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in  
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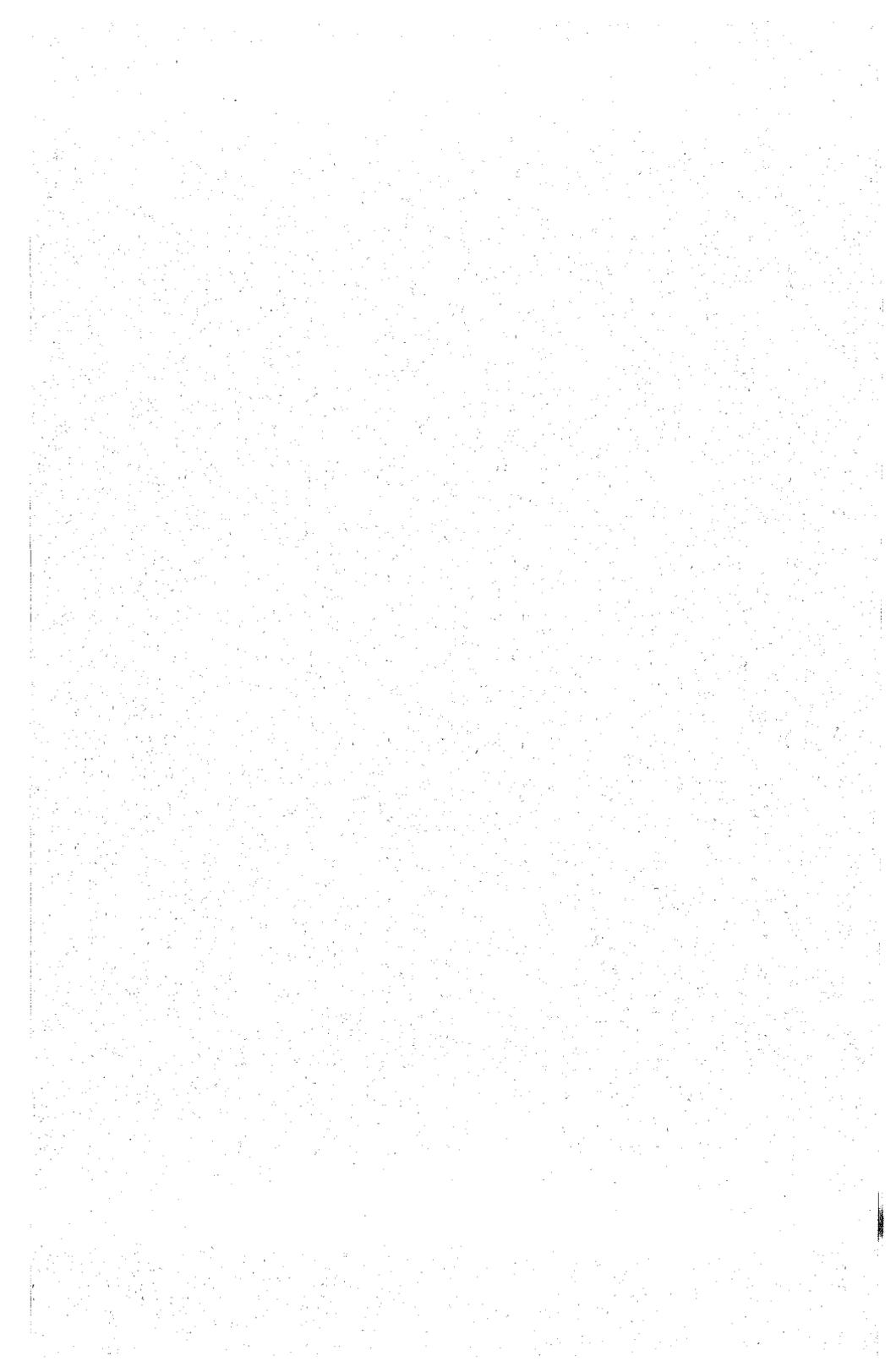
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*ALPHA BETA PHI*  
*CHAPTER*  
*PHI ALPHA THETA*

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JOURNAL OF THE ALPHA BETA PHI  
CHAPTER OF PHI ALPHA THETA

**Perspectives  
in  
HISTORY**

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## FOREWORD

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The editors express appreciation to the authors of the articles and book review in this volume for 1992-1993. Two of the articles were presented at the Regional Meeting of Phi Alpha Theta on April 17, 1993. The officers are grateful to Dr. Frank Steely for accompanying the members to the Regional Meeting, and we express appreciation to Dr. Michael C. C. Adams for his support as Chair of the History and Geography Department. We are grateful to Alissa Ogle, Linda Bray Schafer and Heather Wallace for their assistance with production of the journal. Congratulations to President Greg Perkins and everyone for winning the Best Chapter Award two consecutive years, and I wish the best to new President Sandra Seidman and Editor Marian Henderson and all of the 1993-1994 officers and members.

Aric W. Fiscus  
Editor



# Working Capitalism: The Labor Innovations of William Cooper Procter

by  
Greg Perkins

On a typical summer day in 1883 at the Procter & Gamble soap and candle factory in Cincinnati, Ohio, William Cooper Procter, clad in his overalls and smock, would arrive at work at 6:30 to begin his day shoveling salt and rosin.<sup>1</sup> Just new on the job, Cooper as his family called him, anxiously sat up all night with his first kettle of soap like a proud papa with his expectant wife. Years later, veteran P&G's would still marvel at his determination to learn every nuance of the soap business. Around noontime, Cooper would squat down on the hard floor with his co-workers and eat the cold lunch he brought from home. Not only were these people his fellow laborers, they were his friends and like friends do, they shared their daily happenings including their frustrations and complaints about management and hopes for something better out of life. When sports were played around the factory, Cooper was always there; it was remarked that in terms of throwing a baseball, the rifle-armed Cooper could throw farther than any man who challenged him by yards. When it came to firing a fastball, the entire plant had only "but one catcher who could really hold him."<sup>2</sup>

It would be easy to assume that William Cooper Procter was just a typical twenty-one-year-old factory laborer trying to eke out a living. Often he worked as many as sixteen hours per day, six days per week, doing all kinds of jobs like boiling soap, which he tasted to determine if it was done; running crutchers, a process similar to churning butter; and handling packing boxes.<sup>3</sup> Cooper however, was not your average P&G employee simply because of who he was; his grandfather, William Procter and great uncle James Gamble forged P&G out of the depths of a depression during the Panic of 1837.<sup>4</sup> His father William Alexander Procter became financial head of the firm upon the death of William Procter in 1884.<sup>5</sup> Fresh out of Princeton University where he specialized in chemistry, Cooper joined the family business and was soon sent to labor at the firm's Central Avenue plant to learn the business of operating a soap factory so as to prepare him for that day when he too would be in a position of leadership in the firm.<sup>6</sup>

An 1884 fire partially incapacitated the Central Avenue plant and young Cooper, just six months into his apprenticeship, was promoted to superintendent of the former Woods and Conahan Company soap plant that was purchased so full operations could continue until more permanent accommodations could be made.

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Greg Perkins served as Assistant Editor of *Perspectives in History* and President of Alpha Beta Phi Chapter in 1991-1992 and 1992-1993. During both years, the chapter won the Best Chapter Award. He delivered this paper at the Regional Meeting on April 24, 1993 at the University of Louisville. Graduated in 1993, he is now a graduate student in History at the University of Cincinnati.

In 1887, the new Ivorydale plant, which at the time was at the cutting edge of industrial technology, was ready to commence operations with Cooper being placed in charge of the Kettle House. When his cousin and Ivory Soap inventor James Norris Gamble was promoted from Ivorydale superintendent to vice-president of P&G in 1890, Cooper was chosen to succeed him as Ivorydale superintendent.<sup>7</sup>

In the 1880s labor unrest abounded all over the United States with the Knights of Labor, which supported such progressive measures as a government mandated eight-hour work day, equal pay for women, and a graduated income tax, agitating at every opportunity.<sup>8</sup> For business, labor turnover was the major obstacle in attaining efficiency, yet unionism, which tended to bring stability, was fought with a religious zeal.<sup>9</sup> Procter & Gamble was not exempt from these problems, suffering fourteen strikes in 1886 alone with men quitting every day for what were considered trivial reasons.<sup>10</sup> Naturally, these strikes and the costs of constantly training new men were making sizable dents in the company's earnings. As Cooper later remembered, this situation distressed him greatly; after all he was working beside these men every single day and knew them on a first name basis.<sup>11</sup>

One plight of the shop workers was evident to Cooper: they simply worked too many hours. Talking this matter over with his father, he used his unique vantage point from working in the trenches with the workers to convince him to give the employees a Saturday half-day holiday with pay so long as production levels were maintained. P&G was one of the first employers of its type, if not the first, to offer this benefit.<sup>12</sup> Such a revolutionary idea must have sounded absurd to the staunchly conservative William Alexander Procter, but one possible argument that Cooper might have used was that a Saturday half-day holiday was much preferable to a paralyzing strike and that this magnanimous gesture on behalf of the firm might go a long way in smoothing relations with their employees, thus somewhat stabilizing the labor situation.

To Cooper, the half-day holiday was just a start. As he had intimate knowledge of the perspective of owner and laborer alike, Cooper thought that the key to healthy labor relations and thus labor stability and increased production was to make the workers realize that the interests of the company and their own interests were inseparable. Although the half-day holiday was certainly a goodwill gesture, it was apparent to Cooper that alone, it was not enough to stabilize P&G's employment. Whatever was to be done, Cooper wrote in his business diary, any labor policy "must first and last have the element of lessening cost".<sup>13</sup> Since the fate of the company and the workers were so intertwined, it was logical for Cooper to feel that if a policy did not benefit the company then it certainly would not benefit the workers in the long run.

Late in 1886, Cooper began considering the notion of sharing profits with the workers. Such a move would not only give the workers a motive to stay with the company, it would also provide the workers with incentives to increase production and efficiency as such efforts would increase profits and likewise fatten their wallets. To his skeptical elders in the company, Cooper emphasized the increased

efficiency and less labor turnover aspects of profit sharing to try to win them over. Even though it was suggested that Cooper's resignation would be acceptable by some of the more stalwart members of the family, it was decided that this radical plan would be enacted on a trial basis.<sup>14</sup>

As Cooper himself would later admit, his first profit sharing plan, presented to the workers in April of 1887, was rather crude, but in his defense, he was breaking new ground and so had no guidelines. It was decided that the net profits would be divided by the employees and the company by what the employees' wages were in proportion to the total costs of production. If the company paid out \$20,000 per year in wages and \$70,000 in additional production costs and had a total sales of \$100,000, then the \$10,000 in profits would be divided with the workers receiving two-ninths and the company receiving seven-ninths.<sup>15</sup>

Those eligible for the plan had to first be an employee of the Procter & Gamble Company for six months; this of course was designed to cut down on turnover. In order to encourage better work habits and hence increase production, the profit sharing plan contained different tiers each dependent upon the amount of effort given by the eligible worker. The decision of who was to receive what size slice of the pie was determined by the foremen.<sup>16</sup> Dividends were to be paid on a semi-annual basis; during the first year of the plan, in 1887, those eligible who were judged to be the hardest workers by their foremen received twelve and one-half percent of their annual wages in dividends.<sup>17</sup>

In all, profit sharing went a long way in providing more stability to the labor situation. The best workers in the city of Cincinnati now wanted to work for P&G and more important, they wanted to stay there. For Cincinnatians, this was the birth of Procter & Gamble's reputation as one of the places to work in terms of receiving the best benefits. In spite of this initial success, Cooper's profit sharing plan contained some unforeseen flaws with Cooper himself being among the first to discover them. The most serious defect as Cooper saw it was that most workers saw their dividend checks as merely spending money and did not save it.<sup>18</sup> In many cases, the men would stay away from work for two or three weeks or even take trips as soon as their dividend checks were in hand. During some of the more drastic times, the company could not even operate at normal capacity due to absenteeism.<sup>19</sup> Clearly, this was a gross violation of Cooper Procter's number one rule that each labor program must earn its keep, justifying its existence by lessening costs to the company.

After enduring a terrible 1886, Procter & Gamble suffered only three small-scale strikes for all of 1887. These were to be the last work stoppages until 1917 when a shutdown of the Kansas City plant was brought on by outside pressure. This bottom-line success of the profit sharing plan despite the periodic absences by some workers can not be denied. Still Cooper tinkered with the profit sharing plan in an effort to perfect it. From 1887 to 1902, the plan underwent various changes, the most important of which was dropping the different tiers of profit sharing because of the inherent morale problems that went along with the part of the foremen deciding who

got what. In order to simplify the whole matter, it was decided that every worker in the plant would receive the semi-annual payment of twelve and one-half percent of their wages.<sup>20</sup>

In 1903, William Cooper Procter, now the general manager of The Procter & Gamble Company, incorporated in 1890, persuaded the directors to let him radically change the profit sharing program. The cash profit sharing plan was abolished as Cooper believed it was time to make the workers full partners in the company by allowing them to purchase stock in the company. This plan would not only alleviate Cooper's worries that his workers were not saving enough, it would further convince them that their interests were the same as the company's interests. In essence, under the new plan, the company would add a certain amount to what the individual workers saved so long as that money was invested in P&G stock. The Procter & Gamble Company would furthermore guarantee the workers' investments should their stock ever fall below purchased value.<sup>21</sup>

To be eligible for the new profit sharing program, one still had to have been an employee of the company for at least six months while earning no more than \$2,000 in annual wages. Any eligible employee would be allowed to purchase any amount of P&G stock through the company up to the amount of his annual wages. Monthly payments of five percent of the worker's monthly wages would be made to P&G towards the purchase of the stock. The company would then make quarterly payments equaling twelve and one-half percent of the worker's wages towards the purchase of the stock. For example, an employee making \$2,000 a year deciding to purchase \$2,000 worth of stock would only have outright paid \$600 for it. The employee contributes five percent of his salary, \$100 a year, while the company pays twelve and one-half percent of his salary, \$250 dollars each year, and in about six years, the stock would be his. The key to the plan was that the workers were protected against depreciation while any increase in the value of the stock was theirs to keep.<sup>22</sup>

Years later, Cooper would beam when he was asked about employees who had gotten in on the stock purchase plan in the early days and what it did for them. One of his favorite examples was a blacksmith who was making forty-two cents an hour in 1903 when he purchased twelve shares of stock through the stock purchase program with an out of pocket investment of \$1,299.48 and was so encouraged that over the next sixteen years, he bought an additional eighty-three shares through the company and on the open market. In 1919, this man was now a blacksmith foreman and making ninety-five cents an hour, but was worth \$65,000 because of his investments in Procter & Gamble stock. This case was exceptional, but success stories similar to this one were not uncommon.<sup>23</sup> These were not executives, but regular employees who were amassing such fortunes, Cooper would declare proudly. In those days, Procter & Gamble employees were called "working capitalists." Such a designation must have made William Cooper Procter, who had such faith in the values of capitalism and thrift, extremely proud.<sup>24</sup>

One of the greatest examples of Cooper Procter's true genius was his handling

of the work stoppage at the Kansas City plant in September of 1917. A general strike in Kansas City starting in the meat-packing plants spread to the P&G plant where the superintendent was forced to close the plant in order to protect loyal P&G workers from threatened violence. The outside agitators, the International Workers of the World, demanded that P&G drop the profit sharing plan, install the eight-hour work day, and turn over to the union control over personnel matters such as hiring, firing, and promotions. Cooper Procter, by this time President of Procter & Gamble, retorted that no union would ever come between him and his employees and that he would only meet with P&G employees and nobody else.<sup>25</sup>

His meeting with a committee of P&G workers was to have far-reaching effects. It was revealed that the workers were more than satisfied with their wages and profit sharing, but they did want the eight-hour work day.<sup>26</sup> Out of this meeting, another William Cooper Procter innovation, the Employee Conference Plan, was born with the idea being to give the workers more of a voice and to provide better communication between management and the workers to further increase the "feeling of perfect loyalty" which was Cooper's dream.<sup>27</sup> The Employee Conference Plan remained an effective channel of communication until it had to be abolished in 1935 in order to comply with the Wagner Act.<sup>28</sup>

Cooper told the committee that the company would grant the eight-hour work day, however, because of the production demands of the First World War, it could not go into effect until the war was over, but in the meantime, the company would recognize the eight-hour day as a base and pay time-and-half overtime. When it was time for the eight-hour day to go into effect, Cooper sought input from the employees as to what their raises should be so as to prevent them from losing money once the eight-hour day commenced. A report from Employee Conference Committee submitted to Cooper stated: "We want the eight-hour day, but it is our unanimous decision that we don't want to say what you shall pay us. You know as well as we that the cost of living has gone up, and you'll take that into account. You have always treated us right, and we know you are going to keep on doing it." When the new pay scale was announced, it pleased Cooper to discover that it was higher than what the committee would have submitted.<sup>29</sup>

Such smooth negotiations are remarkable in any day and age and the level of trust between William Cooper Procter and his employees was arguably unsurpassed. Cooper Procter was notorious for his disdain for welfare or just simply giving handouts to his workers. Surprisingly, Cooper was against the eight-hour work day in principle. He did not think that "ten hours a day and five on Saturday" was "too long for a man to work" and he felt that the extra two hours would be "largely spent around saloons."<sup>30</sup> As he put it: "The eight-hour day we are ready to grant, in fact, had been preparing to put it into effect in all plants by January. Not that I believe in it fully, but because I know it is coming."<sup>31</sup> These are hardly the words of a romantic idealist. The fact is that William Cooper Procter was an extremely practical man with a keen foresight in labor trends. He knew how to communicate with his workers and did just enough to satisfy them before any trouble could start instead of waiting until after the fact.

