to a specific weapons class. The general designation "arms" allowed the article's purview to include all current weapons and any future weapons that might develop from subsequent advances in firearms technology.

The framers' motivation in providing this broad categorization was based largely on consideration of the Second amendment's practical purpose. The effectiveness of an armed citizenry in resisting government oppression depended on the continuance of an equality of firepower between both parties. If the government were to restrict possession of current military small arms to official state forces, the tenuous equilibrium mandated by the Second amendment would cease to exist. The citizens would be forced to rely on obsolete weapons for their defense while the government could monopolize the fruits of current technology and willfully employ this advantage against the population. The framers correctly believed that societal balance could only be maintained if the citizenry possessed the same personal weaponry as the government.

The term "infringed" was absolute in nature. It was not conditioned by words such as "unreasonable" or "unlawful." Other constitutional articles contained language that presupposed the necessity of certain lawful government actions. The Fourth amendment only restricts "unreasonable searches and seizures," thus allowing those searches that are accompanied by a judicial warrant.[66] The Second amendment states without qualification that the "right of the people to keep and bear arms shall not be infringed."[67] This language suggests that any government regulation of the citizen's right to arms possession is prohibited.

The preceding analysis of the Second amendment's text allows for a more definitive reading of the article: "A well regulated Militia (*an armed population*) being necessary to the security of a free state, the right of the people (*individuals*) to keep and bear arms (current military weapons) shall not be infringed (*regulated by government*)."[68]

Following the ratification of the Bill of Rights in 1791, the meaning and relative importance of the the Second amendment was universally acknowledged in judicial commentaries and state court decisions. Supreme Court Associate Justice Joseph Story referred to the Second amendment as the "palladium of the liberties of a Republic."[69] To Story and many other like-minded justices, the Second amendment

vested the ultimate power of society in the hands of the citizenry. Private arms ownership ensured that a tyranny such as the one experienced by pre-Revolutionary colonials would never occur in the new Republic.

Select court decisions indicate that the judiciary was firmly in favor of a strongly armed population. The Tennessee Supreme Court case of *Aymette v. State* (1840) affirmed the right of citizens to bear military arms in defense of liberty.[70] The court stated that citizens who possess the requisite implements of modern warfare, "are prepared in the best possible manner to repel any encroachments upon their rights."[71] *Aymette* accurately reflected the immense amount of respect pre-Civil War jurisprudence accorded the Second amendment. Although having no immediate effect upon federal rulings, *Aymette* would later be cited by the United States Supreme Court in the important 20th century case of *U.S. v. Miller* (1939).[72]

The first instance of the Supreme Court directly addressing the Second amendment occurred in 1876 with the pivotal case of *U.S. v. Cruikshank.*[73] Federal authorities had charged Cruikshank and others with violating the constitutional rights of two individuals of African descent. Among the numerous counts in the indictment was included, "an intent to hinder and prevent the exercise of the individual's right to bear arms for lawful purposes."[74] The government was proceeding under the enforcement power of a civil rights act passed by Congress in 1870.[75] This legislative article was supposed to ensure that the fourteenth amendment's application of national citizenship rights to the states would be properly enforced. Instead, the Court, eager to narrow the extent of federal power, ruled that the alleged violations of constitutional rights did not occur under the color of state law and thus were not actionable federal offenses.

In referring to the count involving the right of individuals to bear arms, the court stated that bearing arms was a natural right that predated the Constitution. The Second amendment simply guaranteed that the federal government would not infringe upon the right.[76] The court at this time was reluctant to apply any of the Bill of Rights to the states. Its refusal to incorporate the Second amendment did not indicate any disavowal of the article's traditional meaning. The court reiterated the individualist bent of the amendment very adeptly. Rather, the court's main goal, to throw what it saw as a private matter back to the state courts, overrode all other considerations.

Following closely on the heels of *Cruikshank* was the 1886 case of *Presser v. Illinois.*[77] Herman Presser was a German immigrant and leader of a paramilitary organization known as the Lehr und Wehr Verein. The group openly drilled with military weapons and had as one of its objectives the promotion of firearm proficiency. In 1879, Presser and members of his organization were arrested for conducting an armed march down the streets of Chicago and charged with violating an Illinois statute which prohibited such an action without license from the governor.[78] Presser took the case to the Supreme Court and challenged the constitutionality of the Illinois statute. Claiming it violated the First, Second, and 14th amendments, he urged the court to invalidate the law.