The last hurdle in realizing Cooper Procter's dream of labor stability were the periodic plant shutdowns and subsequent layoffs due to sporadic orders from wholesalers, or jobbers as they were known. These jobbers were responsible for selling and distributing goods to retailers and often would purchase huge quantities for a brief period and then of course this would be followed by periods with hardly an order. In general, P&G's seemed either to be working around the clock or not at all following the First World War. To alleviate this situation, in 1921, P&G began to acquire its own storage capacity to cope with overproduction. Then, to eliminate the control of the jobbers, packaged goods were sold directly to the retailers in quantities proportional to the rate of consumption.<sup>32</sup>

After a couple of years of intense battle with the wholesalers, direct selling began to show its staying power and with this came what could be considered William Cooper Procter's finest moment. On August 1, 1923, The Procter & Gamble Company announced that it would guarantee full-time pay for full-time work for forty-eight weeks barring any unforeseen disasters such as a fire, flood, etc. This guarantee was given only to participants in the profit sharing plan, but that was almost every employee. The benefits for the employees of such a guarantee were obvious and for P&G such a situation meant increased efficiency and stability not only in labor, but in production as well.<sup>33</sup> Guaranteed employment served the interests of both labor and management, which was the most important criteria in the success of any labor plan in the eyes of Cooper Procter.

In the long career of William Cooper Procter, he had either introduced or was one of the pioneers in such labor innovations as profit sharing, employee stock plans, the eight-hour work day, health benefits, pensions, and employee representation. Of all these, it was guaranteed employment which he thought brought the most contentment to his employees which had long been his goal.<sup>34</sup> Cooper Procter believed that any benefits for the workers "must first be predicated, on the fact that every man shall return value received for what he gets, otherwise the system is unsound and cannot continue."<sup>35</sup> Indeed, Cooper Procter must have received value as evidenced by the fact that in 1907, when he became President of Procter & Gamble, the company operated two plants; by 1930, when he was elected Chairman of the Board, the company operated over ten plants, not to mention roughly fifteen cotton seed mills used in the manufacture of Crisco Shortening.<sup>36</sup>

By the time of his death in 1934, William Cooper Procter had taken his grandfather's soap and candle factory and helped make it into a multi-national manufacturer of soap, laundry, and food products. His contemporaries marveled at his energy. This was a man who could play ninety-nine holes of golf in one day and impressed everyone he encountered with his rapid fire thinking and speech.<sup>37</sup> The monument at Ivorydale, erected in his honor solely through the contributions of his employees, is fitting because it is as accessible to the employees of today as he was to the employees of yesterday. There are no better words to describe Cooper Procter and his style of labor relations than his own: "I always feel that if I talk with our men and cannot convince them they are wrong, the chances are they are right."<sup>38</sup>

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# American KGB: How J. Edgar Hoover and the Federal Bureau of Investigation Attempted to Suppress the Civil Rights Movement in the 1960s

by  
Aric Fiscus

There are many great historical figures associated with the civil rights movement of the 1960s: Martin Luther King, Jr., Malcolm X, Robert Kennedy, and others. Many people, however, do not realize the impact that J. Edgar Hoover and the United States Federal Bureau of Investigation (FBI) had on the whole movement. This paper will analyze how the FBI and Hoover tried to suppress the movement by using undercover, and unlawful, tactics. It will also examine FBI policies on civil rights and how the FBI worked in conjunction with the Justice Department in the process.

The key to understanding the FBI's policy on the civil rights movement, and its leaders, is to understand J. Edgar Hoover's own personal racial attitudes. In the 1960s Hoover was in his fifth decade as the Director of the FBI. Since Hoover had become such a respected and feared man in these five decades many of his personal attitudes had become FBI policy without much opposition from the Justice Department. These attitudes affected many policies of the FBI, including racial policies.

J. Edgar Hoover was born in Washington, D.C. in 1895. This was a time in American history when blacks did not have many of the freedoms that whites had. The only blacks that lived in the upper middle-class Seward Square neighborhood where Hoover was born were those that were servants, chauffeurs, and nannies. Many of the organizations that Hoover joined in childhood, and later in adult life, excluded blacks to show supremacy. Hoover thought of the FBI as an elitist organization in which blacks were not capable of being agents. He stated during the 1950s that there would never be a black agent as long as he was director. He kept his promise until the Kennedy Administration forced him to recruit blacks in the early 1960s.<sup>1</sup> According to former FBI Assistant Director William C. Sullivan the "real reason" Hoover did not recruit blacks is that he "disliked blacks."<sup>2</sup>

All of Hoover's domestic help was black: James Crawford, Sam Noisette, Worthington Smith, Annie Fields, a driver in Miami, Florida, and a driver in La Jolla, California. These six people comprised Hoover's personal service staff. During the Korean War he made Crawford, Noisette, Smith, and his two outside drivers "special agents" to keep them from being drafted. According to his wife, Crawford worked fifteen hours a day - holidays included! Hoover believed that

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blacks were only fit for menial jobs.<sup>3</sup>

Hoover's attitudes on blacks were only a part of the shaping influence on his personality. In 1939 Hoover referred to the United States as a "dictatorship of the people." He felt American democracy was too constrictive. Hoover was a conservative by nature and did not like the constitutional limitations on his power. This is probably why he saw the FBI as the "guardian of the nation," free to use any means necessary to enforce the "dictatorship of the collective conscience."<sup>4</sup>

Hoover's resistance to change was also a shaping influence on his personality. Hoover grew up in an era when the white man was dominant and could do almost whatever he pleased. As times changed, Hoover could not. He held 1920s beliefs in the 1960s. It was this love of the status quo and belief in a certain hierarchy of society that helped to shape the FBI's policies in the 1960s. To the many people who worked for civil rights the movement was an effort to give minorities their rightful place in society, but to Hoover it was a clear case of radicals testing the power of established authority - the authority of the police, the government, and the FBI - so it aroused the same anxiety and alarm in him as had the many other conflicts that he had dealt with in his five decades as director.<sup>5</sup> This disruption of the status quo coupled with the increasing power of the black civil rights leaders frightened Hoover greatly.

Hoover's greatest supporters came from the South. These Southerners were among the ones who were anti-civil rights. Hoover, being born and raised in Washington, D.C., followed their way of thinking. With this base of support in the South the response of the FBI to investigate civil rights violations in the area was greatly affected, as shall be shown later.

Hoover was a master at manipulating public opinion. He always had a socially acceptable reason for not following leads on civil rights cases in the South. In 1939 a special Civil Liberties Unit (now called the Civil Rights Division) was formed within the FBI's Criminal Division by Attorney General Frank Murphy. Hoover only used this special unit when ordered to do so by the Attorney General. Over the years the various Attorneys General rarely ordered this unit into action. As a result of the lack of an official order Hoover had an excuse for the FBI's inaction in this area. In reality, it was Hoover's intolerance for blacks, along with his other antiquated attitudes on society, politics, and the status quo, that influenced his thinking and, ultimately, FBI policy.<sup>6</sup>

In the six decades that J. Edgar Hoover was Director, the Bureau served different purposes according to the situation that it encountered. It had been a policing organization in the 1920s and 1930s when it arrested gangsters for crimes such as breaking the prohibition law. This gave the Bureau credibility among the government and the people. During the 1940s and 1950s the FBI evolved into an investigative unit which dealt with espionage, such as working with the Dies Committee to find spies in the United States. During the late 1950s on into the 1960s the FBI transformed into a largely information-gathering unit. COINTELPRO was begun by the FBI in 1956 to bring Communists "into disrepute before the American

public.”<sup>7</sup> COINTELPRO was expanded and used against the leaders of the civil rights movement in the 1960s.

When dealing with the civil rights movement, Hoover had no intention of using the FBI to enforce law and order. He received pressure from many fronts on the Bureau’s role in the civil rights movement. In 1955 Adam Clayton Powell, a black congressman from Harlem, charged that Southern blacks were reluctant to seek aid from the FBI in the South because the majority of the agents there were white Southerners with racist attitudes. Although a committee reported that 37.4 percent of the agents in the South were Northern-born, Hoover felt this number must be equalized. By 1957 the number of Northern-born agents in the South had risen to 68 percent.<sup>8</sup> Public opinion of the Bureau was of utmost concern to Hoover.

Regardless of Hoover’s feelings about the movement and blacks he had a very difficult time prosecuting civil rights cases in the South, when he did get involved. First of all, these cases created a morale problem among the agents. Many of the suspects in these cases were local police officers. The agents, not wanting to step on any toes, usually told the officers in question that the whole investigation was a political charade that they had to carry out. Hoover was informed of a remark by an unfriendly chief of police that “the FBI has the unhappy duty of investigating Civil Rights violations. They don’t like it but they are good policemen and carry out their orders.” To this Hoover commented that he was “very much concerned over the fact that some of our personnel have apparently expressed themselves to the effect that the FBI does not favor Civil Rights investigations. I want it clearly understood that all Bureau personnel should be most careful not to indicate any views or expressions of opinion regarding any matters over which this Bureau has investigative jurisdiction.” He also reminded agents to give civil rights investigations their “most meticulous attention.”<sup>9</sup> Hoover attempted to conduct investigations in the South, regardless of his personal beliefs, but public opinion kept perpetrators from being arrested.

The racist attitudes of the common man in the South created a problem. When asked about the FBI’s inaction in civil rights investigations, Hoover would point to the difficulty of getting Southern juries to convict whites for crimes committed against blacks. He did not feel it was worthy of the Bureau’s time to conduct investigations that would ultimately end in acquittals. The insurmountable problem, he said, was “local prejudice,” which made it “most difficult to obtain clear convictions even under the most favorable conditions and with clear-cut evidence.” In 1947 he reported that out of 1570 investigations, there had been only twenty-seven convictions in twenty years. This caused discouragement among the agents and Hoover. By the 1950s it had become Bureau policy to avoid civil rights cases whenever possible.<sup>10</sup>

By the 1960s things changed. The John F. Kennedy administration had taken office with Robert Kennedy as the new Attorney General. This meant a rude awakening for Hoover. Instead of communicating directly with the President, he had to go through the Attorney General. Kennedy had a direct phone line placed

between Hoover's office and his office. Kennedy also broke the tradition of Hoover meeting with the Attorney General in the Attorney General's office by dropping in on Hoover whenever he felt like it.<sup>11</sup> Hoover once said the three men he hated "most in the world," were Martin Luther King, Jr., Quinn Tamm (the director of the International Association of Chiefs of Police) . . . and Robert Kennedy.<sup>12</sup>

Both John F. Kennedy and Robert F. Kennedy were staunch supporters of the civil rights movement. They believed that blacks deserved equal rights. The Kennedys did not want the FBI to directly tamper with the movement at first. However, after Martin Luther King, Jr. was connected with known communists, the Bureau was given clearance to start gathering information on King, and other figures in the movement. Throughout Kennedy's tenure as Attorney General he never pressured Hoover to use the FBI for anything further than fact-gathering.

The fact-gathering role of the FBI was reinforced in the Freedom Riders incident in 1961. This was planned as a bus ride for seven blacks and six whites in two interracial groups from Washington, D.C. to Alabama on a Greyhound and a Trailways bus. It ended up as a series of bus rides. One of these rides was from Jackson, Mississippi to Montgomery, Alabama. The Governor of Alabama had promised an escort for the bus. However, this escort disappeared as the bus entered the Montgomery city limits. When the bus arrived at the terminal it was met by an angry mob. John Lewis, one of the riders on the bus, described the scene: "We stepped off the bus, people just started pouring out of the station, out of buildings, from all over the place. White people."<sup>13</sup> President Kennedy's personal representative on the scene, John Seigenthaler, had been sent, as Alex Rosen noted, "because the Attorney General felt his presence might prevent violence." Seigenthaler was pulled from his rental car, dragged, and beaten, after he tried to help two Freedom Riders, Susan Hermann and Susan Wilbur. Seigenthaler lay on the sidewalk for twenty-five minutes before an ambulance arrived. Montgomery Commissioner of Public Safety Lester B. Sullivan, who had been alerted to the scheduled arrival of the bus by the FBI, explained the delay: "Every white ambulance in town reported their vehicles had broken down." During the time that these things were occurring, the FBI stood across the street and surveyed the situation "for the specific purpose of observing and reporting the facts to the Department of Justice in order that the Department will have the benefit of objective observations." When asked why the agent had not helped Seigenthaler, Hoover replied: "If the agent should become personally involved, he would be deserting his designated task and would be unable to fulfill his primary responsibility of making objective observations." Seigenthaler said: "They had agents all over the place but the FBI never fulfilled any of its responsibilities to protect citizens from physical harm."<sup>14</sup>

As a result of this incident, Attorney General Kennedy suggested, according to Hoover, that "Special Agents drive buses loaded with Freedom Riders through Alabama to Mississippi." This attempt "to use the FBI for improper undertakings" was "emphatically refused." Hoover said that "his men were investigators, not chauffeurs." Hoover reiterated what he had said to Kennedy in interviews with

publisher David Lawrence and two-time Pulitzer Prize-winning reporter Don Whitehead: "I stated that as long as I am Director of this Bureau I do not intend to allow it to be misused by pressure groups." The attorney general could "get himself another Director if he did not like it." Kennedy backed down.<sup>15</sup>

Hoover was also skeptical of the civil rights movement because of its supposed ties to the Communist Party. He felt that the Communist Party's intention was to use civil rights incidents to fulfill their goal of recruiting "Negroes into its ranks and (using) . . . the Negro as a rallying point to further its aim of weakening the United States."<sup>16</sup> He also felt that "delicate situations are aggravated by some overzealous but ill-advised leaders of the NAACP [National Association for the Advancement of Colored People] and by the Communist Party, which seeks to use incidents to further the so-called class struggle."<sup>17</sup>

In 1964 the FBI prepared an analysis for President Lyndon B. Johnson of the disturbances that were occurring during that summer. It implicated a group called the Progressive Labor Movement, which had instigated riots in New York, and labeled it a "Marxist-Leninist group following the more violent Chinese Communist line," and its leader, William Epton, was said to have been a former member of the Communist Party who quit because the party was not revolutionary enough. Other individuals "with histories of Communist affiliation" were said to be involved in riots in other cities. The report specifically mentioned "one widely publicized ex-convict (who) announced a broadly based nationalist movement for Negroes only. In this announcement, which was frequently repeated and widely noticed, Negroes were urged to abandon the doctrine of non-violence and to organize rifle clubs 'to protect their lives and property.'" This unnamed figure was undoubtedly Malcolm X.<sup>18</sup> This was a joint effort of the Justice Department and the FBI to investigate the personal finances, and dealings with radicals, of Malcolm X. For the most part the Justice Department, and the various attorneys general never "stepped on the toes" of the Bureau or J. Edgar Hoover. The Bureau went on with its information gathering and pretty much stayed out of policing the riots.

According to Nelson Blackstock, the main difference between counterintelligence and ordinary intelligence was that COINTELPRO targeted people or organizations that had ideas that the FBI did not like - Black activists, antiwar leaders, socialists, and others. It then used various techniques to disrupt the person's, or organization's, activities, sometimes with no evidence that would bring a federal indictment against the person or organization in question.<sup>19</sup>

COINTELPRO was more a series of programs than just one large program. This series was launched over a fifteen year period from 1956 to 1971. When it was originated it was designed to destroy the Communist Party of the United States of America (CPUSA) by circulating rumors to its members, and the public, about the leaders of the party. The programs were first launched against the Old Left groups, like the CPUSA and the Socialist Workers Party, and later extended to the New Left, "white hate groups," and "black extremists."<sup>20</sup>

The sources to gather information were vast. Since Hoover started this program

without notifying the President, or Attorney General, the program was set up according to his rules. The agents were authorized to use subterfuge, plant agents provocateurs, leak derogatory information to the press, and employ other disruptive tactics to destabilize the operations of the targeted groups. Similar tactics, ranging from efforts to break up marriages to provoking violence among rival black street gangs, were employed against prominent individuals, such as Martin Luther King, Jr., and Leonard Boudin, and other organizations, such as the National Committee to abolish HUAC, and the Southern Christian Leadership Conference (SCLC), whose political influence alarmed Hoover.<sup>21</sup> William C. Sullivan, the assistant to the director in charge of the expansion of COINTELPRO during the 1960s, described the program as the application of wartime counterintelligence methods to domestic groups: "No holds were barred. . . . We have used (these techniques) against Soviet agents. They have used (them) against us. . . . (The same methods were) brought home against any organization against which we were targeted."<sup>22</sup>

A large part of the expansion of COINTELPRO during the 1960s was in response to the civil rights movement, specifically black nationalist hate groups. On August 25, 1967, a memo from Hoover that put COINTELPRO-Black Nationalist Hate Groups into effect stated the purpose of the program was "to expose, disrupt, misdirect, discredit, or otherwise neutralize" the Black movement.<sup>23</sup> This same memo stated five goals of the program: (1) prevent the coalition of militant black nationalist groups; (2) prevent the rise of a "messiah" who could unify, and electrify, the militant black nationalist movement; (3) prevent violence on the part of black nationalist groups; (4) prevent militant black nationalists and their leaders from gaining respectability; and (5) prevent the long range growth of militant black nationalist organizations.<sup>24</sup>

Hoover felt that if the militant groups united their strength would grow, and they would gain power among the common people. He also felt that this could be the beginning of a black revolution. This revolution, in Hoover's opinion, could be started by a black "messiah." He had opinions on who this "messiah" could be. After objective number two the memo states: "Malcolm X might have been such a "Messiah;" he is the martyr of the movement. . . . King will be a very real contender for this position should he abandon his supposed "obedience" to "white, liberal doctrines" (nonviolence) and embrace black nationalism. (Stokely) Carmichael has the necessary charisma to be a real threat in his way."<sup>25</sup>

Hoover's other three goals were to prevent violence, respectability, and growth. To prevent violence he stated that counterintelligence should be able to spot potential troublemakers and "neutralize" them before they were able to act. He wanted to prevent them from gaining respectability in three target groups: the black community, the white community, and the Negro radicals who followed the movement. He felt that normal COINTELPRO tactics would be effective with the first two groups. With the third group he suggested a different plan: "Publicity about violent tendencies and radical statements merely enhance black nationalists

to the last group (the followers of the groups); it adds respectability in a different way.”<sup>26</sup>

The extension of COINTELPRO was in response to increasing pressure from the White House after the race riots of 1964. President Johnson wanted the FBI to investigate the origins and extent of these riots. As the riots intensified in 1965 and 1966, Hoover felt that he needed more in-depth counterintelligence, to specialize on one aspect of the civil rights movement. This is why on August 25, 1967 COINTELPRO-Black Nationalist Hate Groups was instituted.<sup>27</sup>

In 1968, FBI official George Moore suggested that COINTELPRO-Black Nationalist Hate Groups be extended to all forty-one FBI field offices, from the twenty-three offices that were running the program at that time. Moore said that such an expansion was needed “to prevent the rise of a leader who might unify and electrify these violence-prone elements, prevent these militants from gaining respectability and prevent the growth of these groups among American youth.”<sup>28</sup> Hoover agreed, so on March 4, 1968 he authorized the extension of the program. “Each operation must be designed to protect the Bureau’s interest so that there is no possibility of embarrassment to the Bureau. Beyond this the Bureau will give every possible consideration to your proposals,” he stated.<sup>29</sup>

The existence of COINTELPRO was never meant to be known by the American people. Hoover made very sure that the secrecy of the program stayed intact. This secrecy was threatened on March 8, 1971 as an activist antiwar group called the Citizens Commission to investigate the FBI broke into the FBI’s field office in Media, Pennsylvania and stole approximately one thousand documents. The group then proceeded to release selected files to members of Congress, journalists, and the organizations that were identified in the documents as having been investigated by the FBI. In these documents were investigative techniques, priorities, and the scope of the FBI’s secret police activities.<sup>30</sup>

The Media documents that were stolen only hinted at the existence of COINTELPRO. They did, however, confirm the FBI’s prejudices against the various political groups that it had been investigating. In spite of the release of the documents, neither the Richard Nixon White House nor the Attorney General wanted an investigation into the legalities of the process. They warned that publication of the documents could endanger national security, and the lives of some FBI agents. They even complimented the FBI on its control in its investigational policies. One Justice Department official said that “a full examination of the stolen documents reveals the FBI showed restraint rather than overzealousness.”<sup>31</sup> Some say that this event caused Hoover to terminate COINTELPRO programs on April 28, 1971.

Congress held hearings in 1973, 1975, and 1978 concerning the COINTELPRO program. The purpose of the hearings was to get an explanation of why certain investigational techniques were used. Another supposed purpose of the hearings was to get a retraction of the Hoover programs. The FBI Director at the time, Clarence Kelley, was not willing to go that far, however. When asked if he would

renounce COINTELPRO, and the people involved, he stated: "Their motivation was to do what they thought was a good thing. Now I'm not defending them all - some (actions) could be violations of civil rights, and they may be the subject of civil suits."<sup>32</sup>

In comparison to other programs instituted by Hoover during his reign, COINTELPRO was very limited. In the 1960s legal and public opinions changed very frequently. Since Hoover held public opinion of the Bureau in very high regard the COINTELPRO programs were scaled-down in comparison to, for example, the gathering of counterintelligence during World War II. As the civil rights movement continued to grow Hoover became more reluctant to use all of the tactics at his disposal for fear of shifting public opinion against the FBI, the government, or, his worst fear, to sympathy for these groups.

As a result of these barriers COINTELPRO was not as successful as it might have been. The program is even said to have been counterproductive because it further alienated the black nationalist groups against the whites and the government. Regardless of what Hoover thought of the people involved in the civil rights movement it is evident that he did not put as much effort behind crushing the movement as he had in past programs.

No figure in the civil rights movement was more targeted than was Martin Luther King, Jr. The leader of the Southern Christian Leadership Conference was the subject of J. Edgar Hoover's wrath from the time he first investigated King in 1962 to long after King's death in 1968.

Hoover tried to discredit King by linking him to communism. When King was first investigated he was linked to Stanley D. Levison who was a member of CPUSA. This was the proof that Hoover took to Attorney General Kennedy to get permission to begin more widespread counterintelligence on King. According to former FBI Assistant Director William Sullivan the only other proof of a communist link that Hoover had was that "King once said publicly that he was basically a Marxist."<sup>33</sup> According to Sullivan there were only four motives Hoover had, that he knew of, for pursuing King: (1) Hoover was opposed to change, to the civil rights movement, and to blacks;

(2) Hoover really believed that King was a communist, or at the very least pro-communist, all evidence to the contrary notwithstanding; (3) Hoover resented King's criticism of the FBI; and (4) Hoover was jealous of King's national prominence and the international awards that were offered to him.

Although Sullivan cites King's criticism of the FBI, which included a failure to combat racism in Southern FBI offices and handling of civil rights cases in the South, as one of the reasons for Hoover's relentless pursuit, David Garrow, author of *FBI and Martin Luther King, Jr.*, disagrees. Garrow concluded that Hoover was obsessed with King because of his own personality. Hoover had a problem with admitting error and exhibiting tolerance for opinions other than his own. Since King and Hoover had ideologies that were as different as night and day this reason might hold some validity.<sup>34</sup>

Hoover's resistance to change is well-documented. This aversion is revealed in his relationship with Robert Kennedy. When Kennedy required that Hoover answer to him instead of dealing directly with the President, this greatly upset Hoover to the point of hating Robert Kennedy almost as much as any man he had ever met. His reaction to the change in the social status of blacks was met with much of the same distaste. All of his life he had thought of himself, and all other whites, as being on a different level than blacks. When the civil rights movement began and blacks began calling for the same rights as whites, Hoover wanted to keep the status quo. He saw King as the reason for the possible change so he focused on discrediting King.

The issue that first sparked Hoover's, and the FBI's, interest in King was communism. King's association with known communists such as Ben Davis and Stanley Levison caused the FBI to conduct an investigation into King's SCLC. In 1961 the Atlanta and New York City field offices of the FBI conducted a "Communist infiltration" investigation into the SCLC. The Atlanta office found the SCLC to be harmless. The New York office, however, reported that communists had infiltrated the SCLC. They cited the organization's dealings with communist Stanley Levison.<sup>35</sup> This episode might have kept the investigations on King alive. The FBI never found any evidence linking King personally to the Communist Party. This, however, could be a valid reason for Hoover's interest in King.

King had become very prominent in the world by 1964. He had been awarded the Nobel Peace Prize. This outraged Hoover. He stated that King could qualify for the "top alley cat prize."<sup>36</sup> Upon hearing news of King's Nobel Prize Hoover sent new disparaging reports to the White House. He also sent these reports to the governmental organizations responsible for King's trip to Oslo to accept the prize: the State Department, the United States Information Agency, and the American embassies in Europe. These reports, however, were largely ignored.<sup>37</sup> Sullivan felt that Hoover contributed to the popularity of King. As the reports of Hoover's atrocities toward King leaked out people began to sympathize and listen to him more. His popularity among the public made him more important to his people which added credibility to the civil rights movement.

While doing the research for this project I learned much about society in the 1960s in addition to what I learned about J. Edgar Hoover and the FBI. Hoover tried time and time again to discredit the civil rights movement using different methods, such as COINTELPRO. The people, however, refused to take the FBI reports on the leaders of the movement at face value. They continued to support the movement and its leaders. It was almost as if the United States was entering a new generation where everyone was to be treated equally and everyone knew it, including Hoover. This was why he tried to discredit the movement. The 1960s was one of the first times that Hoover was working against the will of the majority. This is maybe why he spent less energy on these programs than he had in past programs.

The title for this paper summarizes my feelings on the tactics used by Hoover and the FBI. The Bureau held many similarities to the Soviet Union's KGB with its

tactics used. Admittedly COINTELPRO consisted of tactics used by the Soviet Union against the United States in the Cold War. In my opinion COINTELPRO was one of the most shocking programs in American history. The harassment of Martin Luther King, Jr. is a prime example of how a dictatorial Hoover overstepped his constitutional bounds by infringing on the civil rights of King. His desire to discredit the civil rights movement was so great that he thought that if he discredited King the whole movement would fall apart. He was very wrong in this assumption. I believe that Hoover's programs had little, if any, negative effect on the civil rights movement. Some, like William Sullivan, state that these programs might have actually strengthened the movement.

If Hoover had not been the Director of the FBI at this time there probably would have been little difference in the success of the movement. The possible exception to this statement is that the Bureau would have provided better protection to those involved under a different director. I believe that Hoover was unsuccessful in his intentions because of the resolve of the younger generation to have changes made in the treatment of minorities. In my opinion, the only thing that was accomplished by Hoover and the FBI during this time was to put a bruise on the face of America.

## Endnotes

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# Racial and Sexual Discrimination in World War Two

by  
Michael C.C. Adams

It has become popular in the United States to refer to World War Two as the Good War, a time when America was united, powerful, prosperous and confident, when the causes were clear and we were in the right. The positive feeling for this golden age has intensified as America's problems have multiplied and become seemingly less soluble. As we worry that the "American century" is ending, we look back with nostalgia and veneration upon this period of happy endings. Newspaper editorials bemoan the passing of public figures who represent the war generation and, during the Gulf War, the nation indulged in a massive bout of wishful thinking that this crisis could end our domestic problems, just as World War Two seemed to finish off the Great Depression.

It is perhaps comforting, in a cold sort of way, to know that there is a great deal of myth and misunderstanding in the Good War concept. Americans were not all united or prosperous, not everything (including tanks, airplanes, and the draft) worked well, and many problems we face today had their roots in, or were exacerbated by, the war. In particular, racial, sexual, (and class) discrimination were pervasive. They hurt the war effort, divided the people, and laid the seeds for future rancor and strife. I want to put these problems primarily in a military context, but I will also refer to the larger society of which the military is, to some degree, a reflection.

Let's begin with gender, and discrimination against females. Unfairness to women was endemic throughout the public sphere. From 1942 onwards, when America's pool of unemployed males had been absorbed, women were encouraged to get jobs. Ultimately, 16,000,000 were in the work force. They became a crucial part of the war effort. Yet they faced hostility from male co-workers and from spouses who resented their wives working (the night shift was seen, with some justification, as particularly fraught with danger). One Seattle judge ordered a woman to quit her job at Boeing when her husband threatened to divorce her. Women were universally paid less than men for the same work and had trouble gaining skilled or supervisory positions. All these problems were intensified for very poor white and for black women. For example, most nursing schools would not admit persons of color and many war industries would only employ black women as cleaners.

Many women were caught in a catch-22 that still plagues us. Though encouraged

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to take paid employ, they were held responsible too for upkeep of the home. Day-care facilities were inadequate, expensive, and the women who used them were stigmatized as "bad mothers." When there was a rash of juvenile delinquency during the war, women got the blame for neglecting their duties as mothers. Worst of all, woman's role was trivialized. Just as advertising has coopted the recent feminist movement with its "You've come a long way, baby" message, so the media of World War Two made women appear frivolous and silly, more concerned with how to look cute on the job than with doing a good job. Rosie the Riveter was stereotyped as a middle-class woman lending a hand for the duration. In fact, most middle-class women did not work (two-thirds of American women were at home during the war), 91% of women who joined the labor force had been previously employed and they worked because they had to: out of economic necessity. The propaganda ignored the 11.5 million women who were already working when Pearl Harbor was attacked.

The problems mainstream culture faced in taking women seriously inevitably impacted the military. At first, the male establishment resented the presence of women as implying that men alone could not protect America. One Congressman fumed, "Think of the humiliation! What has become of the manhood of America?" Yet it became clear by late 1942 that women were needed to meet the military's personnel demands. There were two reasons. First, a high rate of rejection of male inductees: 50% in the first year of the war. Second, the poor tail to teeth ratio in the army between support and front-line, often as high as 27 to 1. The American urge towards administrative bloat meant that by 1944 35% of personnel were in clerical work. Women were needed in these jobs, it was argued, to free men to fight.

The result was a massive recruiting campaign, begun in 1943. By the end, 350,000 women served: 150,000 in the army, 100,000 with the navy, 22,000 joined the marines, and some thousands more enlisted in the coast guards and reserves. Women did well in the areas allotted to them. Dwight Eisenhower relied heavily on the WACs (Women's Army Corps) in planning and communications for the invasion of Europe (there were 8,000 on the continent when Germany surrendered). In the Pacific, General Douglas MacArthur praised them as "my best soldiers" for their hard work and discipline. Yet the female recruiting campaign was basically a failure: women at no time represented more than 2% of the military. Why?