The court took an approach similar to *Cruikshank* in that it ruled the Second amendment was a limitation on national power only.[79] The Illinois statute was a state regulation and thus did not involve an arbitrary exercise of federal power. Also, the statute did not directly affect the right of individuals to keep and bear arms. It simply restricted armed military parades to a formal licensing procedure. The court indicated that if the state regulation had somehow adversely affected the right of the people to keep and bear arms, thereby hampering the ability of America's well regulated militia to possess arms, the statute may have been invalidated:

> It is undoubtedly true that all citizens capable of bearing arms constitute the reserved military force or reserve militia of the U.S. . . .in view of this. . .the states cannot. . .prohibit the people from keeping and bearing arms, so as to deprive the U.S. of its rightful resource for maintaining the public security.[80]

The statute in question, however, did not have the effect mentioned above. The Supreme Court therefore ruled it to be valid and in so doing upheld Presser's conviction. The important point to remember about *Presser* is that the court recognized America's militia as consisting of the whole population. This reaffirmed the militia's traditional definition which the framers relied upon in drafting the Second amendment.

The final case of the nineteenth century dealing specifically with the Second Amendment was *Miller v. Texas* (1894).[81] Defendant Miller was arrested on a concealed weapons charge by law enforcement officials acting under the color of Texas state law. Miller contended that the statute prohibiting the carrying of concealed weapons and allowing immediate arrest without a valid warrant was in violation of the Second, Fourth, and Fourteenth amendments. The court followed the traditional line evident in the previous cases by refusing to apply the Second or Fourth amendments to the states. Yet the court suggested in its opinion that the defendant should have addressed this issue at the trial court level. Failure to do so forced the court to concentrate solely on issues of trial error. Since the amendments mentioned above were a non-issue at the trial, the court did not address their applicability to state action.

Nineteenth century jurisprudence concerning the Second amendment clearly confirmed the individualist bent of the right to bear arms. The preceding cases indicate that the court was quick to confirm the inalienable nature of the right and its relative importance to the preservation of all other rights. The court was reluctant, however, to selectively incorporate the Second amendment through the "privileges and immunities" clause of the Fourteenth amendment.[82] Such an action would have bound the states to the Second amendment's prohibition on governmental infringement of private arms possession. This apparent shortcoming should not be interpreted as a slight against the Second amendment. The late nineteenth century Court failed to substantially apply any of the Bill of Rights to the states. The

Second amendment was simply given the same treatment as all others.

On January 21, 1903, Congress corroborated the true meaning of "militia" when it passed the historically significant Dick Bill. This legislation created the present system of National Guard units existing in all 50 states.[83] It stipulated that the President exercised ultimate authority over the Guard, and the weapons of the various units were to be federally owned and controlled. The Act further indicated that National Guard personnel would be drawn from the whole population which, according to the Act, was the general militia.[84] Such a definitive drafting should put to rest false ideas that hold the National Guard to be well regulated militia protected by the Second amendment. The National Guard receives the statutory basis for its existence from the 1903 Congressional law mentioned above. The standing army nature of the Guard, exemplified by its federally owned weapons and chief executive control, are enough to differentiate the Guard from the Second amendment's militia which, as we saw earlier, was intended to the be all citizens, free from central government control and possessing privately owned weapons.[85]

With almost 140 years of unanimous judicial and legal support, the Second amendment suffered its first direct attack in 1934 with the passage of the National Firearms Act (NFA).[86] This federal law regulated the possession of machine guns and short barreled shotguns by imposing a $200 transfer tax and mandatory registration policy on the sale of these weapons.[87] Within a few short years a challenge to the Act's constitutionality arose in federal court. The resulting Supreme Court case (*U.S. v. Miller*) would be the only twentieth century ruling on the Second amendment issued by the Court.[88]

The judicial history of *U.S. v. Miller* provides a clue as to the reasons behind the case's final outcome. Shortly after the passage of the NFA, Jack Miller and an accomplice were arrested for allegedly transporting a sawed-off shotgun through interstate commerce without the appropriate registration and tax stamp as required by the Act. Miller maintained that the NFA's licensing and taxing provisions were in direct conflict with the Second amendment. The district court agreed and ruled the NFA to be unconstitutional. The government, however, appealed the case directly to the Supreme Court. When the case reached the oral argument stage, Miller had died and no attorney was retained to argue his side of the case. The final argument before the Court witnessed only one attorney, the government's counsel, urging the validation of the 1934 law.

The resulting opinion of the Court unanimously upheld the National Firearms Act but indicated that the lack of any adverse material to the government's position forced the court to decide in the way it did.[89] Speaking for the Court, Associate Justice McReynolds implied that if evidence of a sawed-off shotgun's military value had been presented to the court, the justices would have declared the NFA unconstitutional. McReynolds went on to say that the Second amendment protects the right of the people to keep and bear arms suitable for military purposes.[90] The military nature of a sawed-off shotgun, something common to anyone familiar with modern warfare, was never presented to the court. This lack of judicial notice

caused the court to rule in the manner it did.

Despite *Miller's* outcome, the decision should not be viewed as anti-Second amendment. Much of the court's opinion reinforced the traditional view of the right to bear arms and even held that any small arm used in modern warfare is a protected weapon under the Second amendment.[91] Noted law professor Sanford Levinson, an advocate of gun control, even admitted that *Miller* could be used by pro-Second amendment forces to invalidate federal laws aimed at banning so-called "assault weapons:"

> Miller can be read to support some of the most extreme anti- gun control arguments, e.g., that the individual citizen has a right to keep and bear bazookas, rocket launchers, and other armaments that are clearly relevant to modern warfare, including . . . assault weapons. Arguments about the constitutional legitimacy of a prohibition by Congress of the private ownership of . . . assault rifles, might turn on the usefulness of such guns in military settings.'[92]

As Levinson's writing indicates, most legal scholars are beginning to recognize the clear enunciation in *Miller* of the citizen's right to bear arms, especially military arms.

Miller was the last case in which the Supreme Court directly addressed the issue of the Second amendment. Since 1939, Congress has passed several legislative amendments to the National Firearms Act and one other major federal gun control package. The Gun Control Act of 1968 arose in response to the immense amount of urban violence that year. It regulated the transfer of firearms and stipulated a licensing procedure for all commercial dealers.[93] The initiation of this federal act spurred the passage of numerous local and state ordinances aimed at further inhibiting the right of citizens to bear arms. By 1990, more than 20,000 of these non-federal laws existed in the United States.[94]

These numerous restrictions on the right of private arms ownership should cause concerned Americans to take notice. Constitutional framers intended the armed citizen to serve as the ultimate enforcer of individual rights. If he is deprived of his arms, the sole power of societal control will reside with the government. This Orwellian nightmare is precisely what the framers hoped to prevent by drafting the Second amendment. The great Virginia statesman Patrick Henry perhaps said it best when he warned: "Nothing will preserve (liberty) but downright force. Whenever you give up that force, you are ruined.'[95] So long as the people possess arms, their rights and traditional liberties will reign supreme. The jewel of freedom's eternal guardian has always been the watchful citizen, forever armed, and forever vigilant.

Endnotes

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8. Aristotle, *Athenian Constitution*, 47 (H. Rackham transl. 1935).

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17. W. Churchill, *A History of the English Speaking Peoples: The Birth of Britain*, 118 (Dodd, Mead and Company 1958).

18. Laws of Cnut 29.1, I, *English Historical Documents*, 422.

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21. *The Right of the People to Keep and Bear Arms Shall Not Be Infringed*, 2 (National Rifle Association, ILA 1991).

22. Statute of Winchester, 13 Edw. I c. 6 (1285).

23. Halbrook, 22.

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D.W. Griffith: The "Southern Gentleman" Who Made Hollywood

by
Susan Claypool

At the beginning of the 20th century, America entered the motion picture era. Americans were given a new frontier to explore, the film making industry. Among its first pioneers was the ambitious David Wark Griffith of Oldham County, Kentucky. D.W. Griffith emerged on the motion picture scene as Hollywood was just becoming a boom town. Although much controversy surrounds his films and personal life, most biographers have used psychology, rather than the ever-changing facts of his life, to discover the truth about Hollywood's greatest innovator.[1]

In *The Griffith Actresses*, Anthony Slide sums up the career of D.W. Griffith in one paragraph:

> ...the man who not only invented screen syntax, but also—and more importantly—gave the cinema the most precious gift of all, beauty. That beauty he presented to film audiences to a large extent through the actresses whom he used in his productions, actresses who studied individually might appear to have little in common but who together had one common denominator: they were all Griffith Girls.[2]

Right or wrong, Slide's view is narrow and hardly does justice to a man like Griffith who has had a number of admirers as well as critics.