Very simply, the military carried on traditional views of gender. Most females were restricted to typically low level "woman's work," such as typing. The percentage of women doing clerical work in the army was higher than in civilian life. Black personnel usually ended up mopping floors and emptying waste bins. The navy allowed only six black nurses and they could only tend black personnel (blood plasma was segregated in World War Two, by the way, even though there is no scientific basis for such a discrimination). Female officers could not issue orders to male personnel. Though females did get some GI benefits, married women were not welcome and their families were denied the usual dependency allowance. Pregnant soldiers were discharged as were menopausal personnel, because male

officers believed this incapacitated them for life. Females faced rigid promotion ceilings.

But most crucially, America alone of the major Allies refused to put women in combat situations. This had several repercussions. First, it meant that every female soldier released a man for combat, perhaps thus condemning him to death or mutilation. This brought hostility from men and placed an enormous moral burden on women. They were reluctant to enlist under these terms. Evelyn Fraser, a WAC, recalled: "When we came along, the men in clerical jobs were none too happy. We replaced them for combat overseas." The moral dilemma was exacerbated by an ill-advised WAC recruiting slogan, "Release a man for combat."

Because women did not fight, it was easy again for the media to trivialize their role. News stories consistently dubbed WACs the Petticoat Army and their barracks Fort Lipstick. Even good war reporters like Ernie Pyle condescended to them as "gals" and any story on nurses in the field had to refer to their giggly ways and "frilly panties" hanging out to dry. This accent on sexuality, compounded by the non-combat status of women, combined to make many Americans of both sexes believe that females only joined the military to be promiscuous. Throughout the war there were rumors, held to be true by a majority of GIs, that the WACs were prostitutes for officers. GI animosity was increased by the army caste system which meant that only officers could date the bulk of American women serving overseas, nurses with commissioned rank. In the sex-starved atmosphere, this led to rape. Needless to say, the whore image seriously hindered recruiting.

The demeaning of women by soldiers was so pervasive that the army had to warn troops not to take their attitudes overseas. For example, the official War Department *Guide to Great Britain* (1942), issued to GIs bound for the United Kingdom, told them that they had to take British women in uniform seriously. Britain was the first nation to conscript women, starting in 1942. Even before then, volunteers had served on a battlefield in the air battle for Britain, manning command centers and anti-aircraft batteries against the Luftwaffe. Their campaign ribbons were earned. Female troops commanded men. The *Guide* had to tell American troops to salute British female officers and not to make offensive remarks that would be resented by both British men and women and could lead to violence.

Not only gender but sexual preference was a subject for discrimination. Homosexuals were harassed in both the civilian and military sectors. However, lesbianism was largely overlooked in the military, because the number of females was small and lesbians were stereotyped as "butches" with masculine qualities deemed to be assets in the forces. Male homosexuals, on the other hand, were subject to virulent persecution. America was the only belligerent nation to target not only habitual overt offenses but an alleged tendency toward sexual "deviance."

Thirty-two percent of men rejected for military service at the time of induction were dismissed for psychological reasons. The problem with this is that the tests were of questionable reliability. In the 1930s, psychiatry had boomed in the United States and it had spawned the pseudo-science of behavior management with its

underlying assumption that people can be measured and graded like cans of peas coming off a production line. Thus recruits were asked a set of standardized questions, often as few as four, upon which allegedly accurate judgments could be based. Typical interrogatories were: "How do you feel?", "Do you like the army?", "Do you like girls?" The boy who said girls frightened him was liable to be rejected as a presumed homosexual. Similarly, if a recruit appeared uncomfortable with his nakedness, if he was a hairdresser or dancer, had effeminate gestures, he could fail. Geoffrey Gorer, an Englishman doing war work in America, often heard that the easiest way to get out of military service was to shave your armpits, wear scent, and walk into your physical wagging your hips.

Within the military itself, there were periodic "witch hunts" to comb out homosexuals that disrupted the efficient functioning of units and created widespread unease among the men. This was because, in the unique conditions of war, where the presence of death made you need to reaffirm life, and women were largely absent, normally heterosexual males committed what was termed "deprivation homosexuality." This might happen on a train, a troopship, even in a fox hole. The problem was to distinguish between occasional acts and hard-core violations. Traditionally in military services the rule of thumb was to only arrest habitues who were causing unrest by bothering other men. But in the American forces in World War Two, occasional offenders were swept up in the dragnets, undoubtedly causing needless suffering to the wretched prisoners.

Men found guilty of isolated acts might be given a dishonorable discharge. This was a heavy punishment in itself, as the cause of dismissal could be referred back to a man's draft board. The information was not privileged, so it was often shared with potential employers, meaning that a man could not get work in his hometown. Seasoned offenders got prison terms sometimes running into decades. The treatment of the accused was traumatizing. Suspected men were chained and put in stockades where they had to wear special labels and were frequently abused by military police. They were then tried before military boards without legal counsel. By war's end, 10,000 men had been condemned in this way. They were stripped of medals and honors.

The concern with homosexuality wasted time and resources. There is no connection between sexual preference and military performance. In fact, the military has repeatedly (and just recently) acknowledged the efficiency of homosexual personnel. On one American destroyer the best torpedo officer was a notorious "queen" who wore a hairnet and bathrobe. Given that 10% of any nation's males are usually homosexual, the services radically reduced their potential manpower pool. This was particularly unfortunate, given that many homosexuals had a higher than average commitment to the war against Nazism, a movement that had made their extinction one of its goals.

Almost every ethnic group in the forces was subject to discrimination to a greater or lesser degree. Many were fighting for their country while their families were being harassed at home. For example, 30,000 Japanese-Americans wore the

uniform, even though their kin were uprooted from the west coast and placed in detention centers, suffering a property loss estimated at \$4,000,000. Similarly, 350,000 Mexican-Americans served out of a total population of 1,400,000. At home, their people faced job discrimination and, in June 1943, were victims of the zoot suit riots in the Los Angeles area. Whites had become resentful of the influx of hispanics seeking better paying jobs in the defense industry. GIs incorrectly believed that Mexican-Americans were shirking military duty and, for several days, servicemen roamed the streets, beating up youths in the distinctive garb worn by young hispanic and black males. Don McFadde, a mechanic, saw sailors drag a boy off a trolley and beat him viciously: "Here's a guy riding a streetcar and he gets beat up 'cause he happens to be Mexican."

The worst, most intense racism was faced by African-Americans. More than a million blacks, or 8% of the military, served. Few blacks were allowed on draft boards, so that their young men received fewer deferments than whites and the (Black) Muslim faith was not recognized as a religion, meaning that Muslims could not obtain conscientious objector status. Most crucially, blacks, unlike other ethnic groups, were placed largely in segregated units, which were then denied combat or technical status. Seventy-eight percent were in service branches, compared to 40% for whites. Thus, most black sailors could only go to sea as mess boys (waiters) and soldiers were relegated to laboring jobs. One black veteran, who served in the Quartermaster Corps, hauling supplies, recalled: "We were really stevedores. Many of those young blacks wanted to be in combat units." Even the celebrated 9th and 10th Cavalry, whose fighting record went back to San Juan Hill and the Indian wars, were dismounted from their tanks when they reached north Africa and put to "unloading ships, repairing roads, and driving trucks." To prevent a public outcry, the men were banned from discussing the situation with anyone.

Late in the war, shortage of combat troops forced the administration to put more African-Americans in the front lines. But their contribution was kept largely out of the press and, though they received more than 12,000 decorations and citations, many more were denied because of color. High ranking officers, such as Army Chief-of-Staff George C. Marshall, were blunt about believing in innate white superiority. Secretary of War Henry L. Stimson justified not appointing black officers on the grounds that "leadership is not embedded in the negro race." He also doubted they had the brains to fly and George Patton had the same reservation about armored fighting. There was no objective evidence for either opinion.

Behind the refusal to let black soldiers in combat was no special concern for their safety. Supply carriers went ashore right behind the first assault waves and suffered heavy casualties. Road builders were exposed to artillery and sniper fire. The real point was to prevent blacks using their combat service to demand civic equality. Service jobs reminded them that their role in society was to be servile. Going back to the American and French revolutions, the bearing of arms earned one rights of citizenship. By denying the right to bear arms, white Americans could continue to claim that blacks had not earned the full privileges of citizenship.

In a war fought against Nazi racial theory, the extent of discrimination in the military is startling. Black officers could not command white troops. Black personnel could not eat with whites, frequent the same clubs, or use the PX (Post Exchange). Several black soldiers were killed and others wounded for trying to integrate army facilities. White GIs took their prejudice overseas. They beat up British and Australian girls who dated black soldiers and the American army in Britain insisted that all facilities used by its troops be segregated, despite British government protests.

But the most striking examples of the determination to keep blacks "down" appeared in the United States, where fear that blacks were using the war to advance their social status reached hysteria levels. There were wildcat strikes among white workers of both sexes when asked to share facilities with black colleagues. In Detroit, June 1943, there were vicious riots when additional government housing, in a dominantly white area, was opened to blacks spilling out from the overcrowded slum areas. These riots cost several lives and one million lost worker hours. Appeals to put the war effort above racial feeling failed. One worker in a wildcat strike at a Packard plant said, "I'd rather see Hitler and Hirohito win the war than work beside a nigger on the assembly line." The sociologist Gunnar Myrdal found a majority of whites in the west and south felt that way.

A "war at home" was fought in the southern states where whites grimly defended their caste system against an influx of northern black soldiers who resented Jim Crow. Bus drivers in several states were ordered to carry guns to force black GIs to sit at the back of the vehicle. In Florida and Georgia this led to the killing of black soldiers; the murders went unpunished. Three black WACs were beaten in a Kentucky railroad station for trying to sit in the white waiting room and three others were kicked and thrown off a bus. Despite the current myth that every World War Two soldier got a parade, black GIs who sat at white lunch counters got egg shell in their burgers and garbage sandwiches. Unbelievably, restaurants excluded black soldiers but seated German prisoners of war, who also sat ahead of persons of color in cinemas and on buses. The famous singer Lena Horne refused to sing at a United Service Organization show because, coming on stage, she saw the front rows filled with Hitler's men and the Americans of her own race squeezed in the back of the hall.

The discrimination worked in the short run but it backfired for the long term. James Baldwin and other black Americans dated their determination to resist racism to this period. And there is no doubt that the civil rights struggle of the fifties and sixties had its roots in World War Two. By 1943 blacks were "sitting in" at white lunch counters, and, a year earlier, a threatened protest march on Washington had forced the federal government to take at least token steps toward desegregating the defense industry. An interesting point here is that, while the war did indeed provoke the civil rights movement, it did not, as is sometimes claimed, produce the post war feminist movement. D'Ann Campbell has argued convincingly that the bulk of middle-class women (the social strata that would produce feminism) neither

worked in the war nor wanted to. Their dream was of a home and raising a nuclear family in the suburbs. So that they were not in conflict with the mainstream. It was in fact their daughters who rebelled against them in the 1970s and produced the feminist movement, not some aged Rosie the Riveter who had mysteriously gone underground for twenty-five years and then surfaced again.

It is an old but wise saying that discrimination hurts everyone, including those who are most bigoted. There can be no better example of this than the World War Two military. Because blacks and women were denied combat status, a disproportionate share of the worst experience of war fell on one underprivileged group: lower-class white males. In a class and caste-conscious society, they paid one of the highest prices. In the Vietnam war, this class discrimination worked through large-scale college and graduate-school deferments. This was far less true in World War Two. There were some college deferments. This led one Bronx, New York, taxi driver, whose adolescent son had been inducted, to call his draft board "a bunch of crooks" who "don't touch those rich college kids." But, overall, the draft was relatively even-handed. The problem came later.

Indeed, during basic training, those from more privileged families might suffer the most. Intellectuals and Jewish boys who clearly had money were particular victims for many training officers, hard-line non-coms who resented wealth and education, and who could make the recruits' lives misery. But, and here is the crucial point, after basic training, the better educated and bred could apply for officer training school or enter the technical and skilled divisions. They had training needed by the army, as engineers, language specialists, or what have you. Those who scored in the bottom fifty percent on army aptitude tests, inevitably the least privileged by and large, were assigned to the infantry. Thus, by a logical selection process, those who had had the least opportunities as civilians became the dog soldiers, the combat foot sloggers.

This might not have been so bad, except for another feature of the army assignment system. In the German army, for example, designations were not hard and fast but operated largely as guidelines. Thus a field commander could transfer men from one job to another as needs demanded. In the American army, largely for bureaucratic convenience, classifications were very rigid and hard to change. Consequently, even if a theater had too many rear-echelon people and too few combat troops, it was hard to rectify the imbalance. And that meant that it was hard for the men at the front to ever get rotated home, even though there was supposed to be a quota system for relieving men after so many months of service. Indeed, it was often difficult for infantry to get further than a hundred yards behind the front line to rest for weeks at a time.

The upshot was that the infantryman was condemned to a living hell. He bore the whole knowledge of war's awful reality and a great deal of the danger without any hope of relief or redemption. His only ways out were a debilitating wound, capture, the end of the war, or death. A GI in Italy commented bitterly: "Home is the place where they send you when you lose an arm or a leg." General Omar

Bradley, known as the GI's general because of his empathy for the men, summed it up this way: "The rifleman trudges into battle knowing that the odds are stacked against his survival. He fights without promise of either reward or relief."

The combat soldier came to feel that he had been picked out to be sacrificed; society had labeled him expendable. Joe Hanley, an infantry veteran recalled his feeling: "Nobody really cared about you whatsoever. It was a big surprise to everybody when you came home. What are you doing here?" they asked. Contrary to current myth about how everybody felt proud to be part of the Good War, many men were very bitter, feeling they were doing far more than their fair share for a society getting rich and having a good time while they were away. A 1944 survey by the army itself found that 75% of combat troops felt they should go home and others should take their place. One soldier commented that if you ever "got all the boys together," they would probably shoot the civilians.

It is impossible to make this anger fully explicable without going into the nature of ground combat in modern industrial warfare. And that is not the subject of this discussion. Suffice it to say that we have another contemporary myth to the effect that, while combat in Vietnam was awful and produced enormous continuing stress, the fighting in World War Two was done by clean, mean fighting machines and all the "boys" were happy warriors. In fact, most of the fighting in World War Two, after the initial Axis conquests ending in 1942, was of a brutal attrition requiring the pulverizing of men and the environment. The foot soldier lived in a world of mud, human decay and excrement very reminiscent of World War One. He saw men blown apart, hideously mutilated, emasculated by parts from other men blown through their bodies. He watched them fry, melt, bloat, stink, disintegrate. And yet he was religious. Though he lived in hell he remembered heaven. Only 19% of American combat troops in Europe could bring themselves to fire their weapons. They were not cowards (a meaningless term in itself militarily), they stayed on the firing line. But they wouldn't kill. A slightly higher percentage, 25% would shoot Japanese. The stress of being asked to take life put an enormous strain on them.

The upshot of the physical and mental attrition upon the American infantryman was this. A combat unit at the front line for sixty days suffered a 100% casualty rate. A combat unit in continuous action for thirty days suffered a 98% psychological breakdown rate. So awful was the fighting on such places as Okinawa, an island in the Pacific where Japanese and American forces struggled in a macabre chamber of horrors, that the Americans sustained 31,807 physical casualties but also 26,221 mental wounds. So terrible was the experience in battle of men in World War Two that 25% of the men still in hospital from that war are psychological cases. What they witnessed made them retreat from our world forever. A military draft is discriminatory. It places a remarkably heavy burden on highly selective segments of society. This was apparent in World War Two.

I have dealt with a lot of material in this essay. In closing, I will pull together some of my basic points. First, World War Two was a necessary war, at least against Hitler, but it was not a good war. I doubt there are any of those. World War Two

was not necessarily a better time than the present. We have our problems but so did the people of that time. And while they may have been comparatively more economically strong, we may slowly be conquering less tangible problems of fairness and equity in which they failed significantly. Also, bigotry cuts across not only gender and racial but class lines. This is often the joker in the pack, making victims of persecutors and persecutors of victims. A white woman in World War Two could be a victim of job discrimination and a factor in stopping black women getting ahead. A white man could victimize black soldiers but also be a victim himself of the army's classification system. Discrimination not only hurts its most obvious victims but the majority of a society, even those who believe they gain by it. Overall, we must combat the myth that the past offers visions of a golden age. It is truly said that the only people who wish to live in the past are those who know little about it.

# Gideon versus Wainwright: The Background of a Landmark Case

by  
Charles F. Hollis, III

The necessity of legal counsel in today's American society touches nearly all of our lives at some juncture, regardless of our socio-economic background. Although the population of attorneys in this nation is ascending at an astounding pace, this is certainly no indication that more lawyers will be unnecessary in the future. On the contrary, in a country where people will sue and press charges against each other at the drop of a hat, this so-called "surplus" of attorneys is indeed vital to our legal well-being. Keeping the overwhelming importance of today's American attorney in mind, it is rather astounding when one observes the fact that in criminal cases before 1963, some states would not even grant counsel to defendants charged with felonious offenses!

The *Gideon v. Wainwright* decision of 1963 was a monumental leap toward the reformation of this legal debacle. It set the foundation for the right to appointed counsel in all states (through the reinterpretation of the Fourteenth Amendment) for those charged with serious crimes who could not afford counsel otherwise. The objective of this paper is to expatiate on the background of this case.

Clarence Earl Gideon was tried on August 4, 1961, in Circuit Court of the Fourteenth Judicial Circuit of Florida for breaking into a poolroom. Gideon, who was fifty-one years old at the time, had been in and out of prisons for much of his life, having served time for four previous felonies. At the beginning of the trial, when the judge asked Clarence Gideon if he was ready to begin, he said that he was not and requested that the court appoint him counsel. The judge refused, stating that the court could only appoint counsel in capital cases. Upon saying this, the judge told Gideon that he would have to examine and cross-examine the witnesses by himself.

Gideon made a valiant effort to establish his innocence in the examinations, performing as well as could be expected of a layman with no legal experience. In the end however, his efforts were completely futile. The six man jury convicted Gideon on the charge of breaking and entering with the intent to commit a misdemeanor, to wit, petty larceny. Gideon was given the maximum sentence of five years in prison.

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He was convinced that his rights had been infringed upon. As soon as his sentence commenced at the Florida State Prison in Raiford, Gideon applied to the Florida Supreme Court for a writ of habeas corpus. The Court sent a reply of denial, but this did not discourage Gideon from continuing his quest. He knew that there was a court of last resort where he could send his case—the United States Supreme Court.

After spending many hours in the prison library reading about how the American legal system works, Gideon sent his petition to the Supreme Court. It reached the Court on January 8, 1962, making the required deadline of ninety days from the previous decision. Gideon filed his petition in forma pauperis (in the manner of a pauper) which allowed him to avoid the usual paperwork and court costs required in filing. In the petition, Gideon stated that “the court refused to appoint counsel and therefore deprived me of due process of law; and violated my rights in the Bill of Rights and the Constitution of the United States.”<sup>1</sup>

Clarence Earl Gideon’s petition for certiorari reached the Court at an ideal time. By 1963, the issue of right to counsel was of first-rank importance to all of the justices, who were thoroughly familiar with this particular issue. Year after year since 1942, the Court had struggled constantly to apply the rule of *Betts v. Brady*. This had indeed been a continuous burden on the minds and consciences of the Justices.<sup>2</sup>

The *Betts v. Brady* case was unusually similar to that of Gideon. Betts was arraigned in the Circuit Court for Carroll County, Maryland, on a charge of robbery. At his arraignment, he advised the trial judge that he could not afford to hire counsel. He requested to have counsel appointed to represent him. The judge denied Betts’ request for counsel on the grounds that it was the practice in his court to appoint counsel for indigent defendants only in cases where rape or murder was charged. Like Gideon, Betts pleaded his innocence and examined the witnesses himself at the trial. In spite of his endeavor, Betts was found guilty. He was sentenced to seven years in prison.<sup>3</sup>

Betts filed a petition for habeas corpus with Chief Judge Carroll T. Bond of Maryland’s Court of Appeals claiming that the refusal to give him a lawyer violated his constitutional rights. Bond reviewed the record of the trial and rejected Betts’ claim in a detailed opinion. In his opinion, Bond stated that “in this case it must be said there was little for counsel to do on either side.” Therefore, Bond felt that Betts was able to defend himself adequately.<sup>4</sup>

The decision was appealed to the Supreme Court, where it was upheld by a six to three majority. The decision, which was written by Justice Owen Roberts, included the following guidelines:

The due process clause of the Fourteenth Amendment does not incorporate as such, the specific guarantees found in the Sixth Amendment, although a denial by a State of rights or privileges specifically embodied in that and others of the first eight amendments may, in *certain circumstances*, or in connection with other elements, operate, in a given case, to deprive a litigant of due process of law in violation of the Fourteenth.<sup>5</sup>

In the great majority of the States, it has been the considered judgment of the people, their representatives, and their courts that an appointment of counsel for indigent defendants in criminal cases is not a fundamental right, essential to a fair trial, and that the matter has generally been deemed one of legislative policy. In light of this evidence it can not be said that the concept of due process incorporated in the Fourteenth Amendment obliges the States, whatever may be their own views, to furnish counsel in every such case.<sup>6</sup>

Hence, the Court's decision gave state courts the leeway to decide for themselves whether or not an indigent defendant had the right to counsel based on the "special circumstances" which may or may not have been involved in the case. These "special circumstances" were meant to include situations where the defendant was mentally deprived, (either through mental illness or illiteracy) or otherwise incapacitated to the extent that he could not defend himself in the anticipated manner of the court. Such circumstances were determined by the laws of the individual states.

When Gideon's case reached the Supreme Court, it was handled in the usual manner for in forma pauperis cases. His papers were held for thirty days, allowing time for the Florida authorities to respond. On March 8, 1962, Assistant Supreme Court Clerk Michael Rodak Jr. sent a letter to Florida Attorney General Richard Ervin requesting a response. On April 9, the Court received a brief in opposition from Attorney General Ervin and one of his assistants, Bruce Jacob. The basic theme of the response was that Gideon had not been entitled to counsel under the rule of *Betts v. Brady* because he made no affirmative showing of any special circumstances which would entitle him to counsel under the Fourteenth Amendment.

On June 1, 1962, the case of *Gideon v. Cochran* (H. G. Cochran was the Florida State Corrections Director at that time) went before the nine Justices in the invariably covert conference room. Here, they would decide whether or not they should hear the case. On June 4, the following Monday, a mimeograph was posted which revealed to the world that Gideon's petition for a writ of certiorari had been granted. This mimeograph encouraged the counsel arguing the case to discuss in their briefs and arguments whether or not the Court's holding of *Betts v. Brady* should be reconsidered.

When one observes the Court's ideological shift between 1942 and 1962, it should not be surprising to anyone that the writ was granted. In 1942, when *Betts v. Brady* was affirmed by a six to three margin, the Court still had a rather conservative composition. Justices such as Felix Frankfurter and Owen Roberts were intent on preserving the rights of the states. They were definitely in the majority as indicated by the final vote in the *Betts* case where only Justices Hugo Black, Frank Murphy, and William Douglas dissented.

By 1962 however, the composition of the Court had changed quite considerably. Justices Black and Douglas were no longer the only advocates of an inflated role for the Federal Government and the Constitution. They were joined by other Justices who characterized the "new breed" of the Earl Warren Court. The "new breed" was composed of liberals (such as William Brennan) and swing voters (such as Potter

Stewart and Byron White) who were prepared to alter much of the status quo. The only two justices who could be truly characterized as conservatives determined to defend states' rights were Justices Frankfurter and John Marshall Harlan. Needless to say, the Court's composition had been altered quite dramatically in the past two decades.

Of course, now that Gideon's case was to be tried in the Supreme Court, he would not have any difficulty in acquiring court-appointed counsel. Appointment by the Supreme Court to represent a poor man has always been a tremendous honor for the attorney selected. Naturally, the attorney chosen has to have quite a reputation with one or more of the Justices. This was no exception in the Gideon case.

Chief Justice Warren selected prominent Washington, D.C. attorney Abe Fortas to handle Gideon's case. Fortas, who was a Yale graduate (Justice Douglas was once a professor of his) and former Undersecretary of the Interior under Franklin D. Roosevelt, built a sparkling reputation as one of America's finest appellate advocates. He told Chief Justice Warren that he would be more than happy to handle Gideon's case and immediately began to prepare for it meticulously. Few attorneys were as enthusiastic about pro bono work as Fortas was.<sup>7</sup>

Upon receiving a copy of the transcript from Gideon's trial, Fortas knew that he would be handling the ideal case for dismantling the *Betts v. Brady* decision. Gideon's timing for filing such a petition had been perfect. A majority of the Warren Court was now ready to fashion a new rule, because of the inherent imbalance of having some defendants get legal help while others were left on their own. Also, many errors made in initial trials by unrepresented defendants, which could have been avoided if counsel were present, were later resulting in successful appeals. Therefore, the Gideon case was regarded by the Supreme Court as a prototype of all such cases.

It was obvious to all that Gideon did not suffer from any of the "special circumstances" involved in the rule instituted by *Betts*.<sup>8</sup> This enabled Fortas to argue that even a normally functioning human being could not represent himself adequately without counsel. An associate of Fortas who was helping him with the case said later:

We knew as soon as we read the transcript that here was a perfect case to challenge the assumption of *Betts* that a man could have a fair trial without a lawyer. He did very well for a layman. He acted like a lawyer. But it was a pitiful effort really. He may have committed this crime, but it was never proved by the prosecution. A lawyer—not a great lawyer, just an ordinary, competent lawyer—could have made ashes of the case.<sup>9</sup>

On the opposite side of the case, defending the notorious *Betts* decision and seeking to keep Gideon in prison, was a single young and inexperienced attorney who had never set foot inside the Supreme Court previously. He was Bruce Jacob, an Assistant Attorney General of Florida. At twenty-six years of age, he was exactly

half the age of Fortas. Jacob had first learned of the case when he assisted in responding to Gideon's petition for review. Jacob knew when he was given the case that he would be advocating the preservation of a less than approbated decision, but nevertheless he prepared for the case very diligently. In an effort to muster the support of other states towards Florida's actions and *Betts v. Brady*, Jacob sent amicus curiae (friend of the court) briefs to each of the forty-nine states' offices of Attorneys General.

Ultimately, the results of the amici curiae were adverse. Originally, only about half of the Attorneys General replied at all. Those who did were not helpful in spite of their sympathy. In mid-August, two months after Jacob's letter went out, he received a very different kind of letter from the Attorney General of Minnesota, who at that time was none other than Walter Mondale. In this letter, Mondale wholeheartedly supported the overruling of the *Betts* decision, welcoming a "long awaited change in the system." Mondale however, did not stop here. He sent copies of his correspondence to officials in several states urging them to sign an endorsement which called for the overruling of *Betts*. By the time the brief was filed with the Supreme Court on November 23, it had endorsements from *twenty-two* states.

The result of this brief was bilateral astonishment on the part of both Jacob and Fortas. Jacob had no idea that the states were planning an amicus brief on the other side. He first learned of it shortly before it was filed. The only two states which would support Florida's position were Alabama and North Carolina. Therefore, Jacob was extremely disappointed in the results which his original brief created. On the flip side, Fortas was both astounded and delighted with the unexpected amici curiae supporting his cause.<sup>10</sup>

Fortas had filed his brief with the Supreme Court on November 21. It was fifty-three pages long and the argument which it presented was divided into five sections of points. These points completely discombobulated the credibility of the *Betts* decision. They are outlined here as follows:

- I. The Fourteenth Amendment requires that counsel be appointed to represent an indigent defendant in every criminal case involving a serious offense.
  1. The aid of counsel is indispensable to a fair hearing.
  2. The absolute requirement of counsel in federal prosecutions confirm the need for an attorney.
  3. The trial judge cannot act as defense counsel.
  4. The distinction between capital and non-capital offenses does not furnish a valid basis for deciding when to appoint counsel.
  5. Denial of counsel to the indigent violates both due process and equal protection.
  
- II. The demands of Federalism do not dictate continued adherence to *Betts v. Brady*.
  1. The great majority of states now make provision for the appointment of counsel in all felony cases, either explicitly or as a matter of practice.
  2. *Betts v. Brady* has created friction between the states and the federal courts.
  3. Experimentation by the states will not be eliminated if the special circumstances test is jettisoned.

- III. The rule of *Betts v. Brady* has not proved to be a satisfactory standard for judicial administration.
- IV. The right to counsel minimally includes appointment of an attorney to assist an indigent person at the trial of a serious offense.
- V. The practical implications with respect to persons already imprisoned do not militate against over-ruling *Betts v. Brady*.<sup>11</sup>

In composing the brief, Fortas did not mention the old controversy about the incorporation of the Bill of Rights into the Fourteenth Amendment. He assumed the continuing vitality of a doctrine which held that the "fundamental" rights were absorbed into the due-process clause. There was also no attempt to drag Gideon within the special circumstances rule. Therefore, the brief was little more than an overt attack on *Betts v. Brady*.

Jacob's brief was also a one-man product. Just before Christmas, after spending several nights and weekends in law libraries throughout Florida with his wife reading anything which seemed to hold salience in the case, Jacob filed his brief. Indeed, there could not have been a more striking contrast to the talented and restless research which was done on Gideon's side of the case.<sup>12</sup>

Jacob's brief of seventy-four pages is outlined as follows:

- I. *Betts v. Brady* should not be overruled or modified.
  1. There is no historical basis for requiring states to automatically appoint counsel in all cases.
  2. Our federal system counsels against such a requirement.
  3. The flexible test of requiring counsel only to assure a fair trial is consistent with the concept of due process of law.
  4. The *Betts v. Brady* rule provides a clear and consistent standard for the determination of the right to counsel.
  5. Many states require appointment of counsel, but the rules vary, and so the right cannot be called "fundamental."
  6. Absorption of the Sixth Amendment counsel guarantee into the Fourteenth Amendment would have grave consequences. (It is impossible to draw the line at felonies and so misdemeanors would be included too.)
  7. Appointment of counsel for the poor in all cases should not be required by the equal protection clause of the Fourteenth Amendment.
  8. The practical implications require adherence to *Betts v. Brady*.<sup>13</sup>

In concluding his brief, Jacob requested that if *Betts* were overruled, the new rule

should not operate retrospectively. Therefore, in the interest of Florida, Jacob requested that the right to counsel should not apply to persons already in prison; including Clarence Earl Gideon.<sup>14</sup>

The trial date was set for Monday, January 14, 1963. There was little question that Fortas would win the case. His real challenge was getting a powerfully persuasive unanimous decision, which meant persuading sticklers for following precedent. Although Fortas' task was made somewhat easier with the retirement of conservative Justice Frankfurter on August 28, Justice Harlan, the only ultra-conservative remaining on the Court, was still to be dealt with.

Fortas continued to prepare meticulously for the trial. In preparation, he continuously perused the trial transcript and a twenty-two page letter which Gideon wrote him about his background. He also studied the earlier memoranda and drafts of briefs which were written by his younger colleagues in the firm. In preparation for his final argument, Fortas locked himself in a room at the Biltmore Hotel in Washington for two days and two nights.<sup>15</sup>

Jacob's approach toward preparing for the final argument was less methodical, but much more uneasy. Whereas Fortas was a veteran at litigating before the Court, Jacob was a complete novice. He flew to Washington on January 12, spending the weekend in a hotel trying to anticipate the questions which the Court might ask. He was also very apprehensive about his argument outline, knowing that a majority of the Court would more than likely be somewhat disenchanted with it.<sup>16</sup>

*Gideon v. Cochran* was postponed until the next day, January 15, 1963. Jacob and Fortas were not completely alone in arguing the case. Fortas was joined by J. Lee Rankin, who by special leave of the Court would argue the case for the American Civil Liberties Union. Jacob was joined by George D. Mentz, Assistant Attorney General of Alabama, who would argue the case for his native state urging affirmance.<sup>17</sup>

Because precedent holds that the party that lost in the lower court goes first, Fortas made the opening argument before the Court. In his argument, Fortas discussed the background of Gideon's situation: the charge of a felony, his indigence, his timely request for counsel, and most importantly— his lack of any special circumstance which would have entitled him to counsel. He then elaborated on how "no man, however intelligent, can conduct his own defense adequately." At this juncture, Justice Harlan intervened:

That's not the point, is it Mr. Fortas? Betts didn't go on the assumption that a man can do as well without an attorney as he can with one, did it? Everyone knows that isn't so.<sup>18</sup>

Fortas responded brilliantly by bringing the issue of federalism into the spotlight:

I entirely agree, Mr. Justice Harlan, with the point you are making: Namely that of course a man cannot have a fair trial without a lawyer, but Betts held that this

consideration was outweighed by the demands of Federalism.<sup>19</sup>

Later in his argument, Fortas stated that Betts did not regard federalism properly because it required a case by case supervision from the state courts. According to Fortas: "Intervention should be in the least abrasive, the least corrosive way possible." Fortas concluded his argument by tracing the history of the right to counsel in the Supreme Court and answering a few routine and relatively less salient questions from the Justices.