Farmboy, writer, actor, director, and producer, Griffith went from wealth to poverty to wealth and back to near poverty by the end of his life in 1948. Through these ups and downs, Griffith successfully evaded what he called "the wolf of poverty," making almost 500 films in a 30-year career that included great achievements as well as disappointing failures.[3] Griffith's career ended in 1931 with the unsuccessful but appropriately named film, *The Struggle*.

For many years authors have tried to pinpoint what led to the ultimate decline of Griffith, suggesting that his name began to fade after he made the film *Broken Blossoms* (1919). Others have conjectured that *Orphans of the Storm* (1921) was the movie that turned his luck. The late noted writer and film producer, Kenneth MacGowan, contended that Griffith's demise can be traced to the controversy that surrounded his epic, *The Birth of a Nation* (1915). James Hart, editor of Griffith's Autobiography, *The Man Who Invented Hollywood*, suggests:

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> Actually, Griffith's decline cannot be measured against any particular picture but rather by what was happening to his audience. Soon after World War I, fashions changed drastically in manners, dress, speech, humor, music, literature, and drama. Americans were becoming sophisticated and Hollywood fell in line with indecent haste.[4]

Unfortunately, Griffith was never able to match this change in fashion. To understand why, one must turn to the early life of David Wark Griffith and consider how it led him to become a historical "giant" in the business of Hollywood. Ultimately, Griffith could not change the values and traditions that had long been set in his mind. The reason for this lies somewhere between a small town in Kentucky and the rapidly growing motion picture industry of Hollywood.[5]

Griffith was born January 22, 1875, on a farm near Centerfield, Kentucky, some 20 miles west of La Grange. The family farm was a sizable 264 acres, and prior to the Civil War, its main house was considered quite comfortable. Family tradition held that the main house had been destroyed by John Morgan's raiders during the Civil War. Actually, the homeplace, known as Lofty Green, survived the war by several weeks, then mysteriously burned to the ground, destroying both the family records and most of the home furnishings. The Griffith family was not living in the home at the time, having moved to nearby Floydsburg when Colonel Jacob Griffith joined the Confederacy .[6] Defeated and homeless, Griffith's father was unable to restore the farm to its former prosperity, and over the years had to take out three mortgages on Lofty Green. When Colonel Griffith died in 1885, at age 66, the farm was still heavily mortgaged. The Griffith family gathered up its remembrances of Lofty Green's prosperity, glorified the memories of the Colonel, and in March 1885 moved to a more modest farm in Shelby County, Kentucky. Griffith, always the southerner, remembered the Colonel as one who fought in the Lost Cause and who had struggled to preserve the family home. In his autobiography Griffith proudly wrote:

> After Bull Run, father was known as "Roaring Jake Griffith" to his men. Father was five times wounded during the Civil War, once was left for dead on the battlefield, virtually disemboweled by a shell explosion. Later, he was found.... An emergency operation in those days was a grisly affair, particularly for the soldiers of the Confederacy. The powerful Union blockade had prevented the South from having even proper surgical thread. So there on the battlefield, held down by assistants, the surgeon sewed father up hit or miss. They say he bit through his old gray felt campaign hat.[7]

The values of the Old South, such as courage, manliness, and racial stratification were favorites in Griffith's films. It has often been said that Griffith had a unique ability to adjust his childhood memories to movie form, thereby aggrandizing his life story and the South. Griffith had a profuse dislike for pencil and paper, and instead of note-taking, he would meticulously review events in his life until they were firmly fixed in his mind. As Hart recalled, "Gradually I began to realize that

he was not dictating pages, but was rehearsing and directing scenes out of his past. If the 'scene' didn't fit he would alter it or delete it."[8]

One of young David's most vivid memories details a journey made with his father on a winter's night to a country schoolhouse in which he witnessed a magic lantern show. Griffith seemed to enjoy the intimacy with his father—"to sit close to him and feel the warmth of his great body was as much rapture as a childish heart needed."[9] Moreover, this trip, Griffith later recalled, sparked his interest in showmanship, performance, and the mystique of theater.