Fortas' opening argument was followed by Rankin's appearance as a friend of the Court. His argument focused more on the manner in which the Betts decision affected society as a whole and less on the individual situation of Clarence Gideon. He concluded his argument by dismissing the theory that overruling the Betts decision would empty the jails.

Jacob commenced his argument by adding a few more details to Fortas' description of Gideon. In particular, he mentioned that Gideon was a four-time felon. He then proceeded to complain about the inclusion of the trial transcript in the printed record when he was bombarded by questions from the Justices:

Justice Black: "How do you know what the "special circumstances" are?"

Jacob: "Each time this Court decides a case, we know another special circumstance."

Justice Brennan: "In recent years- in four cases I think- we have reversed cases from your state every time."

Jacob: "We prefer case by case adjudication."

The questions continually became more antagonistic:

Justice Black: "What historical support have you found for the distinction between capital and non-capital cases?"

Jacob: "Your honor, I can't think of any."

Justice Black: "I can't either. That's why I asked."

Justice Stewart: "Gideon would not be allowed to represent others in court."

Jacob: "If a defendant asked for him, I'm sure the judge wouldn't object."

Justice Black: "The local bar association might!"

Jacob: "I'm sorry, your honor, that was a stupid answer."<sup>20</sup>

Jacob concluded his argument by discussing the grave consequences which he foresaw if Betts were to be overruled. He said that the new doctrine would extend

to trivial cases and that the cost of providing counsel would be an extraordinary burden on the taxpayers. He predicted that the indigents would be demanding other free services, requiring the states to adopt "socialism or a welfare program."

George Mentz of Alabama was the next to speak. He argued that it was desirable for states to furnish counsel in all criminal cases, but that this chore should be left up to the states. Mentz was also questioned heavily by the Justices. He answered their questions in a very relaxed manner, inserting his unadulterated belief in states' rights wherever he had the opportunity.

In Fortas' rebuttal, which would conclude the litigation, he mentioned that it was definitely time for the Court to make the due process clause of the Sixth Amendment applicable to the states through the Fourteenth Amendment and that it should have done so a long time ago. He stated that time had made it clear that *Betts v. Brady* was wrong when it was decided. Fortas knew that he had made a strong impression on the justices, but for the time being all he could do was wait for a decision; a decision he hoped would be unanimous.<sup>21</sup>

Fortas would not be disappointed. Two months later, on March 18, 1963, the decision was handed down. Fortas had indeed succeeded in getting a unanimous decision in favor of overruling *Betts v. Brady*. Because H.G. Cochran, the Florida Director of Corrections, had resigned his position by then, the decision would instead bear the name of Louie Wainwright, the man who succeeded him. It only seemed appropriate that Justice Black, the very man who had written the dissenting opinion in *Betts v. Brady* twenty-one years prior, should author the opinion of the Court. In his opinion, Black wrote:

We accept *Betts v. Brady's* assumption, based on our prior cases, that a provision of the Bill of Rights which is "fundamental and essential to a fair trial" is made obligatory upon the states by the Fourteenth Amendment. We think the Court in *Betts* was wrong however, in concluding that the Sixth Amendment's guarantee of counsel is not one of these fundamental rights.<sup>22</sup>

Thus, the Court ruled that the Constitution required that all persons accused of "serious crimes" be granted the right to counsel at trial and provided with a lawyer at no cost should they be too poor to hire one on their own.<sup>23</sup>

The *Gideon v. Wainwright* decision produced many significant results both immediately and later on. Initially, the case brought good fortune to many inmates in states such as Florida who were previously refused counsel because the Court did decide to allow them the opportunity to appeal their cases. This was indeed the case for Clarence Earl Gideon, who was acquitted at his next trial.

Not so far into the future, the Gideon case led to the rapid establishment of public defenders' offices across the country. With the large number of cases which would require representation for indigents, public defense at the disposal of the courts became a genuine franchise for many attorneys. It also led to the 1972 decision in *Argersinger v. Hamlin* which stated:

The right of an indigent defendant in a criminal trial to the assistance of counsel, which is guaranteed by the Sixth Amendment as applicable to the states by the Fourteenth, *Gideon v. Wainwright*, is not governed by the classification of the offense or by whether or not a jury trial is required. No accused may be deprived of his liberty as the result of any criminal prosecution, whether felony or misdemeanor, in which he was denied the assistance of counsel.<sup>24</sup>

It is my personal belief that *Gideon v. Wainwright* was indeed a monumental step toward insuring the right of due process for indigent defendants in criminal procedures. It certainly did reform the procedural methods in several states (such as Florida and North Carolina) by developing clearer guidelines for the states to follow. However, despite the tremendous reforms which *Gideon v. Wainwright* gave to the criminal systems of due process in the states, I do feel that it has encouraged many congressmen (in particular the liberal Democrats who hold a much more loose interpretation of the Constitution) to hold a lesser regard for states' rights. If one observes how their interpretations of the Fourteenth Amendment affect their policies, which encourage a more *centralized* role of government, then I feel that he will find this opinion justified. Of course, we must not isolate the *Gideon* decision. Most decisions of the Warren Court advocated a stronger central authority. Therefore, in conclusion, I feel that the *Gideon v. Wainwright* decision of 1963 was a definite milestone in civil rights, and yet at the same time clearly a stone cast against states' rights by the Warren Court.

## Endnotes

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4. Lewis, *Trumpet*, 110.
5. *United States Reports* Vol. 316 (Washington, October, 1941), 455.
6. *Ibid.*, 456.
7. Lewis, *Trumpet*, 33-43, 48-51, 111-116.
8. Bruce Murphy, *Fortas: The Rise and Ruin of a Supreme Court Justice* (New York, 1988), 87.
9. Lewis, *Trumpet*, 62-63.
10. *Ibid.*, 140-148.
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12. Lewis, *Trumpet*, 133-134, 156.
13. *Ibid.*, 157-159.
14. *Ibid.*, 160.
15. Murphy, *Fortas*, 87.
16. Lewis, *Trumpet*, 165.
17. *United States Reports*, Vol. 372, 335.
18. Lewis, *Trumpet*, 170.
19. *Ibid.*, 171.

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22. *United States Reports*, Vol. 372, 342.
23. *Murphy, Fortas*, 88.
24. *United States Reports*, Vol. 407, 25.

# **Societal Influences on a City's Growth and Change: Prostitution in Las Vegas, 1926-1946**

by  
**Ty Busch and Donna Busch**

At present, there is active debate in Nevada about the viability of continuing to allow legalized prostitution in the counties and cities where it exists under local option law. The proponents believe Nevada has outgrown the need for legalized prostitution in any form. They focus their arguments around the perception that Nevada's growth and desire for economic diversity puts the state in a position to be closely examined by the rest of the world. They also believe that because of this position the state must be careful to present an image to the world which meets the morality standards of the majority of that larger society. This debate is not a new aspect in the history of Nevada or in the history of the City of Las Vegas. An examination of the city's history during the late 1920s to the end of World War II reveals that the same debate occurred throughout the growth of Las Vegas from a small town to a major city.

Las Vegas, like many western frontier towns, emerged, existed, and grew during a time of continuous boom and bust. As a result, the citizens adopted the wide-open frontier view of prostitution and other moral issues. They approached prostitution as a necessary evil and thus, that view became part of the western perception of morality. But, just as time and its inherently various influences force adjustments and changes in other attitudes, "morality is not a constant."<sup>1</sup> As Las Vegas grew, many of its citizens became determined to see their city grow and prosper into more than a small frontier town. Thus, business people in the 1920s realized that in order for the city to accomplish this goal new forms of economic incentives would be needed. The citizens' perception of themselves and their attitudes toward morality, economic issues and their traditions were catapulted from private and local feelings into national headlines as a result of the process involved in seeking different methods of attracting diversified people and industries.

Morality was not the major deciding feature in the changing views of the citizens toward the world's oldest profession. Instead, the community underwent a major shift from traditional western frontier values and social structures to those that were more contemporary; and therefore, a shift to values and social structures that would

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bring them into line with the majority of American society. Pressure from the outside world came mainly from the federal government; and the citizens of Las Vegas recognized that the wider American society was the means by which to help Las Vegas meet its goal of becoming a major metropolis.

Prostitution has been a part of society for centuries. Its appearance and existence in any one location reflects that community's social attitudes in relation to all other cultural and social adaptations of that particular time period. Each society, from the early beginnings of human existence, through the Greeks, to Christianity, formed its perceptions of prostitution based on these traditions. Furthermore, within each society, be it "sexually liberal or repressive," there existed citizens who could be called repressive who in turn would try to influence wider society's morality.<sup>2</sup>

The American settlers brought much of their cultural and moral attitudes with them from Europe. But the American experience blended with the European background and Americans began to forge uniquely American traditions. The frontier concept was a very basic part of this self-perception. Views of prostitution, morality and sexuality were an integral part of this growing and changing self-definition. Las Vegas and the state of Nevada were part of the expanding territories of the American frontier, and, as part of that territorial expansion, prostitution was in existence from the beginning. Just as with earlier frontier towns, Las Vegas' prostitution and gambling were not hidden from sight. These activities were just another part of the image of the wild frontier. The frontier mystique created in literature persisted in glamorizing saloons and prostitution. Yet, prostitutes and gamblers faced the same hardship as any other person willing to confront the unknown dangers of western expansion.

In 1905, the railroad company divided the town into blocks and auctioned off the land. At the time optimism abounded over reported railroad expansion and demands for land were high. The town of Las Vegas grew from this sale. One block, Number 16, was designed as the only area where liquor could be sold, and, as a consequence, became known by the name Block 16. A business district was established and Block 16 was an extension of that district.

Bars were established to cater to people traveling through Las Vegas by train and competition was the result. A few bar owners started making prostitutes available to up the competition. In no time the number grew to fifty or sixty prostitutes. The town and its development rose and fell with the "ideas of distant railroad officials" until about 1920. During this time Las Vegas incorporated and established a charter with a commission form of government.<sup>3</sup>

As with other cities of America, Las Vegas also experienced the reform movements of the Progressive era. In 1923 Las Vegas prohibited prostitution but public demand became a movement and forced its return. Yet even with this up and down attitude a survey of laws in Las Vegas shows a history of consistency of "regulation and control" of prostitution and not a total ban.<sup>4</sup>

The regulation and control consisted of police supervision, mandatory registration, medical inspection and the banning of soliciting on the streets.<sup>5</sup> Part of the

reformers' tools in battling vice in other cities was a law which would prove to be a strong argument used later in Las Vegas during the 1930s and 1940s. The "Law of Nuisance" became "revised Nuisance Abatement Acts" through various court actions and became known as "The Red Light Laws."<sup>6</sup> Reformers used these laws as a means of combating tolerated or even community sponsored segregated red light districts. Between 1914 and 1924, these abatement laws were passed in several communities. According to the 1931 Supplement to the Nevada Compiled Laws of 1929, Section 1231, Las Vegas implemented their nuisance and abatement laws giving the Count Commissioners the power to "determine what shall be nuisances in such town or city, and provide for punishment prevention and removal of same." Las Vegas' use of this law would come later than in cities such as New Orleans, but when economic issues influenced the city and its citizens to change their perception of themselves in relation to the wider society, the law would become a part of the reformer's arsenal.

Las Vegas was not unlike many other early twentieth century cities in its toleration of Red Light Districts. The reason that Las Vegas' Red Light District existed are as varied as for the other cities. An extension of the business district, it was "more casually located and visited by the ordinary person than any other in the state."<sup>7</sup> As in other cities, when pushed, the supporters of the district would talk about the attributes of having such a district. Justifications included the idea that prostitution was inevitable, and therefore allowing it to exist as a district which was segregated and regulated would be better than letting prostitution run rampant throughout the city. There are no indications that the prostitutes of Block 16 participated in everyday activities of the town; the evidence shows that they "stayed mostly to their own places." There were various times when someone sought to get rid of the district, usually through church activities, but for the most part the district and its women seemed to be accepted.<sup>8</sup> When a small amount of tourism developed, people stopped to see the famous district; they could walk or drive right through it, family and all. Except for the church's efforts to associate prostitution with sin, there seemed to be an opinion that prostitutes "were excellent members of the community."<sup>9</sup>

Neil Shumsky revealed that earlier Red Light Districts in other cities endured in spite of opposition from churches and reformers because of "as degree of acceptance by at least some segment of the population whose influence vastly outstripped" those who would ban the district.<sup>10</sup> As a result, the process of justifying and then gradually eliminating the district according to changes in the city's economic, cultural and social values and structures emulates many of the same processes which finally closed down earlier districts such as Storyville in New Orleans. Like the confrontation of Storyville and others with the wider society during World War I, the history of Las Vegas' Block 16 is a story which does not involve mass public moral indignation closing down legal and segregated prostitution. Rather, it is a story of the community's reaction to the strength of the wider society in the form of the government during the 1930s and in World War II.

From the very beginning of the territory and later as the town of Las Vegas, there were citizens who dreamed of making the town a central economic part of the state. Republicans proposed development of the Colorado River.<sup>11</sup> And some citizens recognized the possibility of tourism as a tool to make Las Vegas a great city. In the early 1920s these people promoted tourism based on increased traffic through Las Vegas by travelers on their way to California, but at that time the efforts were futile.<sup>12</sup> Ironically, Las Vegas and Nevada began to see progress when the rest of the nation suffered in the Great Depression. When Nevada legalized gambling in 1931 they did so with the hope that it would help the state out of poverty.<sup>13</sup> Thus, the frontier attitude on prostitution carried over into an era when the growth of the town would go through one of its greatest changes.

One of the first involvements with the federal government came during the 68th Congress when an act was passed appropriating funds for new public buildings. One such building was a new post office and courthouse for Las Vegas. One of the prerequisites was the removal of Block 16, located near the proposed construction site.<sup>14</sup> City officials made promises that the area would be cleaned up to accommodate the federal government. Nevertheless, as of 1930 the promised cleanup had not taken place. In 1930 Congress considered increasing the project to include space for federal court in Las Vegas and the administration gave Las Vegas 90 days to make a decision on Block 16, for in 90 days construction would begin.<sup>15</sup> On January 27, 1930, the City Commissioners decided to wait until the Treasury Department specifically requested closing the block.

The delay indicates unspoken opposition to closing or moving the district. There did not seem to be any major public opinion in agreement on the move of the block; no major group came forward to support the move. The City Commission held public meetings to discuss the government's demand and to allow the citizens to voice their opinions. During these meetings a small minority, as in the past, voiced moral concerns over the existence of Block 16. In response, the city officials agreed to consider a vice ordinance to help curb what was seen as a public nuisance by the complainants. The Commission voted to table the first reading of this proposed ordinance to allow for more investigation, but reformers pushed for the reading and the Commission complied.<sup>16</sup> At this time the ordinance was published in the newspaper for all citizens to read and make known their opinions.

Meanwhile, the Commission listened to responses from the citizens to a plan to relocate Block 16 during a special meeting on January 30, 1930. The citizens who responded tended to argue for the economic need of prostitution in Las Vegas rather than any moral standing for or against the institution. Two groups were reported present to protest the relocation. One group consisted of taxpayers who felt the proposed relocation site would interfere with their goals for development of that part of town. The second group included protesters upset over reports that a California development group would be involved in the relocation.<sup>17</sup> The *Las Vegas Evening Review Journal* reported on January 29, 1930 that a Los Angeles syndicate had

closed a deal with the owner of the proposed new location to build a resort with an "inside hotel" at a cost of \$100,000. The idea of outsiders making money on the relocation seemed to anger protesters more than any other problems involved with the move.

On February 6, 1930 the City Commission held a meeting to listen to protests and to discuss new locations and the result was indecision. The Commission voted to "vacate the first reading of the edict" and to begin the process all over again.<sup>18</sup> Later the federal government made arrangements to obtain the deed to the property for the new federal building, but city officials and inhabitants of Block 16 still persisted in the tactics of delay. Movements by reformers and federal officials had failed and Block 16 remained.

Through 1930 there was benign acceptance of the district, as long as prostitutes did not contaminate residential areas. In 1931, however, protests began in reaction to what appeared to be the spread of prostitution into residential sections by means of hotels. The City Commission initiated an investigation and considered a proposed vice ordinance patterned after one in Los Angeles.<sup>19</sup> In Los Angeles, participants were liable, persons or firms renting rooms for the purpose of prostitution were liable, and "the finding of a couple together in a room unless they are married is held to be sufficient to establish the case."<sup>20</sup> The investigation revealed that prostitution had spread outside Block 16. Arrests were made and the Block 16 issue became the focal point of discussion in Commission meetings.

In an editorial on June 13, 1931, John Cahlan of the *Las Vegas Evening Review Journal*, summed up the question that everyone in official capacity was asking: Were promises made by city officials in 1929 and 1930 to move Block 16 binding on the current city administration? His answer was that morally the promises were binding; however, he asked why in all this time nothing had been done.<sup>21</sup> No one seemed to have an answer. Historian Neil Larry Shumsky, in discussing tacit acceptance by respectable Americans of segregated prostitution, concluded that segregated red light districts between 1870 and 1910 helped form a maintenance boundary to keep prostitution and vice from contaminating decent neighborhoods, to separate immoral behavior from moral behavior, and to keep this public nuisance where it could be isolated and controlled.<sup>22</sup> Shumsky's conclusions apply to Las Vegas in the 1930s.

Citizens complained about the spread of prostitution and signed petitions against the move of Block 16 to any other neighborhood. At the City Commission meeting on July 13, 1931, a protest group presented a petition against the move of the district because it put the district in the center of the city where all could see the nuisance. Again, City Commissioners delayed. Meanwhile, the United States Treasury Department sent a letter to the mayor demanding that the city live up to its prior promises to relocate Block 16. Nevertheless, city attorneys found that the original city charter only allowed the city to close "resorts," but after that it would be up to the resorts as to where they would move.<sup>23</sup> This was all the owners of the properties in the district needed. They presented two petitions to the Commission asking that

they be allowed to work out their own relocation. The owners stated that they would “when it becomes necessary, move this segregated district and handle the situation themselves.” The Board then heard from residents who again complained about rumors of influences from outside developers.

In spite of six months of meetings and petitions no real conclusion was ever discussed, and the Los Angeles ordinance was not yet adopted. The Commissioners did, however, finally ratify the former mayor’s promises to donate the land to the government and to move Block 16.<sup>24</sup> The citizens of Las Vegas and the city officials had begun to make a connection between their handling of prostitution and the view of the city by the wider society. Moreover, economics were starting to take a stronger position over frontier tradition in the decision-making process. Thus, when the larger federal government project of Boulder Dam (renamed Hoover Dam by Congress in 1947) became a reality it served to highlight the differences in Las Vegas and Nevada with the rest of the United States.

The Boulder Canyon project, officially declared effective on June 25, 1929, focused many influential eyes on Nevada. Writers looked at Nevada and many were less than charitable to Las Vegas, characterizing it as “a wild frontier town where gambling, prostitution, and alcohol were readily accessible.” The residents of Las Vegas defended themselves as “like any other town of comparable size where people lived normal lives.”<sup>25</sup> As a majority, the citizens still viewed segregated prostitution districts as the best way to handle the inevitable social evil.

When it was announced in June, 1929 that Secretary of the Interior Ray Wilbur would visit Las Vegas and the Colorado River Dam site to decide where housing for workers would be located, Las Vegas citizens felt that this would be their way to becoming a major metropolis. They temporarily shut down Block 16 in an effort at putting forth a good image. When news came from the Department of Interior that instead of housing the workers in Las Vegas, a new city would be built near the construction site, in many peoples minds economics began to overshadow frontier traditions. Oral historian John Cahlan related the sum of feelings of many citizens when he commented that Secretary Wilbur was a “straight-laced, stiff necked New Englander” who “didn’t want his workers exposed” to all that Las Vegas stuff.<sup>26</sup> Others felt that “puritanical attitudes of men in charge of deciding the location of the railhead for supplies for Boulder (Hoover) Dam allegedly caused them to reject Las Vegas in favor of a new model city after a visit” to Block 16.<sup>27</sup> When the citizens lost the worker housing, the drive to move Block 16 also seemed to lose fervor.

Nevertheless, Las Vegas was now in the national limelight. The citizens of Las Vegas experienced the reflection of themselves from America’s mirror as they were constantly bombarded with media coverage. Consequently, social, cultural and structural perceptions began changing. During the stock market crash and depression, Las Vegas became “the one bright spot on the gloomy horizon of the great depression with the dam as the only current major project of the federal government.”<sup>28</sup> With the influx of dam workers the leading citizens of Las Vegas began making plans for expansion. As a result, Block 16 and legalized prostitution were

again considered. Legalized gambling would be enacted in 1931, and the tourism that it would create was still in the future. For now, entrepreneurs looked to the increase in tourists who would come to see the dam.

Unemployed people came from all over the nation to apply for work on the project. Many found no job and ended up in shanty towns. Newspaper advertisements warned people not to come to Las Vegas or Nevada as there was no work. Still, the population of Las Vegas and the area grew tremendously; and as a result, property values increased. In his dissertation, Perry Kaufman indicated that work on the dam was hard and dangerous and off duty the men wanted "exotic recreation." Since the federal government prohibited alcohol, gambling and prostitution on the federal reservation at Boulder City, they looked elsewhere for entertainment.<sup>29</sup> Many small gaming and liquor places existed along the road between the dam and Las Vegas, and their profits increased. One Las Vegas citizen related that the dam workers would head for Las Vegas on pay nights and go to Block 16, "and take over." He mentioned one night when the police came to restore order and the drunks surrounded the police car and threatened to hang the police officers. The police left and "never came back and from then on there really wasn't any kind of law down on Block 16 that you could speak of, except bouncers in the joints."<sup>30</sup> Some reformers pointed to these incidents as proof that prostitution had to be kept segregated and tightly regulated or prostitution and the crime following it would spread throughout the city. Additional incidents seemed to prove the theory.

Many confrontations occurred between the pimps and construction workers. In one case a worker was beaten and his friends vowed revenge.<sup>31</sup> When competitive houses and joints spread to the uptown district, and incidents continued, fears were aroused and people pressed the city officials to act. Pressure continued from the federal government to close Block 16. Finally in the Spring of 1932 city officials began evicting "male hangers on," and attempted to close competitive operations in the uptown district.<sup>32</sup> "Crime experts" studied the situation, and according to the *Las Vegas Review Journal* of March 17, 1932, declared Block 16 a breeding place of crime and lawlessness. It is interesting that the blame for the problems was placed on the proprietors and prostitutes in Block 16. Historically, when societies have experienced major changes attention has focused on prostitution "as a symbol of all the problems associated with urban blight" or other problems.<sup>33</sup> When the "experts" and citizens blamed only the prostitutes and the institution of prostitution, Las Vegas moved closer to being similar with its sister cities.

Another legal move was to direct the police to arrest the pimps of Block 16 under an anti-loafing ordinance. Then on October 19, 1932, the City Commission resurrected the vice ordinance, reading it for the first time and holding it over for a second reading. The ordinance was still patterned after the Los Angeles ordinance discussed in 1930. In November, 1932, one year and eleven months after the Commissioners first discussed the vice ordinance, it went into effect. Ordinance 194 gave the police power in "curbing the spread of prostitution into hotels, rooming houses and residential districts of Las Vegas." It was mainly concerned with the

spread of prostitution into residential areas. Even with the growing problems, increasing economic complexities, and additional exposure to the wider society, there were still people in Las Vegas not ready to give up the idea of segregated prostitution. If reformers thought the new ordinance would solve their problems, incidents proved them wrong. Reformers in Las Vegas, just as in the earlier period in New Orleans, San Francisco and other cities, found that "prostitution of course did not disappear, but entered a new era."<sup>35</sup>

In 1930 the Cornero Brothers had opened a club called the Meadows on the Boulder Highway, expecting dam workers and tourists as patrons. At first the Meadows had top entertainment and dining, and it became a social center for Las Vegas citizens.<sup>36</sup> Then it was sold and eventually became a house of prostitution. The *Las Vegas Evening Review Journal* reported on November 29, 1932 that the Chamber of Commerce held a meeting to discuss the growing problem of "illegitimate resorts" on the Boulder Highway. The Chamber of Commerce records of the meeting have been destroyed, but newspaper articles indicate that the factions for closing the "resorts" were not simply morality-minded citizens; they were "legitimate business men and the whiskey, gambling and prostitution resort owners. Arguments and legal battles continued throughout 1933. On July 26, 1933, the *Evening Review Journal* charged that girls continued to be a problem on the highway, with the number reaching 125. Las Vegas Sheriff Keates denied these reports and said there were only ten girls and each one was licensed. The move to prosecute pimps and prostitutes on vagrancy charges continued into 1934 and 1935 as construction of the dam proceeded.

At about midway through the dam construction Las Vegas seemed to accomplishing their goals. The city was growing with chain stores, oil companies and a tourist industry of 100,000 annually. By the end of the construction, the number of visitors was over 250,000. Yet, when construction ended, Las Vegas's population dropped by roughly 2,700.<sup>37</sup> Tourist were still passing through en route to see the dam. One of the sights they often stopped to see was famous Block 16, apparently the only attraction of interest in Las Vegas. Perhaps this explains why the district was allowed to continue in operation.

Small groups of citizens used legal tools reminiscent of the reformers during the early years of the 1900s in other cities. The *Evening Review Journal* reported on December 4, 1936 that the wife of Senator F. M. Ryan had sent a letter to the city asking the City Commissioners to abate all Block 16 resorts. She based her demands on the city's nuisance ordinances of 1929 and she pointed out the seven years of failure to move Block 16 as promised to the federal government in return for the new federal building. Nevertheless, on December 4, 1936, City Commissioners did not answer Mrs. Ryan; they referred her request to the city attorney.

One of the questions related to moving Block 16 was where to relocate it. Since many of the citizens and officials still gave unspoken assent to the tradition that it was better to recognize the social evil and concentrate it in one location, the focus of discussions was on moving the district rather than totally banning it. They

believed that segregating prostitution meant that it could be controlled, rather than having it spread to other parts of the city. Many still believed that prostitution would be spared if Block 16 was closed. Some citizens went as far as to propose building a twenty-four foot fence around the block and having police officers posted at a single entrance to tag visitors as they entered.<sup>38</sup> This solution was an extension of the segregation attitudes of earlier days.

Until World War II the citizens of Las Vegas and the prostitutes were in limbo. Las Vegasans were becoming more aware that changes would have to be made, but as long as keeping prostitution made sense economically and socially, Block 16 remained. In 1939 Mayor John L. Russell accused some resorts of selling liquor without having paid the appropriate license fees and attempted to close them. Speaking to the Chamber of Commerce, he intimated that the women of Block 16 needed protection from the competition of outside prostitutes looking for "sugar daddies."<sup>39</sup> Charges were read in court against Block 16 owners and hearing dates were set, but the charges were later dropped after it was discovered that the municipal court had no record of the charges. In addition, the hearing records had not been written down; therefore the owners went free. Russell's actions precipitated a political fight resulting in changes in commission assignments, with alleged violations in Block 16 given as the reason.

From 1926 to 1941 Las Vegas experienced growing pains from infancy through childhood to adolescence. The city and its inhabitants reached out to the wider society for economic reasons. Their interaction with the outside world would have a major impact on the social, cultural and structural atmosphere of the city. This impact then helped to influence the growing change in the way the citizens perceived themselves and their city. World War II and the creation of the Basic Magnesium Plant and the gunnery school became the next major influence to push this process along. Up to 1940, no major resort or hotel had been built which could find a way to hold visitors in Las Vegas as they passed through to California to and from the Dam. Yet, some sources describe Las Vegas as having reached its peak in prostitution "just before World War II, a time when Reno and Las Vegas had huge, open girl markets, and almost every village a market of its own."<sup>40</sup> So, when World War II brought a mass influx of people into Las Vegas, these people discovered for the first time the legal gambling and prostitution they had just read about, and Las Vegas discovered another source of economic opportunity. A major portion of this influx was the many young soldiers for the new gunnery school. When the federal government notified the city that the gunnery school would be built at the Las Vegas Airport, city leaders again saw their hopes for a metropolis rise. Las Vegasans based their hopes on the idea that once the school was built, workers, contractors and businessmen would follow to provide needed supplies and services to the school and its soldiers. Officials estimated that when the school opened Las Vegas' population increased fifty percent between March and August of 1942.<sup>41</sup> However, Las Vegasans once again came face-to-face with the moral, social, and cultural attitudes of the wider society towards vice and prostitution.

Block 16 soon became not only an embarrassment, but also a potential economic roadblock to the city.

In response to the potential economic and social impact of the gunnery school and of World War II, reform groups stepped up their attacks on Block 16. One report in the *Las Vegas Evening Review Journal* of April 10, 1941, covered the move by attorney J. H. Lewis to force the removal of Block 16. He used as evidence Nevada Compiled Laws of 1929 on Abatement and Nuisances, and he demanded that the Board of Commissioners “immediately commence abatement procedures against Block 16.” Lewis said that he would take action against the District Attorney and the commissioners based on existing statutes if they did not do as he demanded. The District Attorney and the City Commissioners reluctantly gave the owners and proprietors of Block 16 a deadline of April 17 to close their establishments or they would begin abatement procedures. The legal minds of the city and the county began to search for ways to stop this process.<sup>42</sup> When the various attorneys, judges, and officials were honest they finally admitted that Block 16 had been allowed to continue through unspoken consent through consistent failure to enforce prohibition or to interfere in the practice of prostitution in the City of Las Vegas. The reason given was that this practice was part of Nevada and Las Vegas’ younger time and tradition. The battle in their minds was still evident even at this date, but the process of change had begun and more of the city leaders were aware that the end of segregated districts was inevitable.

The battle between Lewis, the city officials, county officials and the owners of Block 16 property continued. The owners filed an injunction stating that the county officers “do not have the power, jurisdiction, or authority to abate the alleged nuisance of Block 16.”<sup>43</sup> The judge granted the owners’ injunction. In response, in July, 1941, Lewis sought to have owners arrested for operating houses too close to a church. He based this on Nevada Compiled Laws of 1929, Section 10193 which described violations of the ordinance focusing on the practice of vice within certain distances from churches or respectable buildings. Some owners were arrested and released on bond to await trial. Newspaper editorials still posed the same questions. On July 14, 1941, John Cahlan asked: “What happens next, where do these activities go; who owns the property where they will go, does it [new property] already exist...?” Editorials and discussions emphasized the presence of the old fear that prostitution would spread into the general city if the segregated district was closed. Cahlan condemned public apathy:

If the situation takes any one of a score of possible turns, however, the same individuals who profess no interest, will find it a question of tremendous importance, for if the habitues of the block suddenly scatter thruout the city, a serious problem will be created which will require a long time and considerable effort to completely solve, and, which will be a menace to the morality of the community for a long time to come. . . . The location of this district is of importance to every resident—more particularly those with growing children. It should not be left to chance, or the machinations of some would-be overlord who’s interested purely in his own financial welfare.<sup>44</sup>

This editorial and other discussions indicate that the general attitude was still a mix of "prostitution is evil but let's control it." As the battle continued, a court ruling held that the abatement proceedings were legal. But economics rather than morality continued to be a major aspect of the battle. Newspaper reports revealed that Lewis was in partnership with a Los Angeles man, and the two of them bought one of the Block 16 resorts and were in the process of turning it into a hotel. In response to this news two of the "madams" of the block filed suit against Lewis, accusing him of harassing them after he bought the property. Nevertheless, at a meeting on October 10, 1941, city attorneys gave the legal opinion to the Commissioners and Mayor Howell Garrison that the abatement proceedings were legal and that the city had no choice but to close Block 16. The legal battle appeared to be won.