The mystery and fascination that surrounded the life of Griffith is largely due to his secretive nature and his fancy for a good storyline. Yet, at times, Griffith would admit to less colorful facts in his life, and more often than not, would become extremely agitated when telling them. Richard Schickel contends that Griffith's "contrasting stories represent the poles of Griffith's personality, his art, his life. For he was both weak and strong, both romantic and a realist, and these contrasting impulses struggled—inconclusively—for dominance within his life."[10]

Griffith's complex character had an intense air of drama, superimposed by Griffith himself. More often than not, Griffith's attitude toward fact and fiction can be paralleled with those of Tennessee William's famous character, Blanche Dubois, in the play *A Streetcar Named Desire*. Brooks Atkinson, in a formal essay, "*Streetcar* Tragedy—Mr. Williams' Report on Life in New Orleans," contends: "Blanche is not just a withered remnant of Southern gentility. She is in flight from a world she could not control. . . ."[11] Likewise, one is reminded of Blanche's confession in scene nine:

> I don't want realism. I want magic! I try to give that to people. I misrepresent things to them. I don't tell truth, I tell what ought to be truth. And if that is so sinful then let me be damned for it![12]

Griffith's values and emotions stood fixed in time—a time marked by his father's death when Griffith was 10 and the following five years of his life. Griffith was 10 years old when his family moved to the small farm in Shelby County. Times were less fortunate than during Griffith's days in Lofty Green. Griffith recalled days of schoolyard skirmishes and images of poverty. About those days, Griffith spoke grimly, and authors have suggested that this focus on his experiences, at this age, are a manifestation of the classic Dickens' novels he read in his youth.[13] In short, many of the facts about Griffith's youth are cloudy and at times disputable. Griffith always seemed to enjoy and even promote the "mysteries of his youth." And, one could hardly expect different from someone destined to become Hollywood's supreme dramatic storyteller.

At 14, one year after Griffith's sister and first teacher died, the Griffith family took up residence on First Street in Louisville.[14] Griffith had high hopes for the "great big city of Louisville" when he moved there. In fact, every time he moved he had high hopes about the new city. And Griffith moved often, first to Boston in

1893 and, following the death of his eldest sister, Annie, to New York in 1906. Four years later, after the death of his father's eldest brother, he moved from New York to California. And finally, in 1915, when his mother, Mary, died, he left California and took an extended tour of Europe. Movement tied to a family death or personal mishap (just like Tennessee William's Blanche Dubois) became a constant for Griffith. For example, the trip to England coincided with the controversy surrounding his film *The Birth of a Nation* and the failure of a second film, *Intolerance.* Griffith often referred to poverty (or his troubles) as "the wolf". Usually, whenever a personal disaster occurred, Griffith's juvenile personality sought a new place where he felt "the wolf" could not find him. In later years, when Griffith's career bottomed out, he could be found "hiding" on his sister's porch in Shelby County. There, he would sit, wearing his straw hat, reading Dickens or his much treasured copy of Walt Whitman's *Leaves of Grass*.[15] Strangely enough, he returned to Los Angeles, from Louisville before his own death in 1948.[16]

Griffith's memories of youth were always a part of his creative psyche. Tied to this was his fascination with poverty, a theme later used often in his films. According to Griffith, "Dire poverty trailed the family right into the new home in Louisville." Griffith states that he was too proud to accept hand-outs from his father's friends. He remembers:

> Among my father's friends were the famous J.C.P. Breckinridge and Colonel Julius Haldeman, owner and publisher of the *Louisville Courier-Journal,* and Sallie Downs, the famed belle of Kentucky. The latter approached me while I was working as a 'cash-boy' in a cheap dry good store and inquired if I were not Colonel Griffith's son. Happily, a domineering clerk yanked me out of this dilemma by yelling, 'Cash-boy! Come on with that change!' in such an explosive tone that I scampered over to him and was promptly weighted down with some material and shoved down the basement steps towards the wrapping desk. So my duties saved me from an embarrassing situation.[17]

Soon after "the cash-boy incident," Griffith reputedly held a job under Henry Watterson, owner-editor of *The Courier-Journal.* This seems unlikely since, documentary evidence is lacking. The newspaper never made any claim of having employed Griffith, whose six-grade education fell below Watterson's well-known educational standards.[18]

Once again when searching for "the truth" of Griffith's past, many contradictions arise. What remains standard fact is that after his cash-boy job Griffith worked as a clerk at the C.T. Dearing Book Store at 356 South Fourth Street. He was fired after a few months for reading instead of waiting on customers. Next, Griffith landed a job at Staeker's Stationary Store, an establishment famous in local literary circles. Griffith's great respect for literature created a paradox in his life, for he believed that he had failed as a writer.[19]

In 1891, one year after the family moved to Louisville, Griffith barnstormed southern Indiana on his first acting assignment. Having announced to his family that

he was an actor, Griffith remembers:

> . . . poor mother took me gently aside and informed me that great-grandfather had claimed direct descent from those Griffiths who were the reigning family of Wales from the seventh to the 13th century; that during this period they had intermarried with most of the royal families of Europe; that after England conquered these same Griffiths in the 13th century, we have heard little from them in history, doubtless because they had in the interim committed various assorted villianies. . . but none is on record as having fallen so low as to become an actor.[20]

Again, like many stories associated with Griffith's youth, this particular story has a grain of truth, but more so reads like a clever scene in a melodramatic movie. The real history of the Griffith family legacy is less distinguished. With this in mind, it can be argued that Griffith's tendency to sentimentalize memories is a "disease" common in his family. This is true of the histories of many families, especially those of southern origin with their extreme emphasis on family, chivalry, and honor. These values were part of life on Southern plantations and are still intricate factors in the lives of many southern families today. Residing in Kentucky, Griffith's family adhered firmly to the "southern way of Life", a trait Griffith never abandoned.[21]

Despite his mother's protest, Griffith did become an actor, and in his later years regarded his days as a starving artist as a period of growth and fruitfulness. Between 1891 and 1908, Griffith worked as an actor and writer who more often than not was between jobs or on the verge of "the big break." His break did not come until 1908, when a tip led him to a California filmmaker, the Biograph Company, with a script for what later became his first production, *The Adventures of Dollie*.[22]

Griffith continued to make successful movies for the Biograph Company until 1913, when he completed *Judith of Bethulia,* the first four-reel movie in history. During this time, he developed many new directing techniques. The more important included the fade-out, the close-up, and the use of a white drop in front of actors creating soft-light instead of the harsher lighting produced by the standard spotlight. Again, there is controversy surrounding who should actually be credited with inventing these techniques, but what remains is that Griffith was the first to use them. Predictably, the motion picture industry was outraged at Griffith's blatant disregard for the "rules." This led to Griffith's release from Biograph.[23]

Immediately Griffith signed with Majestic-Reliance (Mutual) and commenced *The Birth of A Nation,* a movie that would shock the nation. It was released on February 8, 1915. Regretfully, Griffith's mother died in December, never having seen her son's greatest movie. Although hate, controversy, and disruption surrounded this three-hour epic, it still must be considered a great film.[24] It is always considered in discussions of early great films. This is not only because of the social and political impact but for several other reasons, including the elaborate sets, the vast number of actors employed, the capital raised, Griffith's directing techniques, and the length of the movie itself.[25]

The Birth of a Nation, created enormous social controversy, and was especially offensive to an enraged black community. Yet, even so, this multi-dimensional film swept audiences off their feet. Griffith even received an enthusiastic endorsement from President Woodrow Wilson, who exclaimed, "It's like writing history with lightning!" Despite Wilson's accolades, *The Birth of a Nation* was hardly a true depiction of history. Rather, it was the birth of a nation according to D.W. Griffith. Donald Bogle, noted black author of *Toms, Coons, Mulattoes, Mammies, and Bucks* states that it was, however, consistent with the director's philosophical beliefs and a reflection of a general nationwide acceptance of racial bigotry.[26] Bogle observes that *The Birth of a Nation* ends with a battle between young Ben Cameron and the rebel blacks. Cameron leads a stampede and magnificently defeats the rebels, becoming the defender of white womanhood, white honor, and white glory, thereby restoring the South to everything it once was. Hence *The Birth of a Nation* and the birth of the Ku Klux Klan were made inseparable. Finally, he suggests, it was no mistake that on December 8, 1915, the advertisement announcing *The Birth of a Nation* appeared in *The Atlanta Constitution* beside an advertisement for a Knights of the Ku Klux Klan rally. Clearly, the intent of *The Birth of a Nation* was the same as that of the Klan: to denigrate blacks and elevate whites to superior status.[27]