Reformers took this opinion as a clue and began moves to extend the anti-prostitution movement to the other parts of the city where prostitution had begun illegally. In addition, as a matter of principle, the owners of the Block 16 establishments demanded that the Meadow on Boulder highway also be part of the ban on prostitution. The owners served notice on Mayor Garrison, Las Vegas City Commissioners, and Las Vegas city officials that the owners' legal research showed that "the city, under state law, has jurisdiction over such houses within the city and one mile outside, and that Ordinance 194 may be enforced at the Meadows as well as within the the corporate limits of the city."<sup>45</sup> The legal research of the city, however, informed the Commissioners that the city charter gave them responsibility and therefore the right to regulate within the one mile limit, but that Ordinance 194 only gave them legal power over the city limits. City attorneys stated that the city would have to pass another ordinance to give legal power over the one mile situation.<sup>46</sup> Now the stage was set for the city officials to be able to continue the practice of regulation even outside the city limits of Las Vegas proper. This would come into play again later when each county was given a choice whether it wanted legalized prostitution to return after World War II.

In response to the news, the city officials, in a meeting on November 21, 1941, proposed an ordinance "prohibiting prostitution within one mile outside city limits and in city of Las Vegas." In addition the ordinance would repeal all ordinances and parts of ordinances "in conflict therewith." During the November 25, 1941 meeting the council voted to adopt this ordinance. More reformers came forward. Commissioner A. P. Rubidoux, gave a speech at a meeting of a city organization called The Taxpayers' Association. During the meeting E. A. Clark charged that prostitution was running rampant in Las Vegas. When Rubidoux asked the members what they wanted to do about it, there was unanimous agreement to ask the Commission to investigate the feasibility of selling a plot of city land northeast of the city on the old airport grounds. That property could be used for houses of prostitution after Block 16 was closed.<sup>47</sup>

This exchange reveals conflicting attitudes. First, there was the fear of "rampant" prostitution throughout the city which played to fears that had been the basis of the traditional isolation, control and regulation movement. Second, there was the

challenge of “What do you want to do about it?” that appears to be a direct challenge of the “Do we change?” tradition or “Do we begin a new era of solutions for the problem?” It was difficult to give up the traditional approach. Yet, on November 16, 1941, the ordinance to control prostitution within one mile of the city limits officially became Ordinance 263. Still, it took another outside and stronger influence to turn the tide of attitudes toward banning prostitution entirely. That influence was developing quickly as a result of the existence of the World War II gunnery school.

The War Department was very sensitive to complaints it received about the prostitution districts and their effects on the soldiers. The soldiers wrote home and their mothers wrote to their Congressmen protesting the existence of temptation so close to their sons. In turn, the Congressmen put pressure on the Department of Defense, which then gave orders to the Air Force to close the districts.<sup>48</sup> In addition, the military threatened to make Las Vegas off limits to soldiers and federal employees. This struck Las Vegas where it hurt—in the pocketbook. The leading citizens did not want to lose the business; therefore Block 16 was closed for the duration of the war. Within months, however, small houses of prostitution opened on the outskirts of the city.<sup>49</sup>

Yet, the commissioners still did not take the political position of banning all prostitution openly. In addition, no citizen opinion survey seems to exist for this time period which would give a researcher any feeling as to what the general population’s attitude was on this matter. At a City Commission meeting on January 20, 1942, the Commissioners voted unanimously to give up the jurisdiction over the one mile limit that they had recently obtained. They turned that jurisdiction over to the county officials. However, no statement was made as to the situation within the city limits. This perceived non-cooperation of the city officials prompted the federal government to give the city an ultimatum during an open meeting between Reno city officials and Edwin Cooley, Regional Supervisor for the Social Protection Division, of the Office of Defense, Health, and Welfare Service, Federal Security Agency. Cooley stated flatly that if the vice was not cleaned up the May Act would be invoked. The May Act of July 12, 1941 authorized war department officials to prohibit military personnel and government workers from visiting areas where prostitution is permitted. Cooley’s demand was based on frustration with the city officials who continued to meet with the government and make promises to clean up the city and surrounding areas; yet, the federal government stated that nothing was done. The federal government accused the city of Las Vegas and County officials of only “lip service.” The city tried to assure the administration that they were doing their best, that according to District Attorney Robert H. Wiley “under several statutes of the State of Nevada it is apparent that prostitution is not illegal.”<sup>50</sup>

However, both the city and the county wanted the military and its money more than prostitution, so, they continued to use raids and existing ordinances to pressure prostitution houses. Another tactic they used was to turn to the owners of hotels and saloons for their help. Officials used economic warnings and told them that “if they

wanted to keep revenue and Las Vegas as is that they must help clean up and eliminate prostitution.” They were told that their licenses would be revoked and that if the Air Force moved in and instituted the May Act the city and nothing else would ever be the same again.<sup>51</sup>

The economic warnings, the desire to continue the drive to make Las Vegas a metropolis with Nevada, and to increase Las Vegas’ economic interaction with the wider society influenced the decisions as to what to do about vice. In a meeting on June 4, 1942, the City Commissioners passed on a first vote a move to initiate an ordinance banning prostitution in Las Vegas and within a one mile radius in every direction. This action had to be published for two weeks, then final action could be taken on the motion. During the remaining six months of 1942 the city and county officials continued their attacks on prostitution within the city and the outlying areas. The year 1943 brought constant examination by the federal government of the city’s efforts to restrict prostitution. The *Las Vegas Evening Review Journal*, in an article on February 19, 1943, reported that the Washington D.C. Director of Social Protection, Elliot Ness, for the defense of Health and Welfare Services, sent a letter to Sheriff Glen Jones of Clark County thanking him for helping to suppress prostitution houses, and, therefore, “Army and Navy venereal disease has been reduced and war workers protected.” The rest of 1943 was much the same. Arrests and raids continued, and the government still continued to keep close tabs on Las Vegas and the state of Nevada. A review of newspapers for 1943 and 1944 does not show evidence of any further action being taken until April, 1944 when the *Journal* reported that the venereal disease rate has grown alarmingly during the past few weeks, and Army Intelligence investigators have completed a rather-sweeping investigation to determine the source.” When the city found out that the source was several hotels in the Las Vegas, officials commented that “the army undoubtedly has made this investigation for a definite purpose, and it is up to us to anticipate that purpose and to put our own house in order....”<sup>52</sup> As a consequence, Mayor Ernie W. Cragin pleaded with the hotels and auto courts for help to solve the problem to the benefit of all.<sup>53</sup>

World War II, the Federal Government, and a need to find ways to bring prosperity into a state which had always seen boom or bust dictated the responses of its citizens to social, cultural, and moral issues. Las Vegas’ growth from small town to thriving tourist metropolitan city emulates that thrust into the wider society. Up to 1945, Las Vegans struggled with the growing gap between their traditional view of handling the social evil of prostitution and that of the wider society who advocated total prohibition of the institution. After twenty years of growing changes in their city, citizens themselves began for the first time to show an active interest in the issue of legalized prostitution. On Friday, January 4, 1945 the Las Vegas Chamber of Commerce held an open meeting. At that meeting there were members from “all walks of life in the county,” including representatives from gambling and liquor interests of the city. The *Las Vegas Evening Review Journal* then reported on January 5, 1945 that a committee made up of these representative

stated:

1. The county wants no part of "legalized" prostitution today, tomorrow or ever.
2. The citizens want ordinances, both city and county, drawn up which will bar for today, tomorrow and forever, all houses of prostitution in the city and county.
3. A morals squad shall be formed in both the sheriff's office and city police departments, which will operate in harmony, to run all known prostitutes out of the city and the county.

In 1946, rumors again surfaced that legalized prostitution might re-enter Las Vegas. City leaders and members of the Chamber of Commerce feared that money spent to favorably publicize Las Vegas might be lost if prostitution was allowed to return. The Chamber of Commerce voted to ban legalized prostitution and "ordered the police chief" to ban any prostitution using City Ordinance 194.<sup>54</sup> John Cahlan commended this action in his editorial on January 7, 1946. Las Vegas' segregated district, Block 16, forever closed its doors.

Las Vegas had always been proud of their differences from the rest of America. In general, they felt that their frontier traditions helped to give the city, and the state, its character. Economic forces began building early in Las Vegas' history which would focus national attention on that difference, and, therefore, bring the practicability of its continuance into question. Like earlier cities with segregated districts, Las Vegas faced pressure from the United States government to change its structural, cultural and moral attitudes. The government was successful in its attempts because the Armed Forces used the specter of withholding from the city economic benefits of their presence. The city of Las Vegas had come full circle to its original goals of becoming a major economic center of the state. Faced with the enticing economic boom that hotels and tourism could bring to the city, Las Vegas chose money and possible prosperity over traditions. Yet, this is not the end of the story for "prostitutes are adaptable."<sup>55</sup>

One of the rationales used by cities to defend segregated prostitution districts was the issue of being able to control where this institution would be practiced. The fear of uncontrolled spread into all areas of the city dictated solutions to the problem for years. In 1945, Las Vegas was forced by economic issues to reconsider this solution and chose to move in a different direction, however the fear of spread may have been realized. A review of newspaper articles from 1945 through 1961 reveals continuing stories about illegal prostitution in conjunction with the growth of the tourist and hotel industry. The state has chosen to allow legalized prostitution in other areas of the state based on each county's decision on this matter. The other areas which still have legalized prostitution continue to argue the old solutions of control, isolation and regulation as a means to protect the residents of the state. However, the confrontation taking place in the 1989 legislature once again shows that economic issues are a strong dictator of officials and citizen opinions.

Counties that consider themselves poorer than Clark County, Las Vegas and Reno, state that the revenue that legalized, taxed and regulated districts bring in are

vitaly important to those county treasuries. This argument, combined with those in power who still believe in the old traditional solution to the social evil, makes the possibility of total prohibition very slight. Las Vegas' early history with legalized prostitution mirrors much of the statewide arguments still continuing. Popular literature persists in examining Nevada and Las Vegas with the mirror of morality on social conditions. This state, and indeed, this city, have historically made changes in their social, cultural and structural environment based not on an overwhelming moral indignation but on the economic pressures which affect the citizens. Prostitution still exists in Las Vegas on an illegal basis, and the citizens and officials continue to listen to economic arguments more than moral ones when making decisions on this social evil.

## Endnotes

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3. Florence Lee Jones and John F. Cahlan, *Water : A History of Las Vegas* (3 vols., Las Vegas, 1975), I, 15, 123.
4. John F. Galliher and John R. Cross, *Morals Legislation Without Morality: The Case of Nevada* (New Jersey, 1983).
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23. Las Vegas *Evening Review Journal*, July 6, 1931.
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# **James Thomas Flexner, George Washington: The Indispensable Man (New York, 1984).**

by  
**Greg Perkins**

If anyone has ever had the right to be considered indispensable, it is George Washington. Many may argue, and not without justification, that Abraham Lincoln was the greatest President, yet he held an office that had for the most part been designed and created to fit one man, George Washington. Although the real Washington has been obscured through the years by the mythical Washington, the real Washington, though human like the rest of us, possessed the rare combination of charisma, humility, thoughtfulness, and ethics that made him the standard by which all American statesmen are measured. In this book, a summary of the author's earlier four-volume biography, James T. Flexner attempts to portray Washington as he really was, dispelling the myths and replacing them with facts.

Covering the life of Washington along with a brief description of his ancestry, Flexner repeatedly stresses certain personality traits of Washington's that were important in explaining why Washington acted as he did throughout his career. Perhaps the most important aspect of Washington's personality was his humility. It could be argued that his humility resulted from the combination of several factors in his early years such as living with his tempestuous mother, the former Mary Ball; his hero worship of his older half-brother Lawrence after the death of his father, Augustine, a moderately successful planter; his slowness of speech; and the realization of his lack of sophistication in the presence of his more lordly neighbors, the Fairfaxes.

This humility combined with Washington's affinity for judgment over passion, which he learned from his tranquil marriage to the wealthy widow Martha Custis, to form a rare man who was willingly able to resist the temptation of absolute power. Washington considered himself a failure after his exploits in the French and Indian War, yet he emerged from that conflict a hero and a recognized figure. After the war, he hoped that his public career was over, but the people of Virginia prevailed, electing him to the Virginia House of Burgesses where he had a moderate role in protesting the British, but certainly could not have been considered a firebrand in the coming of the Revolution. Nonetheless, Virginians propelled Washington to the Continental Congress where he was hardly heard from except on the social scene, where his magnetism and undeniable leadership ability always made him attractive, whether he realized it or not.

Flexner not only emphasizes Washington's humility, he also emphasizes the crucial role that Washington played in the formation of the United States and his continuing influence. Washington was in full agreement with the Continental

Congress and expected to be the commander of Virginia military forces if hostilities proved necessary, but when it was rumored that he would be appointed commander in chief of the fledgling, mostly Yankee, Continental Army, he tried to block the move because he believed that he was truly inferior to such a monumental task. Under the engineering of John Adams the appointment was made. To Adams, Washington was the logical choice for the job because of his charm, his physical power, his leadership ability, and perhaps the two most important facts of all, his popularity from his military exploits, and the fact that his being from Virginia would greatly aid in uniting the colonies in support for what had been until then a conflict fought by New Englanders.

Adams had been wary of placing that much potential power in the hands of one person. Had he been better acquainted with Washington, he would have had nothing to fear. Despite his success during the Revolution, Washington never sought personal gain and publicly announced an end to his public life after the war and only through much deliberation and inner turmoil did he return to public life during the Constitutional Convention. Public pressure and a desire to see his country gain stability made it impossible for him to do otherwise. The Founding Fathers were suspicious of centralized power and made the presidency strong only with the understanding that Washington would become the first president because he was so respected and trusted not to abuse his power. Washington did not disappoint them; he repeatedly went out of his way to not abuse his influence and tried to gain a consensus, and most important to him, he obeyed the Constitution to the letter because he was acutely aware that everything that he did set a precedent. He did not seek the presidency, only accepting a second term in an effort to keep the warring factions in his cabinet from tearing the nation apart. When he was finally able to retire, he removed himself from national politics in order to avoid any notion that he was merely anointing a successor.

Reviews of Flexner's work were remarkable in their consistent praise. Robert E. Brown of Michigan State University commended Flexner for disregarding previous works on Washington and relying on eighteenth century sources which enabled Flexner to present a balanced account of the previously mythical Washington. Brown credits Flexner with presenting both Washington's successes and failures which goes far in humanizing him. Although Brown believed the book to be slightly slanted against John Adams and Thomas Jefferson, he strongly recommended it for the general reader.<sup>1</sup> W. M. Wallace was impressed with how Flexner condensed his earlier work without losing any of the qualities of the larger study. Flexner, brought Washington to life without sensationalism, still preserving his integrity. Wallace regards Flexner's book as good as or better than such important one-volume biographies as Marcus Cunliffe's *George Washington: Man and Monument* and John Fitzpatrick's *George Washington Himself*. Wallace wrote that Flexner's book should be on every bookshelf.<sup>2</sup>

The book is an important work because it presents a fairly detailed account of the life of the man who has meant so much to America, yet he is buried in legends and

is therefore somewhat too good to be true. The Washington presented by Flexner is still a remarkable man by any standards, yet he had known disappointment and defeat just like the rest of us. Flexner's writing style and the short length of his chapters made the book extremely readable. This book is not only excellent for the general reader, it also serves high school and college students well who do not have the time or resources to read multi-volume biographies.

## Endnotes

1. See review in *American Historical Review* (1976) 81, 655 (by Robert E. Brown).
2. See review in *New York Times*, October 29, 1974 (by W. M. Wallace).

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Robert C. Vitz  
Richard E. Ward  
Jeffrey C. Williams









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