Griffith would spend the rest of his life not fully comprehending the damage done by the controversy ignited by his three-hour epic. Still, his career was in full swing and by the end of 1915 he had become a partner in Triangle Pictures. To answer his critics, Griffith produced a new movie, *Intolerance*, premiering it like *The Birth of a Nation* at the Liberty Theater in New York on September 6, 1916. The theme for *Intolerance* was "how hatred and intolerance have battled with love". The story was built around the massacre of the Huguenots in France in 1572. After 20 months of production, *Intolerance*, a two-and -a-half hour spectacular, opened. During the course of filming Griffith was said to have kept all the scripts and shots in his head. The editing style employed in the film was also a marvel, and not until the 1960s did this style of jump-cutting resurface on the silverscreen. Jump-cutting is the process of using a repetitious rhythm to cut from one shot to the next. Although *Intolerance* is considered a cinematic wonder, audiences of the period were not advanced enough to understand Griffith's techniques, finding the film confusing. Moreover, critics have suggested audiences were disturbed that the righteous Huguenots were destroyed. Actually, the reason that *Intolerance* failed has never been fully explained.[28]

America, preoccupied with the war in Europe, found a picture that preached peace to be distasteful. Jointly, *The Birth of a Nation* and *Intolerance* came to be known as "The D.W. Griffith Follies," a humiliating paradox drawn from the Ziegfeld Follies. Griffith responded by taking a print of *Intolerance* to London. However, the day the film opened, April 6, 1917, the United States declared War on Germany. The film closed that same day. Griffith stayed in Europe between 1916 and 1918. To relieve the debt created by *Intolerance*, he made commercial propaganda films for the Allied cause.[29]

In 1918, Griffith returned to the United States and with Mary Pickford, Douglas Fairbanks, and Charlie Chaplin formed United Artists. By making two quick movies in Florida, Griffith generated enough capital to begin work on *Broken Blossoms*, a delicate interracial love tragedy that took six months to make. Griffith's new film could make or break United Artists. *Broken Blossoms*, opened on May 13, 1919, in New York and became a sold-out hit, with the best seats commanding a premium of three dollars. *Way Down East,* which opened the next year was an even greater success. Again, as with *The Birth of a Nation*, Griffith threw away the script and relied on moment-to-moment judgments to craft the film. Like *Intolerance,* this movie's structure was largely decided in the editing room. *Way Down East,* which also opened in New York, was a great cinematic victory for a director who had seen his fair share of ups and downs. *Way Down East*, which starred the popular Lillian Gish, would become Griffith's second most famous film.[30]

Between 1920 and 1931 Griffith made five major motion pictures: *Orphans of the Storm* (1922), *America* and *Isn't Life Wonderful* (1924), *Abraham Lincoln*—his first "talkie" (1930), and his final film, *The Struggle* (1931). Again, these years were marked by many successes and disappointments for Hollywood's greatest film-maker. Aptly named, Griffith's 1931 film, *The Struggle,* ended his long difficult career. It opened at the Rivoli, in New York on December 30, 1931, and ran only one week. Confronted by this failure, Griffith was finally forced to admit that the industry had advanced beyond his competence due to the introduction of sound technology.[31]

Through his innovative techniques, Griffith gave many gifts to the motion picture industry. Unfortunately, Hollywood was not so generous to him during the final years. Nor is the controversy surrounding Griffith's use of film to forward his political and social values likely to end soon. As for Griffith himself, ever the southern romantic, he died in 1948 of a cerebral hemorrhage believing in his own lasting fame and immortality. All social criticisms aside, one must conclude that Griffith's fame will last and that he will be remembered as a pioneer in the history of cinema.

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